

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

ABIGAIL ROSS, )  
 )  
 ) Plaintiff, )  
 ) Case Number  
vs. ) 14-CV-484-TCK-PJC  
 )  
THE UNIVERSITY OF TULSA, )  
 )  
 ) Defendant. )

\* \* \* \*

DEPOSITION OF YOLANDA TAYLOR  
Taken on behalf of the Plaintiff  
on the 13th day of March, 2015  
in Tulsa, Oklahoma.

\* \* \* \*

REPORTED BY: STEVE PLUMBTREE, CSR, CP

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APPEARANCES

MR. JOHN CLUNE, Attorney at Law, Huthchinson Black and Cook, LLC, 921 Walnut Street, Suite 200, Boulder, CO 80302, appearing on behalf of the Plaintiff.

MR. J. SPENCER BRYAN, Attorney at Law, BRYAN & TERRILL LAW, 9 East 4th Street, Suite 370, Tulsa, Oklahoma 74103, appearing on behalf of the Plaintiff.

MR. JOHN DAVID LACKEY, Attorney at Law, PAUL & LACKEY, Nine East 4th Street, Suite 400, Tulsa, Oklahoma 74103, appearing on behalf of the Defendant.

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STIPULATIONS

It is hereby stipulated and agreed by and between the parties hereto, through their respective attorneys, that the deposition of YOLANDA TAYLOR may be taken on behalf of the Plaintiff on March 13th, 2015 in the City of Tulsa, Oklahoma by Steve Plumbtree, Certified Shorthand Reporter within and for the State of Oklahoma, taken by agreement pursuant to the Federal Rules of Civil Procedure.

It is further stipulated and agreed by and between the parties hereto, through their respective attorneys, that all objections, except as to the form of the question and the responsiveness of the answer, are reserved until the time of trial, at which time they may be made with the same force and effect as if made at the time of the taking of this deposition.

1 YOLANDA TAYLOR,  
2 having been duly sworn, testified as follows:

3 EXAMINATION

4 BY MR. CLUNE:

5 Q. All right. Ms. Taylor?

6 A. Yes.

7 Q. It's nice to meet you.

8 A. Nice to meet you.

9 Q. Let me tell you a couple of, I wouldn't  
10 call them rules, but just some things to make sure  
11 we're on the same page on. So we obviously, we get  
12 to do these depositions in a nice conference room  
13 and your attorney can wear jeans and that's just  
14 fine and appropriate, but this process and the oath  
15 that you just took is the same force and effect as  
16 the oath that you would take if you were in front of  
17 the judge and in front of the jury. Do you  
18 understand that?

19 A. Yes, I do.

20 Q. Okay. So the same level of importance to  
21 make sure that, a) you're being truthful, which I'm  
22 sure you will be, and then also so that, you know,  
23 you're as accurate as you can be.

24 A. Uh-huh.

25 Q. The second thing is in regards to the

1 questions that I ask you, there could be an  
2 occasion, it's happened before, that I've asked a  
3 bad question and it doesn't make a lot of sense.  
4 And I need you to tell me if something I've asked  
5 you doesn't make sense to you or if you need some  
6 sort of clarification, okay?

7 A. (Witness nods head)

8 Q. And one of the things we'll need to do is  
9 since the court reporter can't really -- or could  
10 document head nods, it's better if we can --

11 A. Yes.

12 Q. -- verbalize yes, no, that sort of thing.  
13 It makes the record a little bit clearer.

14 So I'm going to presume that if I've asked you a  
15 question and you didn't say something like, you  
16 know, "I don't really understand what you're talking  
17 about," then I'm going to presume that you did  
18 understand. Is that fair?

19 A. Yes, it is.

20 Q. Okay. You are -- you've also been  
21 designated as something of a witness that we call a  
22 person most knowledgeable on a particular subject.  
23 Did your -- are you aware of that?

24 A. No, I wasn't. But --

25 Q. Okay. So you have been designated as the

1 person who's most knowledgeable on Title IX issues  
2 as they pertain to sexual assault and sexual assault  
3 investigations on campus.

4 A. Okay. Yes.

5 Q. You weren't aware of that?

6 A. I didn't know that I was -- I didn't know  
7 that that had been a designation, but yes, that's  
8 the area that I work in.

9 Q. Okay.

10 A. So yes, I would be.

11 Q. Okay. So you're comfortable testifying  
12 today as being, you know, somebody who, you know,  
13 knows what the school does on Title IX matters as  
14 they pertain to sexual assault investigations and  
15 that sort of thing?

16 A. That's correct.

17 Q. There were a few areas that we had  
18 indicated that we wanted to be able to go over with  
19 you in regards to being kind of the expert for the  
20 school, for lack of a more accurate term. And that  
21 included some of the past investigations on sexual  
22 assault. I can tell you that I'm not going to ask  
23 you about past investigations of sexual assault  
24 except for maybe talking to you generally about how,  
25 you know, things have been handled in the past.

1 handwritten interviews and changed them into -- or  
2 not changed them, but kind of translated them into  
3 reports as well?

4 A. I believe they transcribed the information  
5 as part of the interview, and then the students also  
6 provided their handwritten statements.

7 Q. Okay. Okay. So how about in addition  
8 to -- you've identified the investigative reports  
9 from the Department of Security, the students'  
10 statements. Anything else besides those?

11 A. That's it. That would be the information  
12 that I have available to me.

13 Q. Okay.

14 A. As well as -- excuse me, as well as the  
15 student conduct hearing.

16 Q. And when you say the student conduct  
17 hearing, is there a transcript of that hearing?

18 A. There is a recording --

19 Q. Okay.

20 A. -- of that particular hearing.

21 Q. So you listened to that recording before  
22 today?

23 A. I did.

24 Q. Okay. So it's my understanding there's  
25 been some changes to the code of conduct of the

1 sexual assault policies since last year, is that  
2 accurate?

3 A. Yes, that's accurate.

4 Q. Okay. Did you have a chance -- did you --  
5 by chance you didn't review the old policies before  
6 today?

7 A. Yes, that would have been the information  
8 that I'd given the students.

9 Q. Okay. Right. You said you gave -- you  
10 reviewed all the information --

11 A. Yes.

12 Q. -- you gave to them, and that includes the  
13 policies?

14 A. That's correct.

15 Q. Okay. What were the relevant policies that  
16 applied to the -- Ms. Ross's hearing that you gave  
17 out to the students?

18 A. I gave them copies of the information  
19 relative to the university student conduct process  
20 and also information on the sexual violence policy  
21 regard -- pertaining to students at the University  
22 of Tulsa.

23 Q. Okay. So and those are two different  
24 documents, right?

25 A. That's correct.



1           **Q.**    Okay.  So and my understanding is the  
2 student conduct process document, that's kind of a  
3 general document that covers all types of  
4 disciplinary hearings?

5           **A.**    That's correct.  What students might  
6 expect, information that they can provide,  
7 witness -- that they can provide witness lists.  And  
8 it just details how the process is supposed to work.

9           **Q.**    Okay.  And so that in conjunction with the  
10 specific sexual violence policy, those are the two  
11 University of Tulsa documents that govern a case  
12 like this one?

13          **A.**    That's correct.

14          **Q.**    And what about other guidance or directives  
15 regarding Title IX either from the government or  
16 some other, you know, entity that you follow?

17          **A.**    Did I provide them that information or --

18          **Q.**    No, did -- I guess what I'm asking you is  
19 are there other documents that are out there that  
20 you review and you study to make sure that the way  
21 you handle these processes are consistent with  
22 Title IX?

23          **A.**    Well, I didn't review that in advance of  
24 this hearing, but I have attended different training  
25 sessions and programs on how to handle student

1 sexual assault cases in accordance with Title IX.

2 Q. Okay. Do you also read the different  
3 guidances that are put out by the Department of  
4 Education?

5 A. Yes, we do read -- I do read those. I  
6 also -- I've read the White House report, task force  
7 reports, information that's provided by the  
8 Department of Education. And that's information  
9 that I typically get through my LISTSERV or  
10 notifications from the Department of Education.

11 Q. Okay. And are there particular documents  
12 from the department that are important for you to  
13 know to do your job?

14 A. Absolutely. The information regarding  
15 Title IX and how we respond to sexual assault cases  
16 and how those cases are adjudicated.

17 Q. Okay.

18 A. That's important for us to know.

19 Q. Do you know what those documents are  
20 that -- from the Department of Education that you --

21 A. A specific title of the document, the name  
22 of the document? I don't have a specific title for  
23 you.

24 Q. Okay. If I said the Dear Colleague  
25 Letter --

1           **A.**    Yes.

2           **Q.**    -- would that ring a bell?

3           **A.**    Absolutely I would know the Dear Colleague  
4 Letter.

5           **Q.**    What is the Dear Colleague Letter?

6           **A.**    The Dear Colleague Letter speaks to how  
7 universities relate to or provide information to  
8 students regarding -- and how we provide policies  
9 that govern adjudicating sexual assault cases and  
10 how we review information and share that information  
11 with our students.

12          **Q.**    Is that -- from the Department of Education  
13 standpoint, is that fair to say that's probably the  
14 most clear directive that they've put out on what  
15 they expect of schools in responding to sexual  
16 assault?

17          **A.**    Clear?

18          **Q.**    Most clear is what I said.

19          **A.**    Yes.  Yes.

20          **Q.**    Okay.

21          **A.**    I would agree.

22          **Q.**    And do you feel like you're familiar with  
23 the directives --

24          **A.**    Dear Coll --

25          **Q.**    -- under the Dear Colleague Letter?

1           **A.**    Yes, I do.

2           **Q.**    Okay.  And have you ever read the  
3 Department of Education 2001 revised guidance on  
4 sexual harassment?

5           **A.**    I have.

6           **Q.**    Is that a document that you consider to be  
7 an important authority on the directives that the  
8 Department of Education expects of universities?

9           **A.**    I do.  And as a result of reading both the  
10 Dear Colleague Letter and that document on the  
11 revisions to the sexual assault policy, the  
12 University of Tulsa revised its sexual assault  
13 policy.

14          **Q.**    Okay.  All right.  And I'm not going to pin  
15 you down on this because there could be other  
16 documents.  But are those two documents two of the  
17 more important ones that have come out from the  
18 Department of Education in the last 15 years or  
19 maybe ever on this issue?

20          **A.**    Those are two of the most important.  And  
21 of course the reauthorization of the Violence  
22 Against Women's Act, of course, was also a very  
23 important part of that, as well as the White House  
24 Task Force and the report that it generated.  The  
25 You Are Not Alone document as well, in terms of

1 providing information to universities on how to  
2 institute certain policies and provide direction for  
3 institutions.

4 Q. Okay. And that last one, that's the White  
5 House Not Alone document?

6 A. Yes. Uh-huh.

7 Q. Okay. We'll come back to those issues in a  
8 few minutes, but what would be helpful is if I had  
9 an understanding of who are all the people at the  
10 university that are responsible besides yourself for  
11 dealing with these reports of sexual assault. And  
12 you can just kind of, you know, just list out the  
13 different people that might interact with somebody  
14 who has reported sexual violence.

15 A. We have a Title IX coordinator and his name  
16 is Wayne Paulison. He's also the vice president for  
17 human resources and risk management at the  
18 University of Tulsa.

19 We also have deputy coordinators, and I am  
20 listed as one, in working with students as it  
21 relates to Title IX issues.

22 Another is Winona Tanaka. She is a senior vice  
23 provost. And she works with harassment cases  
24 typically as it relates to students and faculty.

25 Cheryl Matherly. Dr. Cheryl Matherly is the

1 vice provost for global education and she deals  
2 primarily with the area of global education and  
3 study abroad. So if an issue occurs involving a  
4 Title IX sexual assault, sexual harassment issue  
5 when students are studying abroad, she's generally  
6 the individual to whom that information is reported.

7 Another is Crista Troester and is associate  
8 athletic director, senior women's athletic director  
9 and I believe the associate athletic director at the  
10 University of Tulsa, and she primarily deals with it  
11 as it relates to athletics.

12 Q. Athletics? Men's or women's athletics?

13 A. Men's and women's athletics absolutely.

14 Q. Okay. So you had Winona, Cheryl, Crista,  
15 Wayne, who's the Title IX coordinator. There's some  
16 deputy coordinators. Are some of the people you  
17 listed out some of the deputy coordinators?

18 A. Yes. Wayne is the -- primarily is the  
19 coordinator. And the others whose names I've shared  
20 with you are the deputy coordinators.

21 Q. Okay. Anybody else besides those  
22 coordinators and yourself?

23 A. Those are the only ones that I'm aware of.

24 Q. Okay. What about campus security?

25 A. I'm sorry, and campus security of course.

1 Director Timmons conducts the investigations into  
2 sexual assault allegations at the University of  
3 Tulsa.

4 Q. Okay.

5 A. He and his staff.

6 Q. Anybody else that we've left out?

7 A. I can't think of anyone else.

8 Q. Do you keep anybody kind of apprised of  
9 what's going on that's higher up above you as cases  
10 are progressing?

11 A. I do. I speak with my vice president and  
12 his name is Earl Johnson. So I typically keep  
13 Mr. Johnson apprised, as well as Wayne Paulison, who  
14 is of course the Title IX coordinator.

