

**Title IX Complaint
filed with the
U.S. Department of Education
Office for Civil Rights
against
Emerson College**

Filing

Sarah Tedesco

XXX XXXXXXXXXXX XXXXX
XXXXXXXX XXXX XXXXXXX
XXX_XXX_XXXX

with/on behalf of:

Jillian Doherty

XXXXXXXXXXXXXXXXXXXXX
XXXX XXXX XXXXXXX
XXXXX, XXXXXXXXXXX XXXX

Sarita Nadkarni

XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX

Anonymous 1

A general description of the person(s) or class of persons injured by the alleged discriminatory acts:

Women, and persons with disabilities.

The name and location of the institution that committed the alleged discriminatory act(s);

Emerson College 120 Boylston Street
Boston, MA 02116
617.824.8500

College administrators involved in the allegations contained in this complaint:

Alexa Jackson: Emerson College Title IX coordinator and Assistant Vice President of Human Resources.

Michael Arno: Director of Student Conduct and Title IX investigator.

Kimberly Marcella: Emerson College Director of Employment and Title IX investigator.

Ronald Ludman: Dean of Students

David Haden: Director of the Office of Housing and Residence Life.

Caitlin Courtney: Emerson College Little Building Residence Hall Director.

Max Coronel: Emerson College Little Building Residence Hall Assistant Director.

Danielle Mastronardi: On Duty Residence Director and Piano Row Residence Hall Director.

Eric Schiazza: Emerson College Police Department daytime Lieutenant.

Robert Smith: Emerson College Police Department Chief.

Complainant #1 Sarah Tedesco:

Hostile Environment: On October 13th, 2012, Sarah Tedesco was served alcohol and believed to have been drugged by fellow Emerson female, XXXXXX XXXX XXXXXX, in XXXXXX's dorm room. XXXXXX then encouraged Tedesco to attend an off campus party at the Massachusetts Institute of Technology. Tedesco, XXXXXX, and several of Tedesco's suitemates then left to attend the party at the Delta Kappa Epsilon fraternity house at the Massachusetts Institute of Technology. At the Fraternity House, Tedesco mentioned she was feeling ill and was separated from the original Emerson group of students by XXXXXX outside the Delta Kappa Epsilon house. XXXXXX left Tedesco outside the house.

Tedesco was then invited into the Fraternity house by XXXXX XXXXXXXXX whom she had never met before. In the house, he alerted her he had to "show her something" and walked her to an office on the first floor of the house. XXXXXX was sitting in the back of the office near a computer. She said nothing when XXXXXXXXX and Tedesco entered the room. XXXXXXXXX then hit Tedesco's head against the wall then forced her to the office floor where he proceeded to penetrate her vaginally. **Due to her intoxication, incapacitation, and trauma, Tedesco did not remember XXXXXX being in the room when questioned by officials after the event. However, in Tedesco's rape kit, Cambridge Police found traces of saliva from a single female in her vaginal swabs.**

After the incident, Tedesco left the party and took a cab back to her dorm. At 12:30 p.m. she asked her friend, Michal Goderez, to come to her dorm room via text message. Upon entering the room, Tedesco informed Goderez that she had been assaulted and was experiencing vaginal bleeding. Goderez immediately informed a Residence Assistant that Tedesco had been raped. Tedesco was reluctant to speak with the residence assistant.

The residence assistant, Dylan Manderlink assured Tedesco that the information she would tell her would go "up and not out" and she would notify her residence director and the residence director on duty to better serve her and get Tedesco the help she needed. Tedesco denied all resources Manderlink offered at the time due to her shock and trauma. Manderlink offered to come with Tedesco to report the incident to the Emerson Police Department as well, but Tedesco declined. Manderlink handled the case well, but her supervisors violated Emerson's policies in many ways that hurt Tedesco.

Failure to Investigate Fosters Hostile Environment: The College was now aware of Tedesco's assault and took no steps to investigate the information they had required or give any information to Tedesco about moving forward with a college Title IX investigation. In fact, Tedesco never knew about Title IX or the rights she was guaranteed until December, 3 months after her rape.

Discouraged from Reporting:

The next morning, the on-duty Residence Director, Danielle Mastronardi, came to Tedesco's dorm holding a pile of rape and sexual assault pamphlets. Tedesco's suitemate answered the door and saw the pamphlets, even though Tedesco did not want her suitemates knowing about her assault. **This violated Tedesco's FERPA rights.** The Residence Director then questioned Tedesco in a victim-blaming manner, asking her, "Are you sure you were raped and not just drunk?," as though the two are mutually exclusive.

Not Informed of Rights:

The pamphlets the Resident Director handed to Tedesco contained no information about moving forward with an investigation, and the RD failed to provide ANY information about the process to Tedesco. Tedesco thought the assault would be reported to administration or

Emerson Public Safety on her behalf, however, the Residence Director left and did not inform anyone else of the assault. No record of Tedesco's assault was recorded in the Daily Crime Log for this time. However, information was recorded when Tedesco went to the Emerson College Police Precinct the next day.

Marina Mercurio, a friend of Tedesco and the roommate of XXXXXX, encouraged Tedesco to report the assault after she confided in her. At this point in time, Tedesco did not recall XXXXXX being active in the assault and therefore did not report her when reporting her rape to the Emerson College Police Department. On Sunday, October 14, 2012, Tedesco filed a report that she had been raped by a student at MIT while at a fraternity party. Emerson campus safety officials mistreated Tedesco during the filing process. Tedesco requested to speak with a female officer and/or for one of her friends to be present during the interview at the precinct, but she was denied both. There were no female officers working that evening and was told that having a friend in the interview room would "influence her testimony."