15 Q. Okay. What about outside counsel for the  
16 university? Do you keep somebody apprised or do you  
17 get consult from outside counsel?

18 A. Yes, I do.

19 Q. Okay. And who's that?

20 A. The outside counsel in this case is Pat  
21 Cremin.

22 Q. Okay. Does it differ sometimes with  
23 different cases?

24 A. It has in the past. We've also had -- at  
25 some point at the University of Tulsa we had

1 in-house counsel.

2 Q. Okay. And what kind of role do the  
3 counsel, whether it's Mr. Cremin or otherwise, what  
4 kind of role or guidance do they give you in the  
5 process?

6 A. They review our policies and our process  
7 and insure of course that we are following the  
8 process in accordance to what's provided to students  
9 and also in accordance to what's required of us as  
10 far as Title IX is concerned.

11 Q. Okay. Is this a -- I mean are you in  
12 active communication with this counsel as a case is  
13 going? Or is this something that you just send them  
14 the final draft of an outcome and let them take a  
15 look at it?

16 A. Active communication.

17 Q. Okay. Is it more active communication with  
18 that attorney than anybody else? Or is there  
19 somebody else that you're in consult with, like  
20 Mr. Johnson?

21 A. No, I would say the most active  
22 communication occurs with counsel.

23 Q. Okay. So does it feel like it's kind of a  
24 team effort of making sure that everything is --

25 A. Yes.



1           **Q.**    -- you know, done in compliance?

2           **A.**    Yes.

3           **Q.**    Okay.  And then these deputy coordinators,  
4    what is their role?  Say, for example, you have a  
5    case that involves the athletic department, you  
6    know.  What is that deputy coordinator's role in the  
7    possess?

8           **A.**    The deputy coordinator does not have a role  
9    in the athletic department in the process.  Only as  
10   notification and that they are aware of the case,  
11   but they don't have an active role in the case.

12          **Q.**    So what's their responsibility as deputy  
13   coordinator?

14          **A.**    There is no responsibility in a sexual  
15   assault case for that deputy coordinator in the  
16   athletic department to work in student affairs on a  
17   sexual assault case.

18          **Q.**    So how about on -- is there -- do they have  
19   a different role in a non sexual assault case like,  
20   you know, equal participation in sports or that sort  
21   of the thing?

22          **A.**    Yes, that's primarily the role in  
23   athletics.

24          **Q.**    Okay.  How about Mr. Paulison, what's his  
25   role in a sexual assault case?

1           **A.**   Mr. Paulison's -- Mr. Paulison again does  
2           not have an active role in the case.  Again my  
3           responsibility is to notify him and I keep him  
4           apprised of the status of the case and share with  
5           him a decision, but that's primarily his  
6           participation in the case.  He too does not have an  
7           active role.

8           **Q.**   Okay.  So it's really you?

9           **A.**   Yes.

10          **Q.**   You and the attorney that may be consulting  
11          with you are the ones that --

12          **A.**   Yes.

13          **Q.**   -- kind of run the show?

14          **A.**   Uh-huh.

15          **Q.**   And what kind of -- I mean is it -- your  
16          communications with Mr. Johnson, is this you just  
17          updating him?  Is he -- does he weigh in on things?  
18          Does -- what kind of communications do you have with  
19          Mr. Johnson?

20          **A.**   It's primarily me updating Mr. Johnson.

21          **Q.**   Okay.  And, you know, in a case like this  
22          that involves the athletic department, is there  
23          anyone else that you're in contact with in regard --

24                You know, I'm going to save that question for a  
25          little bit later.  It's a little bit out of place

1 here so I'll withdraw that.

2 So there's no victim advocate program at the  
3 university?

4 **A.** We do not have a victim advocates program  
5 at the university.

6 **Q.** Has there been ever any discussion about  
7 adding one?

8 **A.** Yes, we've had that discussion, but we have  
9 not at this point had the resources to add  
10 additional. We have two individuals who are on  
11 staff --

12 **Q.** Uh-huh.

13 **A.** -- to handle the sexual assault and student  
14 conduct cases at the University of Tulsa. So we  
15 don't currently have the resources to add additional  
16 staff to serve in a victim's advocate position.

17 **Q.** There hasn't been -- has there been a  
18 discussion about maybe adding one person to be a  
19 victim advocate?

20 **A.** Yes, we've discussed that and we hope to --  
21 we hope to be able to add additional staff in the  
22 next year or so.

23 **Q.** And what would that advocate do once  
24 they're hired?

25 **A.** The advocate would provide assistance to

1 individuals who are victims of sexual assault.  
2 Provide them with the support services, the  
3 information they need to determine whether or not  
4 they choose to go through a hearing, assist them  
5 with reporting to the Tulsa Police Department or  
6 help walk them through the process with the police  
7 department. Or perhaps assist them in even going  
8 through a SANE exam. But simply walk that student  
9 through the entire process to help them through a  
10 sexual assault case.

11 Q. Okay. And do you think that's an important  
12 thing for the university to add?

13 A. I do.

14 Q. And why?

15 A. Because I think students need that kind of  
16 care and support. A sexual assault case of course  
17 is very difficult, and any student that has to go  
18 through a sexual assault case, tell very private,  
19 intimate details of their life, really need  
20 additional support and care. So yes, I do believe  
21 it's an important position.

22 Q. Okay. And in the policies that were in  
23 place when Ms. Ross reported being sexually  
24 assaulted, there's actually a provision for the  
25 accused student to have an advisor in the process,

1 right?

2 A. There is a provision for both students to  
3 have an advisor throughout the process.

4 Q. Do you recall in which document, either the  
5 code of conduct or the sexual violence policy, that  
6 it addresses the victim or the complainant student  
7 has the right to an advisor?

8 A. Well, our policy states that --  
9 In terms of an advisor or an advisor during the  
10 hearing?

11 Q. Right.

12 A. Or throughout the entire --

13 Q. That's a good question. Just through the  
14 hearing.

15 A. Yes, it states that both students might  
16 have a support person from the university community  
17 with them during the hearing.

18 Q. Okay. These policies that were in place  
19 from Ms. Ross's case, they must have come out after  
20 the Dear Colleague Letter, is that right?

21 A. The sexual assault policy pertaining to  
22 students came out in 2011 as a result of the Dear  
23 Colleague Letter. Again, as I said earlier, we  
24 revised our sexual assault policy to a sexual  
25 violence policy in accordance with the Dear

1 Colleague Letter.

2 Q. Okay.

3 A. So that policy was in place in 2014 when  
4 Ms. Ross filed her complaint.

5 Q. Okay. How long have you been in your  
6 position as the dean of students?

7 A. I've been at the University of Tulsa now  
8 for 21 years, and in my position I believe for 18 as  
9 dean of students.

10 Q. Wow. Congratulations. That's a long  
11 tenure.

12 A. And the gray hair proves it.

13 Q. What did you do for the first three years?

14 A. I was associate dean of students and  
15 coordinator of multicultural student programs, and  
16 also served as the acting dean of students. And  
17 then promoted to dean.

18 Q. Okay.

19 A. And eventually associate vice president.

20 Q. Who is the current associate dean of  
21 students?

22 A. I have an assistant dean of students and  
23 his name is Larry Putman.

24 Q. Okay. And is that the only assistant that  
25 you have?

1           **A.**    Yes.

2           **Q.**    And what is Larry's role, if any, in these  
3 cases?

4           **A.**    Larry has -- or Dean Putman has assisted in  
5 providing -- or taking statements or sitting in when  
6 we're taking statements. We try to have two  
7 individuals working a case together. And as I said,  
8 we are the two individuals, so sometimes I might be  
9 the lead or Larry Putman might be the lead.

10           But the idea of having two individuals in terms  
11 of one person is taking notes, the other person is  
12 asking questions. One is observing, the other is  
13 taking notes. But we try to do that. And also to  
14 offer a different perspective to students when we're  
15 in the room.

16           **Q.**    What do you mean by a different  
17 perspective?

18           **A.**    A different perspective I believe for  
19 students when we want them to understand that we're  
20 trying to get as much information as possible to get  
21 to a hearing. Nothing new or different --

22           **Q.**    Right.

23           **A.**    -- in terms of a perspective, but the  
24 perspective is simply to provide as much  
25 information, and the two of us can do that because

1 sometimes one will pick up on information that the  
2 other did not.

3 Q. Okay. I thought you were maybe playing  
4 good cop-bad cop.

5 A. No, we don't play good cop-bad cop. It is  
6 simply to gain as much information as possible.

7 Q. Sure.

8 A. And when one person is asking questions and  
9 the other is taking notes, it's difficult for us  
10 both to get the same information.

11 Q. So when -- and when these policies were  
12 revised after the Dear Colleague Letter, were you a  
13 part of that process?

14 A. Yes, I was.

15 Q. Who else is part of that process?

16 A. Dr. Roger Sorochty. But Dr. Sorochty  
17 retired about a year or so ago, but he was the vice  
18 president for enrollment of student services.

19 Q. Okay. And I know we'll get this question  
20 at the end of the day if I don't ask it now, but how  
21 do you spell the good doctor's last name?

22 A. S-o-r-o-c-h-t-y.

23 Q. So is it just you and Dr. Sorochty?

24 A. Yes. And it was also reviewed by members  
25 of the president's small executive team, it's called



1 PSES, as well as Jacqueline Caldwell who is an  
2 assistant to the president. I think she's his chief  
3 of staff. But she reviewed the policy as well and  
4 she's an attorney. And we did -- I don't believe we  
5 sent it to outside counsel at that point.

6 Q. Okay. When you reviewed -- when you  
7 revised those policies, was there any discussion  
8 about the admissibility of similar bad acts by an  
9 accused student?

10 A. No.

11 Q. Did you see that in the Dear Colleague  
12 Letter?

13 A. We saw that information in the Dear  
14 Colleague Letter. And when I say no in terms of  
15 similar bad acts, similar bad acts if they were the  
16 result of a disciplinary hearing or the result of a  
17 conviction perhaps in a criminal court or in some  
18 other proceeding, yes, that information would be  
19 used. But not if it was based on an alleged report  
20 or something that was not investigated or again part  
21 of the hearing process.

22 Q. Okay. We'll revisit that. But my -- I  
23 guess my initial question was was that discussed, at  
24 least the issue discussed when you revised -- after  
25 seeing the Dear Colleague Letter, was the issue

1 discussed when those policies were revised?

2 A. Yes, it was discussed.

3 Q. Okay. And the decision was made that  
4 unless there is some sort of finding that --

5 A. That's correct.

6 Q. Okay. Then it's not going to be used --

7 A. Correct.

8 Q. -- in the disciplinary hearings?  
9 And was that your idea?

10 A. It was a discussion between Dr. Sorochty  
11 and I, and I'm sure it was a decision we made  
12 together.

13 Q. Okay. Do you recall whether you agreed  
14 with that decision or not?

15 A. I'm sure I did.

16 Q. Do you recall or --

17 A. I honestly don't recall the conversation,  
18 but I can only -- I don't know.

19 Q. Do you recall anybody taking the position  
20 that, you know, maybe we should think about, you  
21 know, using this evidence in our hearings?

22 A. No, I don't.

23 Q. Okay.

24 A. I don't recall anyone else taking that  
25 position.

1           **Q.**    So everybody was on the same page that if  
2           it's just an allegation and there's no criminal  
3           conviction or finding somewhere --

4           **A.**    Yes.

5           **Q.**    -- we're not going to use it?

6           Okay. Was there any discussion about maybe if  
7           we have information, we should look into it  
8           ourselves and decide whether or not we're going to  
9           use it?

10          **A.**    If we have information that's on our campus  
11          relative to a student on our campus, if it's  
12          something that we can review on our campus, then the  
13          answer to that question would be yes. But again, it  
14          would be something of course that we would work to  
15          move toward a finding to use in another hearing.

16          **Q.**    Okay. And how would you use that finding  
17          in another hearing?

18          **A.**    Typically we would use the finding as it  
19          related to sanctions for an individual. If a  
20          student is currently on probation and we get another  
21          finding, then perhaps that student would be  
22          suspended or dismissed from the University of Tulsa.  
23          If we have a finding that perhaps shows a pattern of  
24          behavior, we would perhaps use that information  
25          again in determining what the sanction might be for

1 that student.

2 Q. Okay.

3 A. But again it would be based on whether or  
4 not there is a finding from that particular case.

5 Q. Okay. So -- and we'll get back to that.  
6 But, you know, I was just focused on what the  
7 discussions were --

8 A. Uh-huh.

9 Q. -- at the time that you created those  
10 policies. Now we talked about the policies have  
11 actually changed since Ms. Ross's case, right?

12 A. Yes.

13 Q. What changed?

14 A. The policy on sexual violence changed. It  
15 is a longer policy, if you will, as it relates to  
16 the requirements that came out of the reauthorized  
17 Violence Against Women's Act. So the policy has  
18 more detailed information in terms of resources,  
19 where students might find those resources. And even  
20 though that was included in the previous policy,  
21 it's more detailed in that we've provided more  
22 agencies, additional numbers, names of individuals,  
23 programs and services that are provided on campus,  
24 the kind of training programs that we provide. So  
25 it's gone probably from a four to six-page policy to

1 something now that's about 10 or 12 pages.

2 Q. Okay. It looks like the primary changes  
3 are around the reauthorization of VAWA and the  
4 Campus Save Act, is that fair?

5 A. Yes, that's correct.

6 Q. Were there any changes that you know of  
7 that were made that were not directly tied into the  
8 new requirements under Campus Save and VAWA?

9 A. No, none that I'm aware of.

10 Q. Okay. So you're aware that as part of the  
11 requirements of the Department of Education, the  
12 individuals that deal with campus sexual violence  
13 are required to be specifically trained on the  
14 issues of sexual assault, right?

15 A. Yes.

16 Q. Let's start with what your training is.  
17 And I'll start with Title IX specifically. Can you  
18 tell me what training you've done on Title IX?

19 A. I've attended Title IX seminars sponsored  
20 by United Educators. It was held in Chicago just  
21 recently -- excuse me, not recently, but last year.

22 And I've also attended Legal Issues in Higher  
23 Education, which was at the University of Vermont,  
24 also addressing issues of Title IX and sexual  
25 assault investigations.

1 I've attended The Association of Student Conduct  
2 Administrators conference. Again, specifically  
3 attending sessions on Title IX and sexual assault  
4 investigations.

5 And through the years of course, NASPA and ACPA  
6 and programs for that.

7 I also attended the Stetson Institute.

8 Q. The conference that -- so anything else  
9 besides those?

10 A. Those are the recent conferences that I can  
11 think of that I attended.

12 Q. Okay. In regards to the United Educators  
13 conference, was there a name of that conference?

14 A. I believe the title of the conference was  
15 Preparing for Title IX or Title IX Sexual Assault  
16 Investigations, What You Need to Know, How to Handle  
17 Cases. But I can't tell you specifically the title  
18 of the conference.

19 Q. Okay. And was there any other organization  
20 that was linked to that besides United Educators?  
21 Was there an association or anything or was it just  
22 United Educators?

23 A. It was United Educators.

24 Q. Okay. That's the insurance company?

25 A. Uh-huh.

1 Q. And that was summer of 2013 or '14?

2 A. It was 2014.

3 Q. Okay. And the Vermont course, did you  
4 actually go to Vermont?

5 A. Yes, I did.

6 Q. How was it?

7 A. Beautiful.

8 Q. Yeah. How many days was that training?

9 A. I believe it was three days.

10 Q. Okay. And that was entitled something  
11 along the lines of Legal Issues in the Higher  
12 Education?

13 A. Yes.

14 Q. So how many individual sessions do you  
15 think there were on Title IX?

16 A. Perhaps two or three sessions on Title IX.  
17 I -- perhaps two or three that I attended. I can --  
18 as that was my primary focus and my primary reason  
19 for attending, I believe there may have been two to  
20 three courses -- two to three sessions on Title IX.

21 I'm sorry, I'm thinking about the individuals  
22 who were presenting, but that's --

23 Q. Okay. And out of those two or three  
24 sessions on Title IX, were they all having to do  
25 with sexual assault or were some of them other

1 Title IX issues?

2 A. No, they were primarily dealing with sexual  
3 assault. I think colleges and universities of  
4 course are clearly focused on our responsibilities  
5 as it relates to Title IX, and so most of the  
6 conferences of course are geared toward colleges and  
7 universities and that -- primarily as it relates to  
8 sexual assault. My colleagues from around the  
9 country, we are all interested in learning more so  
10 that we can effectively do our jobs.

11 Q. And when was that conference?

12 A. 2013.

13 Q. Okay. And then you said the Association Of  
14 College Administrators? Is that another one?

15 A. Association of Student Conduct  
16 Administrators.

17 Q. Sorry, Student Conduct Administrators. And  
18 was that a -- did you go somewhere for that  
19 conference or was there --

20 A. Yes, that conference was held in Florida.

21 Q. Okay. Orlando?

22 A. Clear Lake.

23 Q. And what's the -- and I'll skip over one of  
24 them, but what's the Stetson Institute?

25 A. Stetson is also a legal issues conference



1 and it too is held in Florida. And it deals  
2 primarily with student conduct issues, sexual  
3 assault, alcohol, just the various issues that  
4 colleges and universities deal with with regard to  
5 student conduct.

6 Q. Okay. And in these conferences, were there  
7 any sessions in any of them that were specific to  
8 understanding trauma?

9 A. I don't know.

10 Q. Do you recall any?

11 A. I don't recall attending any. I don't know  
12 if there are any actually held or any sessions held  
13 at the conference on trauma.

14 Q. Okay. How about any other training that  
15 you have in understanding trauma and things like,  
16 you know, why trauma affects people in different  
17 ways? What kind of training do you have on that?

18 A. My training with regard to trauma of course  
19 would simply be a part of any session that I've  
20 attended on sexual assault and sexual assault  
21 victims or individuals who report that they've been  
22 sexually assaulted. I don't have any specific  
23 additional training on trauma.

24 Q. Okay. But as you sit here today, you can't  
25 recall any particular sessions on trauma?

1           **A.**    I cannot.

2           **Q.**    Okay.  I'm curious.  What's your opinion on  
3 whether or not that would be a useful thing for a  
4 student conduct administrator to know about?

5           **A.**    I think it's very useful.  And again I  
6 can't say that I've attended any separate sessions  
7 on trauma, but the sessions I've attended have  
8 certainly included information on trauma.  So yes,  
9 it's very important.

10          **Q.**    What kind of things have you learned about  
11 trauma that you didn't know going into these  
12 sessions?

13          **A.**    Individuals who experience trauma sometimes  
14 recall instances of assault or recall information  
15 regarding assault at different points.  Of course  
16 there's this period, there's this immediate period  
17 where they feel of course victimized.  Then there's  
18 the sense of fear in the sense of belief that  
19 they're somehow responsible for what occurred to  
20 them.  Then there is the point at which they begin  
21 to relive this assault, and the point at which they  
22 want others to believe what they've shared because  
23 they think perhaps that someone doesn't believe  
24 them.

25                And the idea of having to again share this

1 information can be very difficult for them. They  
2 don't necessarily share with you everything that  
3 they remember the first time they share this  
4 particular information, and bits and pieces of this  
5 incident begin to unfold as they begin to perhaps  
6 calm a little bit and can give you a sense of what  
7 they truly experienced.

8 So I do have some idea of trauma. And I do have  
9 some idea of what individuals who have experienced  
10 sexual assault and how they might share that  
11 information.

12 Q. Okay. It sounds like it's, tell me if  
13 you've heard this term before, traumatic memory?

14 A. Traumatic memory, absolutely. Also  
15 posttraumatic stress. So I understand that.

16 Q. And that -- by traumatic memory, we're  
17 talking about exactly what you were just describing,  
18 that things can come out in delayed fashion or in  
19 bits and pieces, fragmented, that sort of thing?

20 A. Yes.

21 Q. Okay. And that's not something that  
22 usually the average person really understands if  
23 they haven't done training on that, those issues?

24 A. That's correct.

25 Q. Okay. So other than the concepts around

1 traumatic memory, is there anything else that you  
2 recall being trained on in regards to trauma and how  
3 it impacts survivors of sexual assault that you may  
4 be responding to?

5       **A.** I think it's important to provide  
6 individuals who've gone through a traumatic  
7 experience with counseling support services, health  
8 support services, to provide them with a calming  
9 environment so they do feel comfortable enough to  
10 share this information and that they feel that there  
11 are individuals that they can trust.

12       We have a network of primary responders also  
13 listed in our sexual assault policy, so if a student  
14 needs assistance, we want to be able to provide them  
15 with someone again who can listen, who can help them  
16 through processes that can be very difficult to  
17 handle. So I -- that's what we do as part of  
18 providing support and providing the care that  
19 students who have gone through a traumatic  
20 experience have. So that's what we do.

21       **Q.** Why is it important, do you think, for you  
22 to understand trauma in doing your job?

23       **A.** Because it's important for me to understand  
24 that an issue statement that I receive from a  
25 student may not be the complete statement and it

1 will unfold over a period of time. And so I have to  
2 be careful to expect students to read a statement  
3 and say, well, that's not what I said or that's not  
4 what I meant. And to give them the opportunity to  
5 provide follow-up information.

6 Q. And would you agree with me that sometimes  
7 trauma survivors will give inaccurate information,  
8 lengths of time, order of events, that sort of thing  
9 based on the trauma?

10 A. Yes, I think that's sometimes possible.

11 Q. Okay. And as the potential, you know,  
12 administrator handling it, that's something you need  
13 to know to be able to make sure that you're not  
14 unfairly critiquing somebody who may be giving  
15 information that has some inconsistencies, but  
16 there's an explanation for it based on the trauma?

17 A. That's correct.

18 Q. So you have a good amount of training on  
19 these issues it seems. What about your assistant  
20 dean, what kind of training does he have? The same?

21 A. He has been similarly trained. He has  
22 attended most of the conferences that I've attended  
23 just recently. And of course we'll be providing  
24 additional training over the next year.

25 Q. Okay. And how about the Department of

1 Security, what kind of training did they get?

2 A. I really can't speak to the training that  
3 the campus security officers experience, what they  
4 go through as far as campus security officers. But  
5 I can share with you what Director Timmons has told  
6 me about the training his officers received.

7 Q. That's fine. Sure.

8 A. They have gone through Title IX training  
9 and he has taken staff members to training on  
10 Title IX. They have also provided additional  
11 training according to Director Timmons for his  
12 officers in the investigation of sexual assault  
13 cases. And I think he's designated perhaps two or  
14 three officers for that training and they are the  
15 ones who are primarily responsible for investigating  
16 those cases.

17 Q. Do you know when they were trained?

18 A. I think it's been within the last three --  
19 two to three years that he's really expended some  
20 energy on and resources in training his staff.

21 Q. Do you know if it was before or after  
22 Ms. Ross's investigation?

23 A. I believe it was before.

24 Q. Okay. But he'd be a better person to --

25 A. He would be a better person to answer that

1 question.

2 Q. Okay. We'll ask him. Do you know which  
3 officers have been designated as the sexual  
4 assault --

5 A. There are two that I have worked with,  
6 Julie Friedel and Zach Livingston are two officers  
7 that I have worked with that I know have been  
8 responsible for working on sexual assault cases.

9 Q. Do you know if those two have actually  
10 received the training or if they're just people who  
11 have been designated to work on these cases?

12 A. These are two officers that  
13 Director Timmons has stated have received the  
14 training.

15 Q. Okay. But you don't -- he didn't say what  
16 types of trainings they've been to, just the general  
17 categories?

18 A. Correct. I don't have specific information  
19 on the training sessions they attended.

20 Q. Okay. Would you consider it to be  
21 important that they be trained in understanding  
22 trauma as well?

23 A. Yes.

24 Q. And why is that?

25 A. Because when taking a witness statement, of

1 course it's important, again as I stated earlier, to  
2 understand how the information may come out and why  
3 it's important to visit with a witness or visit with  
4 an individual who's filed this complaint on more  
5 than one occasion to give them an opportunity to  
6 review the statement to determine whether or not  
7 it's complete or if there's additional information  
8 that they might provide. And I think it's important  
9 to get that.

10 Q. Do you or anybody in your office provide  
11 any training to campus security on either Title IX  
12 or sexual assault or trauma or any of the issues  
13 we've talked about?

14 A. I do not. We do not.

15 Q. How about, to your knowledge, the Title IX  
16 coordinator, Mr. Paulison's office? Does he provide  
17 any training to campus security on any of these  
18 issues?

19 A. I do not know if he provides that training  
20 to campus security.

21 Q. Okay. Do you think you would know if he  
22 did? Or could that happen and you wouldn't know  
23 about it?

24 A. It's possible that it could happen and I  
25 don't know about it. I just don't know if he



1 provides training for them or not.

2 Q. Okay. Do you know if Mr. Paulison has  
3 training on trauma?

4 A. I don't know if Mr. Paulison has training  
5 on trauma, but Mr. Paulison and I have at least been  
6 in one session or attended one conference  
7 together --

8 Q. Okay.

9 A. -- where we heard the same information.

10 Q. Mr. Paulison actually has another job  
11 besides being the Title IX coordinator, doesn't he?

12 A. Yes, he does.

13 Q. What is his job?

14 A. He is the associate vice president for  
15 human resources and risk management.

16 Q. So that sounds to me like that's probably  
17 his primary job. He's also a Title IX coordinator?

18 A. Yes, he is.

19 Q. Okay. Do you know how long he's been  
20 Title IX coordinator?

21 A. Perhaps two, maybe three years.

22 Q. Okay. So was he in his existing position  
23 when he was given the title of Title IX coordinator?

24 A. Yes.

25 Q. Okay. So is that an added duty to his

1 existing job?