Discouraged from Reporting:

Tedesco spoke to a male Emerson police officer who made her write her report. While she was writing, he continually asked her if she was sure it was rape. Upon finishing the written testimony, the officer told Tedesco that she had "better be sure" that she was raped because rape is a "serious accusation." Tedesco replied that she was sure. The officer then commented on Tedesco's inability to be sure since she was drinking. He also pointed out that her consumption of alcohol was a violation of the college's alcohol policy since she was underage.

Failure to Investigate:

After writing her testimony, Tedesco was told the Boston Police Department were being called to continue the case and Emerson would no longer take responsibility in the investigation. Tedesco expressed she did not want to speak to Boston Police and just wanted Emerson Police Officers to be aware of the situation. Regardless of Tedesco's comment, Boston Police were called and two male officers interviewed Tedesco even though Tedesco clearly stated earlier she would be more comfortable with a female officer. **In the Daily Crime Log, under the "Disposition of Report" column, for Tedesco's rape it says, "Handled by another agency." Emerson College failed to investigate Tedesco's report and took no institutional action.** After interviewing Tedesco, the Boston Police declared the jurisdiction of this case was with the Cambridge Police Department. Cambridge Police was called and came to the school. Cambridge Police took over the case and Emerson College took no investigative or internal action about Tedesco's assault.

Tedesco was in complete shock at this point and refused to go to the hospital for a rape kit or vaginal examination. Mercurio, urged her to go. Tedesco agreed to go to the hospital in the morning. At the hospital Tedesco received a rape kit, emergency contraceptive medication, medication to protect her against STI's, and medical care for several minor abrasions on her thighs, and lower eye lid.

Tedesco's residence assistant, Dylan Manderlink, accompanied her to the hospital with Mercurio. However, Manderlink was told by residence education administrators not to accompany Tedesco and was advised to be "less sympathetic" towards Tedesco. The Cambridge Police investigated the incident and interviewed XXXXXX. Because several of XXXXXX's statements were unclear, the Cambridge Police interviewed Tedesco again for clarification about XXXXXX's involvement. At this point, Tedesco still had no recollection of XXXXXX's role in her rape.

On November 15, 2012, Tedesco met with one Cambridge Police Officer and one MIT Police officer. No Emerson Police Officer offered to be present during Tedesco's meeting the officers informed Tedesco that the lab results police found no DNA evidence linking XXXXXXXX to the crime. However, they did find traces of the saliva of a female. Because of the officer's earlier suspicion that XXXXXX was involved in Tedesco's rape, the officers questioned Tedesco again

about XXXXXX. At this point Tedesco told the police officers everything she could remember. After the Police meeting, Tedesco remembered more about her assault and had flashbacks.

As is typical with rape survivors, memories return after the immediate feeling of trauma subsides. **A few weeks after the rape, Tedesco remembered XXXXXX holding her down while XXXXXXXX penetrated her, and remembered XXXXXX performing oral sex on Tedesco.** Reliving this experience through violent flashbacks pushed Tedesco into a panic attack. Mercurio came to Tedesco's room later that evening and saw Tedesco emotionally distressed.

Harm to Academic Performance: Tedesco was hospitalized for two days at Tufts Medical Center because of severe PTSD and depression. Her hospitalization forced her to miss her academic courses. Although Tedesco's absences were excused by the college, Tedesco still felt she was at a disadvantage from other students because of the missed lecture time. Her absences affected her performance on her final exams, therefore affecting her overall grade point average. **The severity of her PTSD and depression that caused Tedesco to be admitted to Tufts Medical Center ultimately stemmed from the lack of involvement and care Emerson College chose neglect Tedesco's case. During this time XXXXXX lived on the same floor as Tedesco and was an active threat to the respondent's wellbeing. However, Emerson College chose to ignore Tedesco's need for protection. This inaction eventually led to Tedesco's second assault (More detail later in this testimony).**

Instead of accommodating Tedesco and giving her the protection necessary in order to prevent retaliation, Emerson College left a rape victim alone with the impossible task of protecting herself with no help. The College's inaction and neglect added to the creation of new psychological disorders in Tedesco's life. **Tedesco's new responsibility at Emerson became surviving instead of what should have been her primary responsibility, doing well in school.**

Not Accommodating Disability: While in the hospital, Tedesco spoke to doctors about her emergent memories of her attack, a common experience for rape survivors. **Tedesco's medical records were given to Michael Arno, Title IX investigator, after Tedesco returned to campus two weeks later. These records explained how it is typical for rape survivors to have emergent memories after the fact. However, the medical records were ignored during Tedesco's investigation .** Also to note is that in the report that in the final report given to Tedesco on May 2nd 2013, it states that Tedesco did not give the school police or medical records related to the October incident. However this information is false in that Tedesco did give Emerson College medical records of her hospitalization in November. Tedesco was unable to obtain Cambridge Police records that included the results to her rape kit because of the state of her investigation.

After the school learned of Tedesco's struggles with her mental health no one informed her of options available to her including the colleges department of disability services. Tedesco continued to struggle through school while primarily trying to stay stable from side effects of her major depression and PTSD.

Tedesco was often questioned why she chose not to accuse XXXXXX of having an active role in her rape. The school ignored Tedesco's medical conditions outlined in the medical records given to the college and did not take in to account the delay in Tedesco's recognition that XXXXXX was involved in her assault.

Failure to Provide an Adequate, Reliable, and Impartial Investigation: Three months following Tedesco's rape there was still no existence of an investigation in to the alleged assault or XXXXXX's presence at the MIT Fraternity House with Tedesco even though it was reported and brought to Emerson College's attention several hours after its occurrence. Upon coming back to the college, Tedesco spoke with the Office of Housing and Residence Life (OHRL) director David Haden. Haden emailed Tedesco to arrange a meeting that he said was required if she wanted to continue to live in Emerson's dorms. This was the first meeting Tedesco had with any Emerson

administrator since the Resident Director visit the day after the rape. This meeting continued the pattern of Emerson officials mistreating Tedesco. During the meeting the administrator Discouraged Tedesco from formally reporting the incident. Instead of opening an investigation into the new allegations against fellow student XXXXXX for her role in Tedesco's rape, Haden told Tedesco that she must control her allegations against XXXXXX and keep it a "private matter." Tedesco made it clear to Haden that she wanted to open a formal investigation against XXXXXX. However, Haden took no steps to educate Tedesco on how she could do this.