2 A. Yes, it is.

3 Q. What kind of training is given to the  
4 student conduct boards that hear these cases?

5 A. We provide the training on, one, how a  
6 student conduct case is handled, what they might  
7 expect to hear from students and in sexual assault  
8 cases, the type of information students might  
9 provide in a sexual assault hearing. We share with  
10 them, one, it's very sensitive information and it's  
11 sometimes very difficult for students to have to  
12 recount what occurred to them. And it's important  
13 for them to ask questions regarding the incident.

14 We're not asking questions about a student's sex  
15 life. And if others try -- if someone else tries to  
16 introduce that information, it's not relevant to  
17 this process or certainly not relevant to the case.

18 And we do talk with them about making sure that  
19 they are -- that they stay in a very specific way  
20 with the information provided in this particular  
21 case. And we don't want them to get off on tangent,  
22 particularly if, say for example, alcohol was  
23 involved, I -- we wouldn't want students to be  
24 questioned about how many drinks they had on any  
25 given night. So it's very important again to stay

1 very specific to the case.

2 Q. Okay. And how many trainings does a  
3 conduct board get? Is it just one or are there  
4 multiple?

5 A. They get one a year. And we also phase --  
6 even with training, we sometimes have to do  
7 individual training because students are appointed  
8 to the board by student association and that group  
9 is very transient. So we can do a training with  
10 faculty and staff, and most of those individuals of  
11 course are at the university for a specific period  
12 of time and would certainly be there. But students  
13 we may often have to do a one-on-one training with  
14 them.

15 Q. Okay. And so on the training that they get  
16 on an annual basis, how long is that training?

17 A. Training is about two hours.

18 Q. Okay. And who puts on that training?

19 A. That training has come through the Office  
20 of Student Affairs and Dean Putman has been  
21 providing the training for faculty and staff on  
22 hearing cases.

23 Q. Okay. And how long --

24 A. In hearing cases.

25 Q. Sorry. How long has he been doing the

1 training?

2 A. He's been doing it for about a year at this  
3 point.

4 Q. Okay.

5 A. A year, year and a half.

6 Q. So for the -- there was a board assembled  
7 on Ms. Ross's case initially, correct?

8 A. Yes, there was.

9 Q. And so for that board you did the training?

10 A. I did the training -- no, I'm sorry.

11 Dean Putman did the training for that board.

12 Q. Okay. And when would he have done that  
13 training?

14 A. It would have been I'm sure just prior to  
15 the original date that we actually set for the  
16 hearing.

17 Q. So --

18 A. The original hearing date. I'm sorry, I  
19 don't remember the original hearing date.

20 Q. March 5th? Does that sound right?

21 A. March 5th. So it would have been prior to  
22 the March 5th hearing date.

23 Q. Okay. So it's not like you do a group  
24 training at the start of the year. You do it on  
25 an -- as the board is assembled for a particular

1 case?

2 A. Yes.

3 Q. You do a training, make sure it's fresh in  
4 everybody's mind, that sort of thing?

5 A. Yes.

6 Q. Okay.

7 (OFF THE RECORD)

8 BY MR. CLUNE:

9 Q. I want to hand you what has been marked as  
10 Exhibit 1 of this deposition. Is that the -- go  
11 ahead and just flip through it for a second so --  
12 before I ask you about it.

13 A. Uh-huh.

14 Q. So out of roughly 30 pages, how many do you  
15 think were in there that you saw that dealt with  
16 sexual misconduct?

17 A. There weren't any listed here.

18 Q. Okay. I saw one. But I don't want to give  
19 credit where credit's not due. Look at the one  
20 that's marked -- look at the numbers on the bottom  
21 right as 8876. It should be in sequential order.

22 A. Okay.

23 Q. So there's one page, right?

24 A. Uh-huh.

25 Q. And that one page talks about Title IX and

1 generally equal opportunity for students, right?

2 A. Uh-huh.

3 Q. The slide itself actually doesn't --  
4 although it's titled Sexual Misconduct and Title IX,  
5 the actual slide doesn't talk at all about sexual  
6 misconduct.

7 A. Uh-huh. Uh-huh.

8 MR. LACKEY: Is that a yes or no?

9 THE WITNESS: I'm sorry. That's correct.

10 BY MR. CLUNE:

11 Q. Okay. Any other training that the board  
12 would get other than that two-hour presentation  
13 on -- let's -- I'll make it more specific.

14 For Ms. Ross's case, any other training that  
15 that board received for Ms. Ross's case?

16 A. No, the board did not receive additional  
17 training.

18 Q. Do you feel like the training that's put on  
19 for these boards is sufficient to address rape  
20 cases?

21 A. I think it was sufficient to hear any  
22 allegation of sexual assault. Again, the goal of  
23 course is to provide the student with an opportunity  
24 to be heard and to have their information reviewed  
25 by the board to determine a finding. And I think

1 the board members are capable, even in a sexual  
2 assault case, of providing a student with a fair  
3 process.

4 Q. So Mr. Putman is not giving them trauma  
5 training, is he?

6 A. No, he is not.

7 Q. Okay. And like it's important for you to  
8 understand trauma, I would imagine you would agree  
9 that it would be equally as important, even if not  
10 more important, for the board who might be reaching  
11 a decision to understand trauma as well?

12 A. I agree.

13 Q. Is that something that has been discussed  
14 as added to the training, bringing somebody in to  
15 teach boards about trauma?

16 A. No, it has not been discussed, but of  
17 course it's something we should do.

18 Q. Okay. How many reports does the university  
19 receive from students about alleged sexual  
20 misconduct on average?

21 A. On average, we may receive two, perhaps  
22 three cases a year. And that -- I -- that would be  
23 on average. Sometimes we may have one case a year.  
24 We may have zero cases reported. And then some  
25 years we may have three cases reported, three to

1 four cases reported.

2 Q. And when -- what constitutes a report to  
3 you when you use that term?

4 A. I constitute a report as a student who may  
5 contact campus security and submit a record or make  
6 a report with campus security and indicate they have  
7 been assaulted. Or a student who may walk into my  
8 office and report to me that they've been assaulted.  
9 Any report that would be used for clearly reporting  
10 statistics, I consider a report.

11 Q. Okay. So you are notified of any reports  
12 that go to say Department of Security?

13 A. Yes, I am.

14 Q. And are -- is there any requirement at  
15 Tulsa generally that staff report allegations of  
16 sexual misconduct even if they're not in your office  
17 or in the Department of Security?

18 A. That's correct. Any individual who is  
19 literally employed by the University of Tulsa who  
20 receives a report must provide that information  
21 either to the Office of Campus Security or the  
22 Office of Student Affairs. So that it is of course  
23 included in our Clery statistics.

24 Q. What if they make an instant determination  
25 that it's not a credible report?



1           **A.**    Then I wouldn't know if someone made that  
2    decision.

3           **Q.**    I asked you a bad question. I'm going to  
4    ask you a better one. Are the staff on campus  
5    allowed to make the determination of whether or not  
6    the report is credible or are they required to pass  
7    it on to you regardless?

8           **A.**    They are required to pass it on.

9           **Q.**    Okay. So you get two or three a year that  
10   are reports. And how many of those end up, do you  
11   think, being charged?

12          **A.**    Or submitted to a hearing body?

13          **Q.**    Are those different issues?

14          **A.**    Because a student may file a report but not  
15   want to go through with a hearing. I don't -- or  
16   may file an anonymous report. And of course in that  
17   respect we wouldn't know who the students are that  
18   are -- we wouldn't know the student who reported it.  
19   We perhaps know the student who was alleged to have  
20   committed a violation of the code of conduct, but we  
21   wouldn't necessarily know the individual who filed  
22   the report.

23          **Q.**    Okay. But from the reports that you get,  
24   the two to three a year that you get, how many of  
25   those respondent students or accused students

1 actually get charged under the code of conduct by  
2 your office?

3 **A.** All of those students are -- if the report  
4 comes into my office, all of those students are  
5 contacted. Whether or not a student who files a  
6 complaint wishes to go through with a hearing of  
7 course makes a difference in whether or not --

8 We are required, of course, to investigate any  
9 complaint that we receive, but it's very difficult  
10 sometimes to get through a hearing or to get a  
11 decision or a finding if the student who reports  
12 chooses not to participate.

13 So if there is enough information for us to move  
14 forward with -- from an investigation, if there's a  
15 report, a student's participating in the process,  
16 and the complaint is filed and a student is  
17 notified, then we can move forward with the hearing.

18 **Q.** Okay. So have you had years where there's  
19 been more than three cases reported?

20 **A.** Not to my knowledge where I -- that I can  
21 say to you that I've had more than three cases  
22 reported in a year. I don't recall more than three  
23 cases actually being reported in any given year.

24 **Q.** What is your training on the frequency of  
25 sexual assault on campus in -- generally in the US?

1           **A.**    Generally the statistics are that one in  
2           five women are assaulted on campus during the period  
3           that they're enrolled in a university.  So I firmly  
4           believe there are far more cases of sexual assault  
5           occurring on campus than are reported, but sexual  
6           assault throughout the United States, whether  
7           reported in an office on a college campus or to a  
8           police, the local police department, is clearly the  
9           most underreported crime there is.

10          **Q.**    Uh-huh.

11          **A.**    So do I believe that there are far more  
12          assaults on campus?  Yes, I think there are far more  
13          assaults on every campus in the US than are actually  
14          reported.

15          **Q.**    How many students are at Tulsa?

16          **A.**    We have about 4600 students enrolled at the  
17          University of Tulsa and 51 percent male, 49 percent  
18          female.

19          **Q.**    So you said 4600 total?

20          **A.**    Yes.  And that would include undergraduate,  
21          law, and graduate students.

22          **Q.**    Okay.  And do you -- are you involved with  
23          allegations about sexual assault for graduate  
24          students and law students or are you just on the  
25          undergraduate side?

1           **A.** For students also, undergraduate and law --  
2 undergraduate, law, and graduate school.

3           **Q.** Okay. So you have roughly 2300 students --  
4 some rough math --

5           **A.** Uh-huh.

6           **Q.** -- which is not my expertise, but you have  
7 about 2300 female students on campus roughly?

8           **A.** Yes.

9           **Q.** A little less than that?

10          **A.** Uh-huh.

11          **Q.** And you get about two or three reports a  
12 year.

13          **A.** (Witness nods head)

14          **Q.** And that one out of five, if I test my math  
15 skills, tells me you're looking at somewhere over  
16 400 sexual assaults?

17          **A.** Yes.

18          **Q.** Is that right? So why do you think  
19 reporting is so low, just on your campus? And I'll  
20 tell you, you can answer it in a way that also  
21 addresses why it's low nationally because I don't --  
22 but if there's --

23          **A.** Because I don't -- I understand. I just  
24 don't think that the University of Tulsa is an  
25 anomaly.

1           **Q.**    Right.

2           **A.**    What I think with regard to underreporting,  
3    most cases of sexual assault that are reported on  
4    college campuses are reported as acquaintance or  
5    date rape, and students are sometimes hesitant to  
6    report individuals that they perhaps considered  
7    friends.  It's a small community, particularly at  
8    the University of Tulsa.  Students sometimes feel  
9    isolated or ostracized from their various  
10   communities when they do that.

11           It's also a traumatic experience that students  
12   don't necessarily want others involved in.  They  
13   don't want to go to any administrator on campus and  
14   share with them that they have been assaulted  
15   because, as I said before, there are various reasons  
16   why students have difficulty reporting those cases  
17   as I previously said to you.  Again, yes, it is a  
18   traumatic experience for students who've been  
19   sexually assaulted.  They know these individuals.  
20   Their -- they believe they were friends or they  
21   believe they were dating.  They believe they might  
22   be isolated or ostracized by others.

23           In a small community when you file a report,  
24   sometimes it's who will get the friends.  Because I  
25   either believe you or I don't.  I believe you or I

1 believe him. And so in the end I'm not left with a  
2 support system because I've lost all of my friends.

3 It's -- the reasons are broad as we well know.  
4 Sometimes students don't trust universities, don't  
5 trust the system. They don't believe that we are  
6 going to respond appropriately to them. We've been  
7 doing a great deal of programming on campus in terms  
8 of providing information to students on how to  
9 report. Please report. Yes, we want to help. We  
10 don't want students to be isolated in their  
11 environment.

12 And yet, students don't report. Cases where  
13 students have said, "I didn't report." Or I've  
14 heard cases or instances where or read about  
15 something where a student said, "I didn't report  
16 because my parents didn't want me to report." Was  
17 it -- just sometimes people tell them to just suck  
18 it up, like you can really just suck that up.

19 But when you ask me why, those are some of the  
20 reasons that I've heard and some of the reasons that  
21 I believe to be the case.

22 Q. In your time -- let's just say in the last  
23 five years since you've been in school for a long  
24 time. In the last five years, how many students  
25 have been expelled for sexual assault?

1           **A.**    In the last five years?

2           **Q.**    Yeah.

3           **A.**    I can't think of a student that's been  
4 expelled for sexual assault over the last five  
5 years. And one student that was suspended. And  
6 over the last five years, not very many cases that  
7 have actually gone through to a hearing process,  
8 through the hearing process.

9           **Q.**    How about in your 18 years in this  
10 position, how many students would you say have been  
11 expelled?

12          **A.**    We've had several students --

13          **Q.**    And I should say -- I clarify. I'm sorry I  
14 cut you off. Expelled for sexual misconduct.

15          **A.**    Sexual assault. We've had several students  
16 expelled for sexual misconduct over the 18 years  
17 that I've been at the university.

18          **Q.**    Can we narrow several at all?

19          **A.**    Like over an 18-year period?

20          **Q.**    Less than 10?

21          **A.**    Several would be less than 10. Perhaps two  
22 to three students over an 18-year period --

23          **Q.**    Okay.

24          **A.**    -- could have actually been expelled from  
25 the university.

1           **Q.**   How long has it been roughly since you  
2 recall somebody being expelled from the university  
3 for sexual misconduct?

4           **A.**   I'm sure it's been between seven and  
5 10 years since a student was actually expelled for  
6 sexual misconduct.

7           **Q.**   Can you recall any of those cases?

8           **A.**   Yes, I do recall two cases.

9           **Q.**   And what were those two?

10          **A.**   A student -- and I said the last five to  
11 seven years, but my memory may be within the last  
12 18 years of a student who was an RA and a friend of  
13 a young woman on the -- on his floor. And she had  
14 been drinking -- or they had been drinking together  
15 in the room. She may have passed out and he  
16 sexually assaulted her. And when she woke up, he  
17 was having sex with her. And he was expelled from  
18 the university.

19          **Q.**   Do you recall his name?

20          **A.**   I do not.

21          **Q.**   Okay.

22          **A.**   Another case of a student who was at a  
23 fraternity party and was a sorority sister to  
24 another young woman who was attending the party.  
25 The young man was -- there were two sorority



1 sisters. One had a little too much to drink. The  
2 second one was concerned that it would be an issue  
3 for her with the sorority, she could be brought up  
4 on a standards case, and so she asked her boyfriend,  
5 who was a member of the fraternity, to take the  
6 first student back to her residence hall. The three  
7 could not travel together because he was driving a  
8 sports car. And he drove her back to the residence  
9 hall. And at some point, I can't remember all the  
10 details, he sexually assaulted her. And I know  
11 those two were expelled from the university.

12 Q. Okay. We talked a little bit about the  
13 difference between a student getting charged and  
14 going to a hearing and you had mentioned there had  
15 not been a lot of hearings. How -- just generally,  
16 how frequently do you have a hearing on a sexual  
17 assault case?

18 A. We perhaps have a hearing once every other  
19 year. I wouldn't say that we have one every year.  
20 We may have a report, but we may not necessarily  
21 have a hearing. Over the last five years, I've had  
22 students file reports who have chosen not to go  
23 through to a hearing process.

24 Q. Since Ms. Ross's hearing, how many have you  
25 had?

1           **A.** I've not had any hearings. But we have had  
2 reports of sexual assault on campus.

3           **Q.** Okay.

4           **A.** But we've not -- I don't recall having a  
5 hearing at this point. I'd actually have to go back  
6 and look at the records. I know that we've  
7 certainly had cases reported. I -- there are some  
8 that come to mind, but as far as the date is  
9 concerned, I'm not sure if it occurred before or  
10 after.

11          **Q.** Okay.

12                  MR. CLUNE: You know, maybe this is an okay  
13 time to take a few minutes.

14                  MR. LACKEY: Sure.

15                  MR. CLUNE: Good to take a break for a few  
16 minutes?

17                  THE WITNESS: Oh, I -- yes.

18                  MR. CLUNE: Okay. Great.

19                  THE WITNESS: Thank you.

20                                  (RECESS)

21 BY MR. CLUNE:

22           **Q.** Okay. We're back on. So in the calendar  
23 year that Ms. Ross reported her assault, the  
24 2013-2014, you said there hadn't been any hearings  
25 since hers, but were there any prior to hers?

1           **A.**    Yes.

2           **Q.**    In the fall of 2013?

3           **A.**    Yes.

4           **Q.**    How many were in the fall of 2013?

5           **A.**    One.

6           **Q.**    And what month was that one held?

7           **A.**    October.

8           **Q.**    And so the hearing was held in October?

9           **A.**    I think it was held in October.  I'd have  
10   to go back and consult the records to actually give  
11   you the correct date.

12          **Q.**    Okay.

13          **A.**    But it's --

14          **Q.**    Roughly October?

15          **A.**    Roughly October.

16          **Q.**    Okay.  That's fine.  And when was the  
17   decision made on that case?

18          **A.**    The decision wasn't made until the  
19   following spring in that particular case.

20          **Q.**    And why is that?

21          **A.**    There -- the student who was accused in  
22   that particular case had an attorney who asked for  
23   and received continuances, if you will, in terms of  
24   providing a statement.  The student said he would  
25   participate in the hearing and then he didn't.  He

1 didn't show up for the hearing, and the board wanted  
2 to hear from the student and have a statement from  
3 the student before making a decision. And there was  
4 a discussion with TU counsel and the student's  
5 attorney to wait for the student to provide a  
6 written statement. The attorney was ill, fall  
7 break, and then the information wasn't provided  
8 until the student returned in the spring semester.

9 Q. Who was the attorney?

10 A. The attorney for the University of Tulsa?

11 Q. No, for the student, the accused student.

12 A. I'd have to consult the records. I don't  
13 have the name of the attorney off --

14 Q. So the accused student failed to show for  
15 the hearing?

16 A. Correct. On the date of the hearing, the  
17 student's attorney showed up for the hearing and  
18 wanted to attend in his stead. And attorneys at  
19 that point were not permitted in university  
20 hearings, and so of course he could not attend  
21 simply to sit in and listen without his client  
22 present. I recall the client's -- his client  
23 stating that he had an exam on that particular day,  
24 and I offered to provide an excuse for the student  
25 to the faculty, to contact the faculty member on the

1 student's behalf. But I didn't hear back from the  
2 attorney or the student.

3 Q. So it took several months to get that  
4 student to give his statement?

5 A. Yes.

6 Q. And in the meantime the victim left school?

7 A. She transferred, that's correct.

8 Q. What was the outcome of that hearing?

9 A. He was suspended from the University of  
10 Tulsa.

11 Q. So he was found responsible?

12 A. He was.

13 Q. Is he currently at the University of Tulsa?

14 A. He is not.

15 Q. Did he return after his suspension?

16 A. He applied for readmission, but he was not  
17 allowed to return to the University of Tulsa.

18 Q. And the female student that reported being  
19 the victim of sexual assault, she's not returned to  
20 the University of Tulsa?

21 A. No, she has not.

22 Q. What do you think of that outcome?

23 A. I believe this decision should have been  
24 made earlier. I believe the student who was accused  
25 in this particular case should have provided a

1 statement earlier. And I do not agree that it  
2 should have gone on as long as it did.

3 Q. Did you advocate for that?

4 A. I did.

5 Q. And who overruled you?

6 A. Again counsel was involved working with the  
7 student's attorney. And so those decisions were  
8 made outside of my purview.

9 Q. Was there anybody other than counsel on  
10 behalf of the university that was involved in making  
11 that decision?

12 A. No.

13 Q. Okay. How often have you been asked to  
14 preside as the decision maker in these cases as you  
15 did in Ms. Ross's case?

16 A. I am not often asked to preside in those  
17 cases. Generally the cases go before the board  
18 rather than having an individual hearing officer.

19 Q. Can you -- just try to quantify. Do you  
20 know how many times you've served as the decision  
21 maker?

22 A. I've served as the decision maker over my  
23 tenure at the University of Tulsa maybe seven to  
24 10 cases.

25 Q. Okay.

1           **A.**    As decision maker.

2           **Q.**    Was it more common back in the day or is it  
3 just sporadic over the 21 years?

4           **A.**    It's just -- it's sporadic.  And it was  
5 more common during my -- I'd say my first five to  
6 10 years at the University of Tulsa to hear the case  
7 independently or as an individual hearing officer.  
8 And at some point our practice was to move those  
9 cases to a hearing body or the hearing board, so I  
10 wouldn't hear the cases individually.  Or I did not  
11 hear those cases individually.

12          **Q.**    So prior to Ms. Ross's case, how long had  
13 it been since you had served in that capacity?

14          **A.**    It had been a number of years and I can't  
15 specifically tell you how many years.

16                But I do know that we had been referring at the  
17 point Mrs. -- Ms. Ross came to our office probably  
18 over a period of five years where those cases have  
19 been referred to a conduct board.

20          **Q.**    Okay.  Can you recall cases where an  
21 accused student's prior sexual misconduct was  
22 admitted at the hearing?

23          **A.**    No.  I cannot recall a case where a  
24 student's prior misconduct was admitted.

25          **Q.**    Had you --

1           **A.**    I cannot recall a case where there was  
2 prior sexual misconduct. I just can't at this  
3 point.

4           **Q.**    So this was kind of unchartered territory?

5           **A.**    I wouldn't say unchartered territory. It  
6 was not unchartered in the sense that students don't  
7 come to us with a prior history that we use in  
8 student conduct cases. Though not a prior sexual  
9 misconduct case, but we are accustomed to handling  
10 cases where students have a previous misconduct  
11 issue.

12          **Q.**    So the -- but this was the first time you  
13 had dealt with someone accused of sexual misconduct  
14 and you became aware of other allegations of sexual  
15 misconduct occurring before the hearings?

16          **A.**    That's correct.

17          **Q.**    All right. Is there anything in the  
18 policies that address the use or admissibility, for  
19 use of a more legal term than we need, of prior  
20 sexual misconduct of the accused student at the  
21 hearing? Is there anything that talks about what's  
22 going to be the determination?

23          **A.**    I don't think there is anything  
24 specifically in the policy.

25          **Q.**    So who came up with this I guess rule of



1 thumb that says that, you know, that it may be  
2 usable if there is some prior adjudication or  
3 determination?

4 **A.** As I said earlier, that would have been  
5 part of a discussion that Dr. Sorochty and I had  
6 with regard to the revisions in our policy. In this  
7 particular case I had advice of counsel on how to  
8 proceed with the allegations of previous conduct  
9 that did not result in a decision from another body.

10 **Q.** And why would you need the decision from  
11 another body?

12 **A.** Because it would show whether or not a  
13 student was held responsible for it. Whether or not  
14 a student had an opportunity to address allegations,  
15 instead of someone saying that this occurred without  
16 an individual being able to respond to those  
17 allegations.

18 **Q.** Well, let me give you a hypothetical.  
19 Let's say you had information that an accused  
20 student had previously raped another individual and  
21 you had information that you thought was reliable  
22 that the accused student admitted to having raped  
23 that individual but had never been adjudicated in  
24 any fashion. Would that be used in a subsequent  
25 hearing?

1           **A.**   Well, I think we would need all of the  
2           information to determine whether or not it is  
3           credible. And it's very difficult I think to use  
4           the information if someone hasn't had an opportunity  
5           to respond to that allegation. You can be accused  
6           of something and it may be a very credible  
7           accusation, but in our policy it states that a  
8           student has the right to face an accuser and have  
9           the opportunity to respond to any allegation against  
10          them.

11          **Q.**   So but in your hearing procedures, if you  
12          had -- if you use somebody's prior bad acts or  
13          accusation of sexual history, you would certainly  
14          give the accused student the opportunity to respond  
15          to not just the accusation that they're on trial for  
16          at the moment, but any prior allegations against  
17          them, wouldn't you?

18          **A.**   Not in that hearing. That hearing would  
19          have the -- to respond to that particular  
20          allegation, it would have to refer to the individual  
21          that provided that information. You'd have to  
22          respond to it in another setting. You can't use --  
23          or we wouldn't use that information because we are  
24          deciding the case involving those two students and  
25          not a case involving another individual.

1           **Q.**    I think my question was maybe a little  
2           misleading, but I'm saying if you were -- in this  
3           hypothetical situation if you were to use somebody  
4           else's prior sexual misconduct at a hearing,  
5           regardless of whether or not there was -- you know,  
6           maybe there was a conviction, maybe there wasn't.  
7           But if you use that at the current hearing, you  
8           would allow that accused student to contest and  
9           challenge both of the allegations at the hearing?

10           **A.**    But again, only if that information is as a  
11           result of a disciplinary hearing. It can't be based  
12           on again an allegation.

13           **Q.**    We talked a minute ago about my  
14           hypothetical of somebody had admitted to it. And  
15           you had said that there may be, you know, some  
16           credibility determination that may be made.

17           **A.**    If a student admitted to --

18           **Q.**    Right.

19           **A.**    -- a sexual assault?

20           **Q.**    (Counsel nods head)

21           **A.**    What did I say? And what was the question  
22           and what did I say?

23           **Q.**    That's a great question. My ability to get  
24           that right is -- I'll give you my sense of what the  
25           question and what your answer was. I had asked you

1 what if somebody who is, you know, on trial at a  
2 hearing for sexual misconduct, there was evidence of  
3 a prior sexual misconduct to which the student had  
4 actually admitted to, but there had been no  
5 adjudication or determination, would that be  
6 admissible.

7 And you said, well, yeah, we'd have to look at  
8 the whole picture and --

9 **A.** If the student admitted to it, but if it is  
10 an allegation to which the student has not admitted,  
11 that -- that's a -- that would be a totally  
12 different scenario.