Failure to Open an Investigation: After meeting with Haden, Tedesco was confident that the school's Title IX would open an investigation pertaining to XXXXXX, but this never happened. XXXXXX continued to live on the same hall as Tedesco until Winter Break, almost a month after the school was first informed of XXXXXX's role in Tedesco's assault. Proximity to XXXXXX was traumatizing for Tedesco.

Not Informed of Rights: On December 14, 2012, Tedesco informed her Residence Director, Caitlin Courtney that she wanted XXXXXX moved off of her floor. Courtney informed Tedesco that there was never any formal complaint opened against XXXXXX. Courtney told Tedesco that if she wanted XXXXXX to be moved off of the floor, she should have filed a formal complaint against XXXXXX. Tedesco however believed this had already been done.

Discouraged from Reporting to Police: During their conversation, Courtney told Tedesco that she could begin an investigation through Emerson College. While doing so she convinced Tedesco to drop charges with the Cambridge Police with the argument that Tedesco was not emotionally capable of handling a police investigation. Tedesco believed Courtney had her best interests in mind, so she took her advice and dropped the criminal investigation into XXXXXX and XXXXXXXX. At this point Emerson College finally documented Tedesco's allegations against XXXXXX and opened a Title IX investigation. During their conversation Courtney told Tedesco nothing about her rights under Title IX or even what Title IX was. Courtney's only comment on the process that would take place was, "Title IX is what we call investigations that are about sexual misconduct." When Tedesco asked to clarify the process moving forward Courtney was unable to give her information on the matter. This created a hostile environment for Tedesco because she was working with staff that had no idea about the process of an internal school investigation and therefore were uneducated about Title IX and what rights Tedesco had.

Failure to Provide an Adequate, Reliable, and Impartial Investigation:

Three weeks later Tedesco was interviewed by Michael Arno, Director of the Office of Student Conduct, and Kim Marcella, The Director of Employment. These two Emerson College employees told Tedesco they were also trained Title IX investigators. However their actions during and after Tedesco's interview were unprofessional and retraumatized Tedesco.

During the interview the two investigators asked Tedesco questions about her clothing the night of her assault, her relationship with XXXXXX prior to her assault, and what she believed happened the night of her assault. During the interview, Tedesco became emotional while talking about her rape. Marcella asked her to leave the room and come back to speak about her allegations after she could "control her emotions."

Arno asked Tedesco, why she believed XXXXXX Raped her. When Tedesco could not answer the question, Arno abruptly decided that the interview was over and that the investigation into XXXXXX's actions would continue through interviews with members of the Emerson community that XXXXXX and Tedesco mentioned in their testimonies.

Harassment during Adjudication Process: Tedesco heard nothing more about her case for a month, **during which time XXXXXX sent Tedesco harassing text messages that included information only someone present during her assault would know. Tedesco informed Marcella**

and Arno about the harassment, but both told Tedesco that because the text messages were sent anonymously, they could not prove XXXXXX sent them. (Tedesco knows XXXXXX sent them because the texts included information about the rape, and XXXXXX is the only person with this information and Tedesco's cell phone number.) In the final report emailed to Tedesco after the closing of her investigation, it states that the College attempted to track the messages through their IT department and were unable to trace the source of the messages. The report also stated that the college urged Tedesco to go to the Boston Police and have the messages professionally tracked. However, because Courtney informed Tedesco during Tedesco's initial report and opening of an investigation, that she recommended Tedesco having minimal involvement with the police and dropping a criminal investigation against XXXXXX and XXXXXXXXX, Tedesco decided not to contact the Boston Police Department.

On March 1, 2013, Tedesco was sexually harassed, taunted, and physically assaulted near campus by XXXXXX and another person who she believed was XXXXXXXX. Upon leaving Emerson College's Union Bank Building, which held Tedesco's creative writing class, she saw XXXXXXXX and XXXXXX across the street, the same two perpetrators who previously raped her at MIT. Tedesco attempted to walk the opposite direction and lose XXXXXX and XXXXXXXX, but was unsuccessful. XXXXXX and XXXXXXXX pushed Tedesco in to an alley next to a restaurant (Bento Express) and fingered Tedesco through her pants near her crotch area. Tedesco reported the assault to the Emerson Police Department, but left the next morning for her home in Florida. While in Florida, the Dean of Students, Ronald Ludman, called Tedesco's mother and informed her of her daughters assault. **Tedesco's mother was not aware of Tedesco's assault before this point which shows a major invasion of Tedesco's privacy and violation of FERPA rights.**

Discouraged from Attending College:

Instead of addressing this new allegation of retaliatory harassment against Tedesco, Ludman expressed to Tedesco's mother that he believed that it would be best if Tedesco "took time off" and returned to campus upon XXXXXX's graduation from the College. **In other words, Tedesco was actively encouraged to take time away from college until her rapist graduated, and her retaliation went unaddressed.**

Upon returning to campus, Arno and Marcella requested Tedesco's attendance at an interview about the second assault. Tedesco felt uncomfortable and failed by the college's inability to stop XXXXXX's retaliation against her. She agreed to meet for an interview, but only if her friend, Michael Moccio was present. When arriving at the interview location with Moccio, Tedesco was told he could not be present. This was a clear violation of the two party's prior agreement that Moccio would be allowed in the interview. Tedesco stated she would not undergo another interview without Moccio present in the room. The Two Title IX investigators spoke to Alexa Jackson, Emerson College's Title IX coordinator and agreed that Moccio could be present. However, Jackson requested to speak with Tedesco alone prior to the interview, which Tedesco reluctantly agreed to do. Jackson continued Emerson's pattern of mistreating Tedesco.