13 **Q.** Okay. Well, then I'll give you another  
14 hypothetical. Let's say you have another case where  
15 you don't have an admission, but you believe from  
16 reviewing the information that well beyond a  
17 preponderance of the evidence that student committed  
18 the prior sexual misconduct. Would you allow that  
19 to be used at the hearing?

20 **A.** Only if I first hold that student  
21 responsible for that particular allegation. It's --  
22 I have to focus on the case at hand. If I have this  
23 additional information from another allegation, and  
24 even if I believe based on the preponderance of the  
25 evidence that this individual is responsible for

1 that act, I don't combine those two. I still have  
2 to hear them as two distinctively separate hearings.

3 If this information is available to me prior to  
4 this particular hearing, a decision is made, the  
5 student is held responsible, then yes, we would  
6 certainly use that information when we go into the  
7 subsequent hearing for the second allegation.

8 Q. Okay. And just so I'm clear, if -- what  
9 you're saying is that if you had information about a  
10 prior sexual, act of the sexual misconduct of  
11 somebody who's an accused student and you believed  
12 that by the preponderance of the evidence that he  
13 actually committed the prior act, so long as he was  
14 not adjudicated in some fashion, there's no scenario  
15 where you would allow that information to be  
16 presented to either yourself or the board, whoever's  
17 making the determination?

18 A. Because the accused student has not had an  
19 opportunity to respond to that allegation.

20 Q. Okay. So you agree with what I just said?  
21 That's yes?

22 A. What I agree to is I would use that  
23 information if the student who was accused of the  
24 previous sexual act has had an opportunity to  
25 respond to that particular allegation, then -- and

1 is held responsible, then yes, I would use that  
2 information.

3 Q. Okay. So I'm going to restate it a  
4 different way that maybe you'll agree with because  
5 I'll incorporate what you said. So unless that  
6 student has had the opportunity to previously  
7 respond to the allegation, no matter what you  
8 thought about how convinced you were that it  
9 actually did happen and he is responsible for the  
10 prior misconduct, you wouldn't let it in without  
11 some kind of adjudication --

12 A. Because I think it's appropriate to have  
13 the hearing for the student to respond, so that even  
14 if I have the hearing --

15 Q. I'm just going to cut you off because I  
16 asked you kind of a yes or no question and I  
17 don't -- I want to give you the opportunity to  
18 explain yourself, but I also want to get the answer  
19 to my question. So it sounds like --

20 MR. CLUNE: Do you have the ability to read  
21 that question back that I asked?

22 And I am going to give you the opportunity to  
23 explain.

24 (TESTIMONY READ BACK)

25 THE WITNESS: Correct.

1 BY MR. CLUNE:

2 Q. Okay. Thank you. So -- and if you want to  
3 add more to that --

4 A. Correct. And if I believe based on the  
5 preponderance of the evidence in the other case, I  
6 would have a second case to follow -- a second  
7 hearing to follow up on that particular information  
8 with the complainant and the accused student.

9 Q. Now, if you didn't do that investigation of  
10 the prior instance, I assume you'd investigate it  
11 before you bring charges?

12 A. Yes.

13 Q. Or go to a hearing?

14 A. Correct.

15 Q. Okay. What is your general sense from your  
16 training and with Dear Colleague Letter and the  
17 revised guidance and the things we've talked about,  
18 what is the general concept of what schools need to  
19 do to help a student who's been sexually assaulted  
20 on campus?

21 A. Universities are required to provide a  
22 system of support for students who report cases of  
23 sexual assault, and they must provide an opportunity  
24 for them to report a case -- or to report, excuse  
25 me, a complaint to an official at the University of

1 Tulsa or any university. So whether it's to campus  
2 security or the office of student affairs, a student  
3 has access to a hearing process where they can again  
4 provide this information, be heard, an accused  
5 student can face the accuser, provide her with an  
6 opportunity -- or provide the student, excuse me, as  
7 it could be him or her, provide the student with an  
8 opportunity to submit questions and question the  
9 accused, and the accused of course can then provide  
10 questions as well. And to offer a fair hearing  
11 process for the students who are involved.

12 And again, in terms of providing support through  
13 counseling services, additional support services  
14 outside the University of Tulsa, and in this case it  
15 would be Domestic Violence Intervention Services.  
16 They are a partner community agency that we work  
17 with and where we refer students. We have  
18 counseling services available in the university's  
19 counseling center that are free of charge to  
20 students as well.

21 We also provide accommodations in terms of  
22 housing. If the students are housed in the same  
23 residence hall or in the same apartment, we would  
24 make accommodations for the student in that  
25 particular case and make accommodations also with



1 regard to classrooms if the students are in the same  
2 classroom in the same building.

3 Q. Okay. And that -- I think that's a very --  
4 that's a good explanation of how you respond. Why  
5 do you do this? What's the point of doing all this?

6 A. Well, again we spoke earlier about the  
7 trauma associated with sexual assault. And it's  
8 very difficult for a student who has accused someone  
9 of sexual assault to have to see that person on a  
10 daily basis or to perhaps revisit that particular  
11 incident, so the goal of course is to keep those  
12 students apart as much as possible. To provide  
13 again a safe and welcoming environment for the  
14 student who has gone through this particular trauma.  
15 And so our goal again in some way is to help the  
16 student, when you've been through a trauma, to  
17 reintegrate, if you will, into a community. And  
18 into a community where a student that feels violated  
19 in the community can then again feel safe in their  
20 own community.

21 Q. As the dean of students and the Title IX  
22 kind of expert for the school, I mean are you  
23 concerned about the difficulty of someone who's been  
24 sexually assaulted to continue to attend school with  
25 their assailant?

1           **A.**    I am concerned about that.  But -- excuse  
2           me.  The policies in place allow for students of  
3           course to continue to attend class until such time.  
4           It is possible to suspend a student pending a  
5           hearing, but to allow students to continue to attend  
6           classes until a conduct hearing is held and a  
7           determination is made.

8           **Q.**    How do you make that decision of whether to  
9           suspend a student while a complaint is pending?

10          **A.**    It is sometimes difficult to -- it's a  
11          difficult decision to make.  And it is sometimes  
12          dependent upon the nature of an incident.  Sometimes  
13          some incidents are particularly egregious and  
14          sometimes if students are -- have a history of  
15          seeing one another and it being a very violent  
16          response to seeing one another, you sometimes have  
17          to make a decision that perhaps the students don't  
18          need to be together on campus.

19          **Q.**    If somebody had committed as many as four  
20          sexual assaults, would that be something you would  
21          consider to be particularly egregious?

22          **A.**    Yes, I would consider that to be  
23          particularly egregious.

24          **Q.**    We talked about how it can be challenging  
25          for a victim to continue to go on to school, what --

1 to go to school with her assailant. What are the  
2 issues that you see that victims struggle with in  
3 your experience when the two are required to  
4 continue to go on a small campus like TU?

5 A. Seeing one another obviously is the biggest  
6 concern. When a student sees an individual that has  
7 been accused of sexually assaulting them, it can be  
8 a very difficult experience.

9 Q. What do you mean by difficult?

10 A. Again as we said earlier, there is a trauma  
11 associated with sexual assault and it can be very  
12 difficult to see someone that you've accused of  
13 sexually assaulting you. It's -- and again it's a  
14 small campus and you can -- other students can  
15 become aware of what's occurred on campus because  
16 students tend to talk.

17 Q. And you've seen that in the past where a  
18 group of students that may have been common friends  
19 where it's the hot topic, isn't it?

20 A. Yes, it is.

21 Q. Particularly at that age, right?

22 A. I'd say particularly at that age.

23 Q. College age, high school age. And I --  
24 it's been a long time since I was that age, but I  
25 seem to recall peer acceptance is kind of a big deal

1 at that age.

2 A. Yes, it is.

3 Q. And this issue of being difficult to have  
4 contact with the offender, that's something that  
5 you've seen in more than just Ms. Ross's case?

6 A. That's correct.

7 Q. Is that, would you say, a common theme for  
8 the survivors of sexual assault that have reported  
9 to your office? Common concern I should say.

10 A. I would say it would be a common concern.

11 Q. Okay. You've seen multiple complainants  
12 that have dropped out of school as a result of the  
13 difficulty to be on campus?

14 A. I have seen, yes, through the years,  
15 students leave the university as a result of a  
16 complaint of sexual assault.

17 Q. Okay. But a part of that is the difficulty  
18 with being on campus with their offender?

19 A. The difficulty of being on campus with  
20 their offender.

21 Q. Okay. The woman whose case was actually  
22 heard whose offender was found responsible in the  
23 spring, even though the hearing was held in October,  
24 to your understanding was that part of the reason  
25 why she left campus?

1           **A.**    She gave several reasons, but yes, that was  
2   part of the reason she was leaving campus.

3           **Q.**    Okay.

4           **A.**    And I might also add she made the decision  
5   to leave the university before -- or she shared that  
6   she was leaving the university before the decision,  
7   obviously before the decision and before the  
8   hearing.

9           **Q.**    So she had said she was leaving the  
10   university before the hearing?

11          **A.**    Yes.

12          **Q.**    But she said that after she was sexually  
13   assaulted?

14          **A.**    Yes.

15          **Q.**    So she got through the end of the semester?

16          **A.**    She did.

17          **Q.**    Okay. Did you ever talk to her about ways  
18   that she might be able to stay if he was dismissed  
19   from campus or suspended from campus?

20          **A.**    I did speak with her about staying at the  
21   University of Tulsa. I encouraged her to continue  
22   to use counseling services and support services on  
23   campus. And how it might be a different environment  
24   if the individual was not on campus.

25          **Q.**    And what was her response to that?

1           **A.**    She was really ready to move on to another  
2 university.  She'd already put in her application at  
3 another university and she thought she would be  
4 happier someplace else.

5           **Q.**    Did she have some of the same issues you  
6 were talking about, about a lot of common friends  
7 and that sort of thing?

8           **A.**    No, she did not have that issue.

9           **Q.**    Okay.  Did she give you any other insight  
10 as to why she would be leaving?

11          **A.**    She also noted that there were -- she was a  
12 member of the rowing team and she really, excuse me,  
13 wanted to move to an area where quite frankly water  
14 was more prevalent than the manner in which students  
15 of the University of Tulsa participate on a rowing  
16 team.

17          **Q.**    Okay.  Do you know where she went?  It  
18 doesn't matter.

19          **A.**    I don't -- well, I don't remember.

20          **Q.**    Okay.

21          **A.**    I do remember.  It's -- and I'm sorry, I  
22 associate it with a university basketball team that  
23 is always the Cinderella team.

24          **Q.**    Gonzaga?

25          **A.**    Yes.

1           **Q.**   My alma mater.  Hopefully one year we'll  
2           stop being the Cinderella team.

3           **A.**   I'm sorry.

4           **Q.**   And just win the damn thing.

5           **A.**   I'm sorry.

6           **Q.**   It's all right.  In your training on  
7           Title IX, what is required of a school if a  
8           complaining individual of a sexual assault does not  
9           wish to pursue charges or sanctions against the  
10          offender?

11          **A.**   A university still has a responsibility to  
12          continue with an investigation to the best of its  
13          ability to review that allegation even if the  
14          student chooses not to participate.  It sometimes of  
15          course makes it difficult to make a decision or to  
16          hold a student responsible, but we still must pursue  
17          an investigation to -- and even move forward with a  
18          hearing if we believe we have enough information.

19          **Q.**   Okay.  Great.  And that's stated in the  
20          Dear Colleague Letter and the 2001 guidance?

21          **A.**   Yes.

22          **Q.**   And I assume that's also been something you  
23          were trained on --

24          **A.**   Yes.

25          **Q.**   -- as well?

1           Is there any scenario that you know of where  
2           it's okay for a school to not even investigate an  
3           allegation of sexual misconduct involving two other  
4           students?

5           **A.**    Not to my knowledge.

6           **Q.**    Would you rate on a scale of 10 how the  
7           university does in responding to sexual assault?  
8           And I mean the university as a whole, not just you.

9           **A.**    I think we're an eight. And I think we're  
10          an eight because of something we discussed earlier  
11          with regard to having a victim's advocate program in  
12          place or having an individual who is specifically a  
13          Title IX coordinator. I think we have good  
14          resources in place. We understand how sexual  
15          assault hearings should be handled, how to assist  
16          sexual assault victims. But I think we could do a  
17          better job by having more resources in place and  
18          more individuals in place to handle those resources.

19          **Q.**    Are there any individuals at the university  
20          that you think need better training to deal with  
21          this issue?

22          **A.**    I really think everyone at the university  
23          needs better training. I think we've been trained,  
24          and I certainly appreciate all the training that  
25          I've had and all the opportunities I've had for



1 professional training and professional development,  
2 but I think we can certainly do more, particularly  
3 as it relates to the individuals to whom a student  
4 can report, the obligations that those individuals  
5 have to then report that information to student  
6 affairs or to the campus security office. So I  
7 think overall there is -- we've done a good job, but  
8 there's always work to do to insure that we have a  
9 better trained population.

10 Q. What's the expectation of staff generally  
11 at Tulsa who may receive a report of sexual  
12 misconduct directly to themselves from a complaining  
13 student?