Retaliation goes Unaddressed:

Jackson told Tedesco that the school was investigating every piece of the case and should expect to have a conclusion by the end of the spring semester. **During this time, XXXXXX was still allowed to enter Tedesco's residence hall and often visited friends living on the floor. Her presence made Tedesco fear for her life because of previous threatening text messages that are discussed earlier and below in this testimony.** Such text messages included a message that read, "*You are a fucking bitch. Go die. I wish you died last time you tried.*" Another form of retaliating communication used to harass Tedesco was email. XXXXXX sent Tedesco an email from her personal AOL account that read: "*Hey Whore, So I have been drinking all weekend with those little friends of yours and found myself at this kick ass party at the Delta Kappa Epsilon Frat house,*

Where XXXXX and I fucked you, remember haha? Guess what I did? Yupp you guessed it we fucked another girl up. I am sick and tired of your little cries for help. Get with the mother fucking program bitch, make any more noise about that night and I will kill you. Literally, I will come at you when you are moving out and stick a burning curling iron up your ass. Shut your fat ass slutty face up and forget about what happened because no one believes you. I will lie, XXXX will lie, and no one will ever believe you. My lawyers will say you are psychologically "damaged" and need to go stay another couple days at the loony house. You are a slut, You were asking for it, and I know you enjoyed it. You were a stupid virgin and now have something to be grateful for so start respecting me and XXXX and write one of those stupid ass Isis articles about how you loved having my Vagina against your face. Go To Hell Bitch. Love, X."

Tedesco informed Jackson of this fear, but Jackson told Tedesco that her fear was not reason enough for XXXXXX to be denied access to the Little Building residence hall. Jackson's lack of response to Tedesco's concern implies she was not trained adequately. Tedesco mentioned that under Title IX she is protected from the hostile environment she was being subjected to for over three months. Jackson explained that she would see what she could do about Tedesco's lack of comfort in her living situation. **A stay away notice was finally put into effect on March 8, 2013, by Dean of Student's, Ronald Ludman -- three months after the college was made aware of XXXXXX's involvement in Tedesco's rape.**

Despite the stay away notice, Tedesco continued to receive harassing text messages from XXXXXX. When she showed the messages to Marcella and Arno, they told Tedesco that they were a sign that XXXXXX wanted to be in contact with Tedesco, and that Tedesco should take this as a compliment.

Inadequate Sanctions Foster Hostile Environment:

After over 3 months of being neglected an investigation and 3 months of an internal investigation through the College, Tedesco was sent the final report of her case in which Emerson College found that they did not have enough information to find Emerson College student XXXXX XXXX XXXXXX guilty of raping tedesco in October 13th 2012 at the Massachusetts Institute of Technology and sexually assaulting her steps from Emerson's Campus on March 1st 2012. Tedesco was denied a hearing process and XXXXXX got away with rape.

Because of Emerson College's lack of care and inability to follow Title IX Tedesco will be returning to Emerson this fall in fear of her life. XXXXXX is still a student and poses harm to Tedesco because of her previous text messages and email communication threatening Tedesco's life. XXXXXX has received no sanctions or warnings for the long lasting harm she has caused Tedesco.

Complainant #2 Jillian Doherty

Hostile Environment:

On April 16th, 2012, during the Spring semester, Emerson student Jillian Doherty was raped by her friend and fellow Emerson student, XXXXX XXXXX. The rape occurred in XXXXX's suite in the Piano Row Residence Hall on Emerson College's campus. XXXXX testified to have had approximately 6 drinks at a party earlier in the evening, while Doherty consumed 2-3 drinks that night. After returning back to his dorm room, XXXXX sent a Facebook message to Jillian requesting that she come to his room to engage in sex. **Doherty went to XXXXX's dorm room and had consensual sex, but XXXXX then forced her to engage in anal sex.**

When Doherty initially refused XXXXX's request for anal sex, he verbally harassed Doherty. XXXXX then anally penetrated Doherty without warning or her verbal consent. Doherty's extreme pain and emotional distress during the attack caused her to begin to cry out while XXXXX was still actively assaulting her. She pleaded with XXXXX to stop several times, but he continued to rape her. XXXXX finally stopped raping Doherty when he passed out from intoxication and/or exhaustion.

Doherty dressed quietly in the dark when she saw the door to the suite open. XXXXX's

roommate, Conor Doolin, came in and would later testify that Doherty looked “uncomfortable.”

Having been sexually assaulted in a separate incident a year prior during her senior year of high school, Doherty had already struggled for months with post-traumatic stress disorder. Doherty told her roommates, Catherine Komarow and Kimberly MacCormack, about the rape.

Inadequate Education and Prevention Fosters Hostile Environment:

Due to the lack of consent education in Emerson College’s orientation programming, and a campus culture focused around victim blaming, Jillian was unaware that intoxication made her unable to give consent in the first place. She also was unaware at this time that the coercion, violence, and pain that XXXXX forced upon her was indeed, rape. Doherty’s roommates got the impression that Doherty had just experienced a bad sexual encounter because she did not realize that what had happened to her was rape. A week later, Doherty confided in her best friend, Megan Kipperman, and by that point, both Kipperman and Doherty realized what had happened was rape. **Doherty also reported her rape to therapist Kathleen Goldblatt in the spring of 2012. Unable to make sense of what happened, Doherty reached out to XXXXX on Facebook and accused him of raping her (in private messages). XXXXX claimed to have no memory of the event besides having consensual sex. In a string of instant messages, XXXXX apologized to Doherty.**