14 A. The expectation is that they will share  
15 with the student that there is a specific office  
16 that can handle that particular complaint. And the  
17 goal is to have them either walk that student  
18 over -- I -- when I have conversations with faculty,  
19 I always talk about how important it is for them to  
20 walk the student through the process, and I really  
21 mean literally walk them through the process. Walk  
22 with the student to the office of student affairs or  
23 to campus security. Our campus is very small and it  
24 doesn't take a lot of time to accomplish that. And  
25 assure the student that you are taking them to an

1 office where your complaint, one, will be taken,  
2 will be heard, and will be handled correctly.

3 So that's what my expectation is of faculty and  
4 staff if the complaint is reported to them.

5 Q. Okay. And so you should be in on this case  
6 from the very instant, as soon as this is reported  
7 to somebody at the university?

8 A. Yes, once a report is made. Even if I  
9 don't have the investigative report, I should have  
10 at least the initial information indicating -- and  
11 that's typically what campus security will provide  
12 if the report goes to them. I'd get just an initial  
13 summary before they complete their investigation.  
14 So I will have early on information, student's name,  
15 and the -- and just maybe a small description of  
16 what occurred before the investigation continues.

17 Q. And so when -- what's your communication  
18 like with Joe Timmons when -- if he gets a case that  
19 you haven't heard of?

20 A. Uh-huh.

21 Q. Does he -- is there a Bat phone that he  
22 calls you on?

23 A. There's a Bat phone. Absolutely there's a  
24 Bat phone. We have a calling tree. We all carry  
25 university cell phones and we are on call 24/7. So

1 it is not unusual if we get a report from a student  
2 at two or three o'clock in the morning, that I at  
3 least get a call that states we've received a report  
4 of a student who has indicated he or she has been  
5 sexually assaulted on campus. Again, I may not have  
6 details, but I'll get an initial notification.

7 Q. Okay. And then when do you get more  
8 details?

9 A. Typically the following day I'll get, as I  
10 said, that initial report.

11 Q. Okay.

12 A. With very minimal details. And then the --  
13 to give me the information I didn't get the evening  
14 before like the student's name.

15 And our goal at that point of course for me is  
16 to reach out to the student to then -- and I know  
17 it's provided by campus security because they carry  
18 our brochures with the information in terms of  
19 support services, but also for my office to reach  
20 out to the student and follow up with that  
21 information. And get them into some support  
22 services if they need that.

23 Q. And whose responsibilities is it to do any  
24 timely warning required under the Clery Act?

25 A. That would come out of the office of campus

1 security along with university relations. And so  
2 that notification is made from campus security and  
3 the notification typically goes out from our  
4 university relations spokesperson whose name is Mona  
5 Chamberlin.

6 Q. Okay. And do you have any -- are you in  
7 that discussion at all? Or --

8 A. I have been in the discussion on whether or  
9 not we should notify. I've also been on the  
10 discussion about what we say in our notification. I  
11 think it's one thing to say to a student -- to the  
12 campus we've had a complaint of sexual assault. I  
13 think we should tell students -- and this is how you  
14 report and these are the resources and if you see  
15 anything. And granted I think too many of the --  
16 too much of the information around sexual assault is  
17 based on stranger danger, but it is at least that  
18 information about how to be safe, to be careful and  
19 to take care of one's self.

20 Q. What is it, like 90 percent of -- 95  
21 percent of campus rapes are acquaintance or not a  
22 stranger?

23 A. Our -- absolutely. Are committed by  
24 someone that you know or that you are familiar with.

25 Q. Okay. So sometimes, sometimes the -- just

1 saying there was a sexual assault doesn't really  
2 achieve the purpose of --

3 A. Doesn't achieve the purpose.

4 Q. -- of a timely warning.

5 So but it sounds like it's primarily  
6 Mr. Timmons' office that then coordinates with  
7 university relations?

8 A. Yes.

9 Q. And you may be in the conversation, but you  
10 may not be also?

11 A. Correct.

12 Q. Okay. What's your -- I mean do you have an  
13 understanding of -- I mean you must have of how they  
14 make the determination on whether or not to do a --

15 A. A timely warning?

16 Q. Yes.

17 A. Yes. If there is an ongoing presence or  
18 opportunity for danger or hurt, harm or danger to  
19 the campus community, then obviously that timely  
20 notice should be sent immediately.

21 Q. And how does that -- does that mean any  
22 allegation of sexual assault? Or are there  
23 categories that get reported and categories that  
24 don't?

25 A. There are categories that get reported, and

1 in the instance where the sexual assault is reported  
2 and the individuals know one another, we typically  
3 do not -- you typically do not see a campus timely  
4 warning noticing go out to campus.

5 Q. So 90 to 95 percent of the sexual assaults  
6 on campus don't go out as a timely warning?

7 A. As a timely warning.

8 Q. Do you agree with that?

9 A. No.

10 Q. Have you made that known?

11 A. Yes.

12 Q. To whom?

13 A. Well, it's a conversation that I typically  
14 have with the director of campus security and the  
15 university relations.

16 Q. And you --

17 A. Staff member.

18 Q. And you have had it with the both of them?

19 A. Yes.

20 Q. Anybody higher than those two?

21 A. I think we've -- I have not had a  
22 conversation with the president, but I believe Joe  
23 Timmons may be able to share with you conversations  
24 he's had with the president about timely  
25 notifications and warnings.

1           **Q.**    So you had no conversations with the  
2 president about those issues?

3           **A.**    I have not.

4           **Q.**    Do you know anyone else that shares your  
5 view on campus that that may not be the way to deal  
6 with timely warnings for a --

7           **A.**    That would be --

8           **Q.**    -- non-stranger?

9           **A.**    That would be the vice president, Earl  
10 Johnson.

11          **Q.**    Earl Johnson?

12          **A.**    Yes.

13          **Q.**    He agrees with you on that?

14          **A.**    I don't know that Earl Johnson necessarily  
15 agrees with me at this point. Earl Johnson is  
16 relatively new to his position and we have not  
17 had -- we've had conversations about Title IX and  
18 sexual assault and notification, but I think there  
19 is a learning curve for him at this point on whether  
20 or not my opinion is one that he can share.

21          **Q.**    You're working on him?

22          **A.**    I am working on him.

23          **Q.**    Okay. So what is campus security's role  
24 once they receive a report? Do they -- I'll give  
25 you a couple of options, and pick a third if that --

1 if none of these are accurate. But do they just  
2 jump into the investigation or is calling you first  
3 the thing to do or is there somebody else they  
4 notify?

5       **A.** Campus security, as I said, will typically  
6 notify me. Not typically, they will notify me if  
7 there is a sexual assault on campus. And it's my  
8 understanding that they don't take that -- they  
9 don't go into detail with a student initially.  
10 Perhaps the student is transported to the hospital  
11 or has an interview with the Tulsa Police Department  
12 at that point. And so they typically follow up with  
13 the student the next day. Or in the next day or two  
14 to get the student -- to interview the student. To  
15 have the student provide any witnesses or  
16 individuals to whom they've spoken or shared  
17 information about the assault. To provide the name  
18 of the alleged assailant. And then they begin of  
19 course interviewing those students before they  
20 submit that information to my attention.

21       **Q.** Are they permitted to screen out cases by  
22 making a determination of whether or not this is a  
23 credible report without notifying you?

24       **A.** No, not to my knowledge.

25       **Q.** Okay. So you are not aware of any instance



1 BY MR. CLUNE:

2 Q. So 2 is a copy of a report from the  
3 department of security from the University of Tulsa,  
4 right?

5 A. Yes.

6 Q. And this is dated March 11th, which would  
7 be before the actual hearing that was held on this  
8 case, right?

9 A. Yes.

10 Q. So why don't you take a minute just to look  
11 that over.

12 MR. LACKEY: Go off the record for a  
13 second.

14 (OFF THE RECORD)

15 BY MR. CLUNE:

16 Q. So we're back on. Okay. So that's a --  
17 that's very different than what Joe described to  
18 you, right?

19 A. Yes, it is.

20 Q. Okay. I presume you were given this at  
21 some point during this process?

22 A. I believe that I was. I don't recall the  
23 statement, but I'm -- I'm certain it was part of the  
24 packet of information I received from campus  
25 security, but I don't remember this.

1 reports." And at the time I said that to her, I did  
2 not have any other reports. So I wouldn't be able  
3 to use that information if I didn't have those -- I  
4 don't have it. I have not had any other hearings.  
5 I don't have anything other than allegations. And  
6 nothing on paper at that point that I could refer  
7 to.

8 Q. And she told you that she was aware that  
9 there had been --

10 A. She said --

11 Q. That Detective Leverington -- let me just  
12 finish the question.

13 A. Oh, I'm sorry.

14 Q. She told you that she was aware that  
15 Detective Leverington had found as many as three  
16 other women who had reported some sort of sexual  
17 misconduct?

18 A. She said that she was aware of other  
19 individuals.

20 And I asked her if she had those names, and she  
21 said she did not, but that Detective Leverington had  
22 those names.

23 I said that I would speak to our director of  
24 campus security, of course, who was in contact with  
25 Detective Leverington in the hopes of gaining

1 a -- some sort of offense when he was in high  
2 school?

3 A. I have not. Although during a conversation  
4 with Kami's mother --

5 Q. Abby's mother?

6 A. Abby's mother Kami, she indicated that she  
7 knew someone who was investigating. And that there  
8 perhaps had been an incident in the parish.

9 And I said, "What information?"

10 And she said, "Well, they have it. I don't."

11 I had no information to that effect.

12 Q. Okay. So she suggested the parish?

13 A. Yes.

14 Q. Had you heard that she says that you  
15 suggested --

16 A. I've read that.

17 Q. -- the parish?

18 A. But I had -- and of course it came as a  
19 surprise to me, but she said she knew of someone who  
20 was investigating. And that individual shared with  
21 her that there was some incident that occurred in  
22 the parish. I have no idea what, when, or how.

23 Q. Did you talk with Mr. Timmons about this  
24 issue about the parish?

25 A. No, I did not.

1           **Q.**    Did you ask Mrs. Ross any further about  
2           what she knew about that?

3           **A.**    I asked her if there was information  
4           available. Was there something that was available?  
5           Did the Tulsa Police Department have it?

6           And she didn't know if Detective Leverington had  
7           that information or not.

8           **Q.**    So you had the impression that it was  
9           actually Detective Leverington as the person who was  
10          investigating?

11          **A.**    Yes.

12          **Q.**    That was the impression you got?

13          **A.**    That was my impression.

14          **Q.**    She didn't say that outright?

15          **A.**    She did not.

16          **Q.**    But that was your impression?

17          Okay. Did you ask her for, you know -- I mean  
18          you didn't ask her if it was Detective Leverington?

19          **A.**    I didn't. I just made the assumption that  
20          it was Detective Leverington because during that  
21          visit they had been to visit with  
22          Detective Leverington and I knew he was  
23          investigating, but I didn't know of anyone else who  
24          was conducting an investigation.

25          **Q.**    Would it have been of interest to you if

1 question. Okay. It's very conversational when  
2 we're just talking, but it's hard for the reporter.

3 So did you have a conversation with Mr. Timmons  
4 saying, "Hey, Joe, there might be a fifth woman. We  
5 need to follow up with Detective Leverington and see  
6 if there's," you know, "somebody else"?

7 A. "Hey, Joe, this is the assertion that  
8 Mrs. Ross, Kami Ross made during our conversation.  
9 Do you know anything about this?"

10 "No, but I'll follow up." And there was no  
11 follow-up information related to the statement that  
12 Mrs. Ross made.

13 Q. Okay. So you did bring it to Mr. Timmons'  
14 attention --

15 A. Yes.

16 Q. -- about this --

17 A. Yes, that Mrs. Ross had shared that with  
18 me.

19 Q. Okay.

20 A. But I didn't ask him to investigate it. I  
21 just asked him, "Do you know anything about this?"

22 And he said, "No, I'll ask, but I don't have any  
23 information." I did not request that he investigate  
24 further.

25 Q. Okay. Is this by phone or by e-mail?

1 the statement from the student.

2 Q. Well, how would a student or a student's  
3 parents considering going to Tulsa know that that's  
4 one of the official practices or policies around  
5 sexual violence?

6 A. Well, maybe they would not know that  
7 specifically, but our policy states that there's --  
8 we need, ask, want the students to be involved in  
9 the process. And the student has a right to face  
10 the accuser and the accused have a right to face one  
11 another in a particular hearing process, and that  
12 would be based for us on statements from those  
13 individuals.

14 Q. What if you had an incident where you had  
15 what you thought was sufficient information to prove  
16 a sexual assault by the preponderance of the  
17 evidence, but the victim maybe suicided before the  
18 hearing? What would you do?

19 A. We would perhaps use statements from other  
20 individuals at that point if we did not have the  
21 alleged victim to provide that information.

22 Q. So --

23 A. And I would --

24 Q. -- not -- go ahead.

25 A. And for me that would certainly be an

1 the additional allegations in a code of conduct  
2 hearing? Like if we get to eight women or 10 women  
3 that are raped by somebody, is that a good basis to  
4 use that information in an individual code of  
5 conduct hearing?