Doherty was afraid that XXXXX would rape again, but she did not report the incident for over a year because “stigma of rape that is evident around campus. **College officials pride themselves on protecting students from being sexually assaulted by distributing short date rape pamphlets full of ‘tips’ such as females refraining from drinking alcohol. These pamphlets that were supposed to protect me from a violent sexual crime, but ended up filling my head with ideas that made me uncomfortable to come forward in fear the college would judge me.**”

Not Informed of Rights:

Doherty filed an informal report of the rape on **March 2nd, 2013** after learning about a letter writing campaign organized to open the college’s eyes to the rape epidemic happening at Emerson. **Doherty emailed the College’s President, Lee Pelton, the College’s Dean, Ronald Ludman, and the Office of Housing and Residence Life Director, David Haden confessing she had been raped at Emerson by an Emerson student.** Doherty received multiple emails from all recipients and, additionally, was introduced via email to Michael Arno, who later became the investigator for this case. Arno asked Doherty for her to come to meet him to talk but made it clear that Doherty was not obligated to give the name of her rapist. During the meeting, however, Doherty decided that she wanted some form of justice and control of the situation and gave XXXXX’s name to Arno. Emerson college officials mishandled Doherty’s case from the start.

Doherty was not informed of her law enforcement options. No Emerson College administrator informed Doherty of her right to file a complaint with local law enforcement. Doherty would have involved the Boston Police Department had she known the school would mishandle her case to the degree that they did.

In addition, Doherty was never informed of her right to representation during the colleges judiciary and adjudication process.

Failure to Provide an Adequate, Reliable, and Impartial Investigation:

When Emerson College began investigating Doherty’s claims that XXXXX anally raped her the college neglected to provide doherty with a reliable investigation that would cover all areas of her assault and give her any proof necessary to help her expel XXXXX in a college adjunction process. In Arno’s investigation report, he admits that he did not talk to all of the witnesses because he could not find a mutually workable time, including Komarow, Doherty’s room mate.

Had Arno been more specific about the reason for their meeting, Doherty is confident that Komarow would have cooperated and realized the significance of the conversation that her and Doherty had one year prior. **Arno also failed to include important information in the report, either because he did not gather it, or because he chose not to report it.** For example, Arno wrote that Doolin did admit to witnessing Doherty looking “uncomfortable” and that Doherty was “with the Respondent,” however, no other information was given. (i.e., “What were they doing?” “Was XXXXX explicitly intoxicated?” “Was Jillian explicitly intoxicated?” “What did the scene look like?”).

Harm to Academic Performance:

Emerson College’s handling of the rape caused Doherty to be hospitalized due to passing out from extreme levels of stress. Because of being out of the college and under severe amounts of stress Doherty suffered from drops in grades. She also chose to disengage in co curricular activities she was involved in because of the medical problems she was suffering from due to the Colleges inability to help her during her rape investigation

Unequal Treatment During Hearing:

Directly after finals in the Spring semester of 2013, Doherty chose to leave campus and the Boston area, so her hearing took place via Skype on May 17th, 2013. During the hearing the college violated it’s own policies along with Title IX.

XXXXX was allowed to provide new “evidence” at the hearing -- a letter of character from XXXXX XXXXXXXXXXXX, a student whom Doherty knew personally and had no involvement with the hearing nor any involvement with Doherty’s assault. **This letter of character should not have been accepted since Emerson’s policy states that all evidence be submitted prior to start of the hearing.** The college denied Doherty the ability to add information and evidence without XXXXX’s prior knowledge, but allowed XXXXX to change his testimony and include additional “evidence” without Doherty being informed.

Doherty was forced to sit at her computer and listen to the letter of character written by XXXXXXXXXXXX. The task of hearing an acquaintance defend XXXXX, her rapist, was just as violating as the original attack. Immediate after having an internal breakdown and hearing this unsettling information, Doherty had to proceed to give a closing statement. During Doherty’s closing statement, Doherty was under such a large amount of emotional stress that she began to shake and fumble over her words.

Another instance of poor investigation on the colleges parts was when XXXXX changed his testimony towards the end of the hearing. XXXXX’s memory changed from not remembering saying goodbye to Doherty after both engaged in consensual sex to seeing Doherty out the door. The hearing board completely ignored the fact that XXXXX’s verbal story contradicted his written story. **After the hearing, Doherty emailed Arno to inform him that XXXXX changed his story during the hearing, but Arno took no action on this information.** After the hearing, Arno informed Doherty that the school would have a decision about XXXXX’s verdict within seven days, **however, it took over a month for the college to notify Doherty that XXXXX was found “not responsible” for the rape due to:**

- “1. Both [Jillian] and [XXXXX] admitted to consuming alcoholic beverages during the night of the alleged incident and to being intoxicated at the time of the alleged incident.*
- 2. The Board concluded that both [Jillian] and [XXXXX] genuinely believed [they] were telling the truth in [their] statements concerning the incident. However, the Board found it more likely than not that both [Jillian] and [XXXXX] were unable to fully and accurately remember what occurred at the time of the alleged incident due to their respective alcohol consumption.*
- 3. [Jillian] testified during the hearing that [XXXXX] engaged in forcible, non-consensual anal sex with [her]. However, [Jillian’s] testimony in this regard was inconsistent with an account of the same event [she] provided to a witness on the day immediately following the alleged incident.*

Based on the above findings, the Board concluded that the evidence was insufficient to support a finding that it is more likely than not that the Respondent violated the College's Code of Conduct as charged. Accordingly, the Board found the Respondent "not responsible" for the charges and no sanctions are being issued against the Respondent."

The hearing board did not consider the direct contradiction between XXXXX's written statement and his verbal account of the story, and they held Doherty's lack of knowledge about what constitutes rape against her (in stating that the account she gave to her roommates did not match up because Doherty failed to identify/call it rape).

Inadequate Disability Support:

The length of the deliberation with the combination of the "not responsible" finding caused Doherty extreme emotional pain and she is now battling chronic depression. In response, college officials told her that the only option was to visit the Counseling Center. Doherty continues to see/be around XXXXX and was not given the option of relocating to another part of campus. In the fall Doherty will be forced to see XXXXX on a daily basis because of the result of her hearing. The school's counseling center offers minimal bimonthly therapy for students and no sexual assault intervention specific programming.

No disability support or services to help with school work or prepare Doherty for the upcoming stress of seeing someone she said raped her on a daily basis has been given. **Emerson College is leaving a rape victim alone to deal with the emotional distress from an original life altering attack and the revictimization of an insufficient college investigation.**

Inadequate Sanctions and Investigation Foster Hostile Environment:

After being informed that her hearing resulted in no sanction and a "not guilty" verdict, Doherty decided to Appeal the College's decision. Dean Ronald Ludman responded to Doherty's appeal. **As of July 26th 2013, Doherty's appeal has been granted.** Dean of Students, Ronald Ludman, wrote in an email: "[he] found that **there is no need for Mr. Arno to [conduct a "second and more comprehensive interview" with Conor Doolin, the roommate]** because, prior to the Board's issuing a decision, Mr. Arno had already conducted a second interview of the roommate. **However, it appears that neither you nor the Respondent knew about Mr. Arno's second interview with the roommate at the time of the prior hearing, and neither of you had a chance to present testimony to the Board concerning information shared during this interview."** Michael Arno chose to not report investigative findings that hurt XXXXX. Emerson College chose to conduct a biased investigation that favored a rapist instead of protecting the victim. **Emerson College's lack of following and informing sexual assault victims of Title IX rights is harming investigations and making it impossible for victims to seek justice and protection on college campus.**

Complainant #3 Sarita Nadkarni

On March 12th, 2013, Sarita Nadkarni, Nicole Morris and Jae Nha went to Remingtons Bar to celebrate Nadkarni's birthday. Nadkarni, Morris and Nha consumed one pitcher of beer before returning to their dormitory suite in 150 Boylston St. Morris stayed at the suite and Nadkarni and Nha walked to Lolita's in the Back Bay. Nadkarni and Nha together consumed one pitcher of sangria. A man at the bar ordered Nha and Nadkarni each a margarita, served by the bartender in front of Nha and Nadkarni.

At 12:00 AM on March 13th, Nha and Nadkarni left Lolita's to return to the dormitory. While passing the Parrish Cafe on Boylston St., two men started came from the street and started walking in front of Nadkarni and Nha. Both parties crossed Charles St. and were heading toward the public garden. Nha asked one of the men for a cigarette. One of the men offered her one. Nha then asked the man to take a picture of her and Nadkarni at a statue. Nha and Nadkarni walked across the Boston Common with the two men. Both parties crossed to Tremont street and the men offered to purchase coffee for Nha

and Nadkarni at the 7-11. The men went inside and Nha and Nadkarni discussed leaving the men and going home, but decided otherwise. Nha wanted the men to come back to the dormitory and Nadkarni said she would “think about it”. Nadkarni said she would rather “hang out” with the men a little while longer before going back to the dormitories. The men returned with the two coffees and Nha, Nadkarni and the two men started walking in the direction of the Emerson College campus. When both parties reached 150 Boylston st., Nha asked Nadkarni if the men should join them in the dorm. Nadkarni made it clear that she did not want them in the room. Nha kept urging the matter even after Nadkarni had already “tapped in” and was waiting for Nha to join her in the elevator. Nha would not join Nadkarni unless the men were allowed to join. Nadkarni finally agreed under the condition that the men be signed in under Nha's name, therefore responsible for the two men. Nha, Nadkarni and the two men proceeded to ride the elevator to the dormitory.

Nha, Nadkarni and the two men entered the dormitory. Morris was in the dormitory and while Nha and the two men went to Nha and Nadkarni's room, Nadkarni briefly spoke to Morris and told her she might “sleep with one of them”. Morris told Nadkarni to be careful and Nadkarni proceeded to her room. When in the room, Nha, Nadkarni and the two men drank beer. Nadkarni had consensual sexual intercourse with one of the men, while Nha and the other man were still in the room. The other man was trying to seduce Nha into sexual intercourse, but Nha refused. After Nadkarni and the man were finished, the man said he needed to have a cigarette. He then left the dormitory room. Nha did not “sign him out”. When the man left, the other man on Nha's bed got down and began to kiss Nadkarni. Nha saw this and left the room, with the door locked on the inside.

The man told Nadkarni they she should get on the bed. Nadkarni obliged and the man began kissing her again. He then pushed her down performed oral sex on Nadkarni. Nadkarni did not tell him to stop because she was “confused”. The man then began to penetrate Nadkarni digitally. The man proceeded to choke Nadkarni before letting go and moving over to her face. He then proceeded to masturbate on her face while still penetrating her digitally. Nadkarni was still alert but was physically unable to stop him. The man stopped long enough to get between Nadkarni's legs when Nadkarni finally told him to stop. Nadkarni asked the man to stop, he hesitated, but then continued to painfully digitally penetrate Nadkarni.

Nadkarni heard the locked door handle try to open and heard someone knocking. The man continued while Nadkarni began to tell him to stop. The man finally stopped when Nadkarni pushed him off and opened the door. Nha was on the other side. Nadkarni left the room and sat in the bathroom for 20 minutes. She then moved to the shower room. Concerned, Morris knocked on the door and asked Nadkarni if everything was alright, if something had happened that Nadkarni didn't want to happen. Nadkarni told her her what had happened. Morris told Nadkarni that she had been assaulted and asked if she wanted the man to leave.

Inadequate Education Creates Hostile Environment

Nha then approached Morris and Nadkarni and asked what the problem was. After Nadkarni told her what had happened, Morris asked Nadkarni if she consented. When Nadkarni said she did not, Nha responded with “You totally consented. I saw you kiss him, made sure you were OK, then left. You were fine”. Because of Emerson College's lack of Consent education, Nha, Nadkarni, and Morris were unaware the situation was rape. Since this incident Emerson College has improved consent education, however all student graduating spring of 2016 or before are not educated on consent and what constitutes rape. After seeing Nadkarni in such emotional distress, Morris asked the man to leave. After alerting the man to leave, Morris asked Nadkarni if she wanted to go to the hospital or call the Emerson College Police Department. Nadkarni as this time was unresponsive and severely traumatized. She spoke about wanting to shower and go to sleep. One again, because of the poor education on what to do after being assaulted, Morris was unaware to tell Nadkarni not to shower, or warn Nadkarni about the loss of evidence if she chose to.

Emerson Faculty Inadequately Trained

On March 14th, 2013, Nadkarni reported feeling depressed and scared to an Emerson College professor and several friends. Although Nadkarni reported being emotionally unstable the College officials did not report the situation to the Emerson College Counseling Center and left Nadkarni feeling hopeless about being assaulted. Emerson College teachers should be trained on how to deal with student's in similar situations such as Nadkarni and guide Nadkarni to the correct College services. However, it was clear that the professor that Nadkarni spoke to was untrained and incapable with dealing with a situation they are likely to deal with on a normal basis because of the high statistics of sexual assault on college campuses.

Not Informed of Rights

Nadkarni attempted to go to the counseling center after her class which ended after business hours. Finding it closed and worried about her wellbeing, Nadkarni went to the Emerson Police Department Precinct instead. When she explained she wanted someone to talk to about sexual assault, the man at the counter told her to wait in a room for an officer to be available to speak to her. Nadkarni told her entire story to the Emerson Police. No female officer was present or offered to Nadkarni, however a female advocate, Tikesha Morgan, was.

No Investigation

Upon hearing Nadkarni's story the officer immediately left the room and called the Boston Police Department. At this point the school stopped any internal "investigation" and turned the case over to the Boston Police Department. However, in turning over the investigation the school offered no help for Nadkarni in navigating the legal system. In addition Nadkarni did not hear from the Boston Police Department nor did she hear from the Emerson Police Department after reporting her assault.

No Timely Community Advisory Notice

After Nadkarni reported a rape that occurred on campus just the night previous, Emerson College should have sent out a community wide advisory about the fact that a rape had occurred on their grounds. However, Nadkarni never saw this and was never contacted about having one sent out. At this time Nadkarni did not know she had the right to have one sent out so did not cause a fuss to have one sent out. The College once again refused to inform Nadkarni of her rights.

Inadequately Trained Staff

The Police Officer who forced Nadkarni to speak to the Boston Police Department asked Nadkarni if she wanted a female office present during her second interview. Nadkarni said yes, so the College brought Tikesha Morgan, Director of Diversity and Inclusion to the Police precinct for Nadkarni. Morgan does not have sexual assault training and has been described by Nadkarni to have, "no training in how to interact with a traumatized victim." At this time Nadkarni needed a trained sexual assault advocate to be present, not the Director of Diversity who offered Nadkarni no support or advice in how to move forward.

Not Informed of Rights

In addition, Nadkarni was never informed of her rights through Morgan. Morgan offered no information about Title IX, the Clery act, or the campus options available to Nadkarni. Because of Emerson College's lack of support and available resources Nadkarni was under the impression that because her assault involved an off campus student she was not able to use Emerson College's services. However, this is untrue. Emerson College should have given Nadkarni all resources and took partial responsibility because the rape happened on campus in Emerson owned buildings.

The college did not help Nadkarni navigate the Boston Police, and gave her no support in how to press charges and continue a case in to her rapist.

Nadkarni did not know that she was making an official report. Because the counseling center was closed, a note on the door told her to see Emerson Police instead, if it could not wait till the next day. Nadkarni went to the Emerson Police and asked to talk to someone about the assault, not yet ready to make a report. Nadkarni was asked if she felt safe in her room and asked if she wanted to be removed. Nadkarni did not understand why the College was asking her if she wanted to move, and not if she wanted them to move

Nha. This is the first of many times that Emerson College made Nadkarni feel like she had done something wrong and that it was her fault that she had been raped.

Nadkarni met with Michael Arno, Director of Student Conduct to go over what happened. When Nadkarni asked if her assault would be dealt with internally in addition to the Boston Police Department's case Arno told her that it would not. Arno told Nadkarni that because the case involved an off-campus student the college would not be offering her any services.

Nadkarni felt that the college was refusing to help her and give her the services she had the right to have. Again, Nadkarni was told to retell her story in detail, and once again the traumatizing retelling of her story did nothing.

When meeting with Mike Arno Nadkarni discussed with him what could be done about the situation and how the College would help her. At this time Arno still did not tell Nadkarni about her Title IX rights and refused to give Nadkarni any internal investigational proceedings. Arno only helped Nadkarni get extensions for several papers. No other help was given to Nadkarni as a student of Emerson College who had gone through severe trauma.

During subsequent Boston Police Department meetings no ECPD officer offered to be present. Nadkarni never received any information from the College about how to move forward. Nadkarni only got a pamphlet about how to "not be a victim of sexual assault," something not helpful several months after Nadkarni's rape. Michael Arno offered Nadkarni to put out a trespass notice, however Nadkarni was not given information about what that meant and why it would be helpful. No academic support information was given to Nadkarni at this time and she continued to struggle to stay afloat academically.

Instead of focusing on the real problem, the rapist, and helping Nadkarni heal in the best way possible, Emerson College chose to focus on a student who had little to no involvement in Nadkarni's rape. Arno forced Nadkarni to allow him to interview Nha, something Nadkarni would not mind if Arno had explained the real reason why he was speaking to her. Nadkarni thought Arno wanted to speak to Nha so that he could get another view on what happened. He had to explain to her the definition of rape and convince her that what had happened to Nadkarni was really rape. If the college had properly informed the community what rape was, then Arno would not have had to have this conversation with Nha. After another meeting with Nadkarni, Arno told her about the meeting, and said that Nha was responsible for what had happened because she was responsible for the guests.

Failure to Provide Academic Assistance

After the assault, Nadkarni struggled with classes, and was granted three incompletes, under the impression that she would finish the course work at home and would continue on to junior standing the following academic year. During the Summer, however, Nadkarni received a letter from Emerson College stating that she was put on academic probation due to "unsatisfactory progress" and threatened to take away her academic scholarship of \$14,000. Nadkarni was never notified of her right to seek academic help, under Chapter 8, section B, subsection vi. Further complication occurred when, on September 11, 2013, Nadkarni received an email that threatened suspension if she did not meet with the Academic Resource center. Since this was after she had turned in her remaining course work, and was expecting to be taken off academic probation, Nadkarni ignored the email. A few weeks later, Nadkarni received another email stating that she had still made unsatisfactory progress and was again threatened with suspension. An hour later, another email arrived stating that the previous email was invalid because no one had noticed her new transcript.

Complainant #4 Anonymous

Hostile Environment:

Complainant4 was sexually assaulted in early April of 2011 while leaving Emerson College's campus. She noticed a stranger following her from a campus dormitory on her way to the subway, and she went back into the dorm building hoping to lose him. When she thought he was gone, she resumed her walk to the Red Line MBTA transit. As she was waiting on the platform, she noticed the man lurking behind her. After she boarded the train she could not find the man. It was a crowded train on a Saturday night, going towards Dorchester, and she had lost sight of him.

When she got off at her stop and walked down the street, he grabbed her shoulder, kissed her, and tried to put his hand down her pants. Complainant4 fought back by punching him in the stomach. He bit her lip, called her a "cunt whore," and then ran back in the direction of the subway station. After the assault, Complainant4 ran to her off campus apartment, called a friend, and stayed in bed the rest of the weekend. Later that weekend, one of her friends encouraged her to go to the Emerson College Police to get advice on how to report the the incident. **Complainant4 knew nothing about Title IX and is still unaware of her full range of rights under the Title. Emerson College never informed her of their responsibilities nor did they inform Complainant4 of her rights.** Upon reporting her assault to the Emerson College Police she was mistreated by campus officials.

Not Informed of Rights:

Emerson College continued to create a hostile environment for Complainant4 at the campus police precinct where they made several victim blaming statements and did not inform her of all of her rights under Title IX. Such statements and actions included two male officers questioning her why she didn't contact them immediately. She explained to them the shock that she was in, as well as her status as an off campus student. The officers then berated Complainant4, lecturing her about how they could have caught the guy and that she should have reported it immediately because he could have also attacked other people that night. Complainant4 felt completely humiliated throughout the entire process and wished she never spoke to the Emerson College Police Officers. **Instead of taking the time to assure Complainant4 that the officers would do everything they could to support her and contact the correct police force that could help her find and charge her assaulter, the Emerson college police decided to berate her.**

Not Informed of Law Enforcement Options:

The Emerson College Police told Complainant4 that they would have to contact the Boston Police Department, as well as the MBTA police, and that those two agencies would get in touch with her if they needed to. Neither the Boston Police nor the MBTA Police ever contacted Complainant4. Complainant4 did not know how to report her assault to the correct law enforcement agencies and was left in the dark by the Emerson College Police on how to move forward with an investigation. **Complainant4 was never told of her option to file a formal complaint with local law enforcement which is in direct violation of Title IX on the college's part.**

Violation of Privacy Rights:

The College continued to violate Complainant4's rights throughout the entire police process. Complainant4 was told that the Emerson Police Chief (who has recently been replaced) would be sending out an advisory to the entire campus, and that he would call her later on in the day to talk to her about it. The Chief did call her, and was initially very understanding about what happened, and he explained to her that he would be writing an email to the whole campus about the incident to help protect other students. He assured her that the email would be totally anonymous and that he would send it to her to review before the rest of the campus got it. That was not the case. He sent the email without showing her first, and on top of that, the email did mention that she was bitten on her lip, and received a large laceration (which therefore compromised Complainant4's anonymity).

Harm to Academic Performance:

Because the letter to the community about Complainant4's assault was written in a way that compromised her anonymity, several friends and classmates made connections with the school's announcement and her facial injuries. The stress of having to answer daily comments about her facial injuries and how they were similar to the Police Chiefs announcement made Complainant4 fall into a deep depression and overwhelmed her with stress. This caused her grades to slip and for her to suffer from a significant decline in her academic standing.

Not Accommodating Disability:

The College offered absolutely no disability support for the stress and the new case of depression that they caused Complainant4. The lack of support that the College offered Complainant4 proved to her that it was never a good idea to report the incident to the College. The hurt and stress that the breach in anonymity caused Complainant4 and the lack of support for the inflicted pain violates the college's responsibility to offer adequate disability support and an equal right to education.

Discouraged from Reporting:

Complainant4 reported the incident because she felt it was the "right" thing to do, but really, she felt the way it was handled made a frightening and invasive incident, humiliating and full of shame. She would not recommend to anyone to report their assault through Emerson College. She felt failed and wish she was aware of her rights and options prior to this date. **Complainant4 believes that Emerson College failed her. Had she been informed about local law enforcement options and the college's requirements to provide services such as disability support and an internal investigation than her experience would have been smoother and ended in a different outcome.**