6 A. I would like to be able to use all of the  
7 information in a code of conduct hearing based on  
8 the allegations that are made by other students.  
9 But again, upon advice of counsel I wasn't able to  
10 bring that information into the hearing process.

11 Q. So you would have been okay with having all  
12 the information considered as a part of the record?

13 A. Yes.

14 Q. Okay. Did you advocate for that?

15 A. Yes.

16 Q. Okay. Now, ironically you actually were  
17 the hearing officer, so you did have all the  
18 information, you just couldn't use it as a part of  
19 your determination?

20 A. I couldn't use it as a part of my  
21 determination.

22 MR. CLUNE: It's noon. It's probably not a  
23 bad time to --

24 MR. LACKEY: If you're at a point to stop,  
25 let's take a quick lunch break.

1 interview that was conducted by the University of  
2 Tulsa department of security on -- according to the  
3 CD that's been given to us, as March 11th of 2014.  
4 And this we believe, Ms. Taylor, is the recording of  
5 the interview that led to the report that is  
6 identified as Exhibit 2 in this discovery.

7 THE WITNESS: Okay.

8 MR. CLUNE: Okay? So we can go ahead and  
9 go off. Are we good?

10 MR. LACKEY: Yeah.

11 MR. CLUNE: Okay.

12 (OFF THE RECORD)

13 MR. CLUNE: We can go back on.

14 BY MR. CLUNE:

15 Q. That's not at all what was told to you by  
16 campus security?

17 A. No, it is not.

18 Q. Was that hard to listen to?

19 A. It is difficult to listen to.

20 Q. Why?

21 A. Because I believe she still has perhaps  
22 some stress and some emotional feelings dealing with  
23 her particular experience.

24 Q. You can hear it in her voice, couldn't you?

25 A. I can hear some stress in her voice.



1           **Q.**    Yeah.  So she says she filled out a  
2           statement.  Do you have any idea where that could  
3           have ended up?

4           **A.**    No, I don't.  If she completed a statement,  
5           my expectation would be to receive a copy of that  
6           statement, and that's not a statement I've ever  
7           received in my office.

8           **Q.**    And that -- we know from Abby's case that's  
9           a normal practice of --

10          **A.**    Yes.

11          **Q.**    Did you ever ask Joe about why there's no  
12          documentation of anything?

13          **A.**    I asked, as I said earlier, when he shared  
14          with me the story that he'd heard from -- well, the  
15          name of course from Detective Leverington, and of  
16          course his conversation with his officers or former  
17          officers who had a different story to share.  If  
18          there was a report, and he said there wasn't one,  
19          that they didn't have a report available.

20                 And I asked of course if there would be one  
21          recreated, and I've never received a signed copy of  
22          the report as she stated she provided to campus  
23          security.  So I don't know again where that might be  
24          or why we don't have it.

25          **Q.**    And you would have expected that there

1 wanted to meet with me.

2 Q. Okay. You had never heard of Abby before?

3 A. No, I had not.

4 Q. She had no disciplinary issues?

5 A. No, none that I'm aware of.

6 Q. Kami is apparently alumni of the  
7 university?

8 A. Yes, she is.

9 Q. Had you ever heard of her before?

10 A. No, I had not.

11 Q. Okay. I don't know if she was there when  
12 you had started, but --

13 A. I think --

14 Q. I think she was a cheerleader for the  
15 basketball team of all things.

16 A. I don't remember the year she graduated.  
17 I'm --

18 Q. Okay. It's probably right around the time  
19 you started.

20 A. Yeah.

21 Q. Okay. So when you heard from her mother  
22 Kami, what did you do and --

23 A. I responded that I would be available  
24 and -- to -- I mean they could come in at their  
25 convenience. And she indicated they had an

1 appointment with Detective Leverington and said they  
2 were going to the Tulsa Police Department and they  
3 would be in immediately following. So we scheduled  
4 a time and they came to my office to submit a report  
5 at that point. Or to initiate the reporting  
6 process.

7 Q. So is that the first that you learned of  
8 this case, when Kami reached out to you?

9 A. Yes.

10 Q. Okay. And so before they come in, what do  
11 you -- I mean you've now got this fresh report, or  
12 relatively fresh to you at least.

13 A. Uh-huh.

14 Q. What do you do with that information?

15 A. I contacted Joe Timmons in campus security  
16 and asked if he'd received a report or if he was  
17 aware of a report being made by Abigail Ross. Or if  
18 there had been any report. And they did not have  
19 any information, so I said to him that she was  
20 coming into my office and that I would contact his  
21 office. Because of course our goal is to get just  
22 enough information in the office of student affairs  
23 to initiate a report, but to not have a student tell  
24 the -- their story on multiple occasions.

25 So I then alerted him that I would need to

1 contact his office once my meeting started, I would  
2 need someone to come over and take her report from  
3 the office of campus security.

4 Q. Your current policies say that the  
5 complainant or that campus security may  
6 investigate -- will investigate the complaint,  
7 right?

8 A. That's correct.

9 Q. That's not what they said when Ms. Ross's  
10 case occurred.

11 A. They said they didn't investigate?

12 Q. When -- no. When Ms. Ross's case occurred,  
13 it's actually the dean of students that is  
14 responsible for investigating the complaint.

15 A. It is campus security that investigates the  
16 complaint and then submits the information to the  
17 dean of students. And the dean of students is  
18 responsible for determining whether or not there is  
19 enough information in the investigative report to  
20 proceed with a hearing.

21 Q. Okay. Do you recall what the policy said  
22 back in Ms. -- the time Ms. Ross's case occurred  
23 about who does the investigation?

24 A. I would have to go back and review the  
25 policy, but it should state that it is the campus

1 security responsibility to investigate.

2 Q. Okay. I'll give you an opportunity to look  
3 at it. I won't ask you any more questions now, but  
4 we'll talk about it in just a little bit.

5 A. Uh-huh.

6 Q. So you got -- you get just enough  
7 information to pass it on to Mr. Timmons?

8 A. Uh-huh.

9 Q. And what happens then?

10 A. And he assigned two officers to come over  
11 to our office. I provided a space for them to meet,  
12 confidentially to meet with Ms. Ross so she could  
13 proceed with sharing more details about what  
14 occurred.

15 So they took her report, took the initial  
16 information and returned to campus security and  
17 Ms. Ross left the office. Her mother, Kami Ross,  
18 indicated they were planning to take Abby home for  
19 the weekend, take her home. It may have been mid  
20 week or a Thursday, but that they would be taking  
21 her home.

22 And I shared that I would notify the center for  
23 student academic support so we could get a notice  
24 out to her faculty alerting them that she would not  
25 be in class. And she had planned to return to the

1 him being suspended from the basketball team?

2       **A.** I think it's difficult -- it would have  
3 been difficult. Ms. Ross had other friends on the  
4 basketball team and she certainly wanted to go to  
5 the basketball games. I think it would have been  
6 difficult to see him on the bench or on the court,  
7 so I think there was some benefit.

8       **Q.** Do you see any potential downside to him  
9 being suspended as a result of Ms. Ross's report of  
10 rape to Ms. Ross?

11       **A.** No.

12       **Q.** Can you envision any scenario where the  
13 basketball team and her friends and their friends  
14 are upset with her for getting him off the  
15 basketball team?

16       **A.** I don't know that Ms. Ross reported any  
17 backlash from any of his teammates who are on the  
18 basketball team with him. I know that she had  
19 friends on the basketball team as well. She was --  
20 she did note that she was concerned that there were  
21 others in the university community that she may have  
22 known that may have said something to her. But I  
23 don't recall her saying that they were specifically  
24 basketball players.

25       **Q.** One of the things that you are trained on

1           **A.**    We have suspended students pending the  
2           outcome of a hearing in other cases, yes.

3           **Q.**    And what was the determining criteria for  
4           whether or not somebody gets suspended pending the  
5           outcome?

6           **A.**    We have again suspended students for a  
7           number of reasons.  Again, was there -- was there --  
8           hmm.  Was there an ongoing threat to that particular  
9           student?  Was there a violent ongoing threat to that  
10          particular student?  And did the student indicate  
11          that they perceived that that student would do them  
12          harm since they filed a report?

13          **Q.**    What about the rest of campus?  I mean do  
14          you ever factor in --

15          **A.**    Absolutely we consider the rest of campus  
16          in determining whether or not it is a secure or safe  
17          enough environment or if others are at risk.

18          **Q.**    So was there ever any discussion of at some  
19          point, at any point, "Hey, we've got four different  
20          women that are saying that they're being sexually  
21          assaulted or attempted sexual assault by this guy,  
22          maybe we shouldn't have him on campus until we  
23          figure out what's what"?

24          **A.**    We did not have that discussion.

25          **Q.**    Did that cross your mind?

1           **A.**    Yes.

2           **Q.**    -- enforceable protection order?

3           **A.**    Yes.  And we told them where they can go  
4 and how they can do that.  We'll even transport a  
5 student to the Office of Domestic Violence  
6 Intervention Services where it can be done by video  
7 conferencing.  So they can go down and get that, an  
8 order of protection.

9           **Q.**    Okay.

10          **A.**    An emergency order.

11          **Q.**    And do you refer them to Call Rape or --

12          **A.**    We do.  We refer to Call Rape.  We refer to  
13 DDIS.  We refer to the university's Alexander Health  
14 Center and counseling center.

15          **Q.**    What's the difference between Call Rape and  
16 DDIS?

17          **A.**    Call Rape is a 24-hour hotline where a  
18 student can -- or individual can call and receive  
19 assistance and referral and domestic violence  
20 intervention services.  And they are two agencies  
21 that are actually under the same roof, but will  
22 provide actual emergency support services for an  
23 individual.

24          **Q.**    Okay.  So when was the matter set for --  
25 what's --



1           **A.**    I review all of the information again that  
2           I've received from campus security. I also provide  
3           the students with copies of the information so that  
4           they might have it to prepare for the hearing. And  
5           any and all information that I've received.  
6           Student's statement that -- the accused student's  
7           statement, as well as the complainant's statement,  
8           we provided them both with copies of that  
9           information. We provide information on the witness  
10          list. We ask students of course to provide the  
11          names of the students that they'd like to call as  
12          witnesses in this particular hearing. And give them  
13          the information on the hearing process, how it  
14          works. We tell them that even in -- initially when  
15          we meet with the students when the allegation first  
16          comes forward and we provide them with information  
17          on the university student conduct process. The goal  
18          at that point is to reinforce this is the  
19          information that I gave you earlier, this is how the  
20          hearing process works, and this is what you might  
21          expect.

22          **Q.**    Okay. So there was a code of conduct board  
23          that was convened on this case?

24          **A.**    Initially, yes. That's correct.

25          **Q.**    And who were the members of that code of

1 conduct board?

2 A. The initial members on the board, we have  
3 two faculty members, one staff member, and two  
4 students. And without looking at the list of the  
5 individuals who originally were named, I can't tell  
6 you all of the individuals who are on the board.  
7 But I believe the chair of the board at that point  
8 would have been Professor Reeder, Dr. Dick Reeder.

9 Q. Do you recall any of the students that were  
10 on the board?

11 A. I can't just offhand remember the names of  
12 those students.

13 Q. That's okay. But you have access to that  
14 information though, right?

15 A. Yes. Yes, I do.

16 Q. You can get us the list of the people who  
17 were on the board?

18 A. Yes, I thought we -- I thought we provided  
19 that. But yes, we can get those names.

20 Q. You don't need -- if you have, then I  
21 apologize.

22 A. That's okay.

23 Q. So the board is assembled?

24 A. Uh-huh.

25 Q. You have some contact, continuing contact

1 the conversation I had with Joe Timmons is, "We  
2 don't have enough information to move forward.  
3 Where is the rest of the report? This report is not  
4 consistent with what you've seen in other  
5 investigations and I need additional information.  
6 And we can't move forward. Obviously we've set a  
7 date, but we need more information to move forward  
8 in a hearing."

9 BY MR. CLUNE:

10 Q. Okay. My letter actually came the day  
11 before the hearing, right?

12 A. Yes, it did.

13 Q. And the hearing was continued shortly  
14 thereafter?

15 A. That's correct.

16 Q. Would the hearing have gone forward if I  
17 had not sent that letter do you think?

18 A. No. I don't think we were prepared to go  
19 to a hearing. It was set and it was established,  
20 but we didn't have enough information for a hearing.

21 Q. Well, when was that decision going to be  
22 made if it was going to go to hearing the next day?

23 A. Well, before I made that decision as to  
24 whether or not to cancel it, yes, I would have  
25 conferred with counsel to determine whether or not

1 it was appropriate to cancel the hearing. But your  
2 letter preempted that.

3 Q. Okay. And that letter talked about the  
4 fact that these witnesses had not been interviewed?

5 A. Right.

6 Q. Also talked about the issue that the  
7 complainant had the option to choose whether you  
8 were the hearing officer or the panel, right?

9 A. That's correct.

10 Q. Was it just the normal practice to have the  
11 conduct board do these hearings? Or why was  
12 Ms. Ross not given the opportunity before I sent  
13 that letter --

14 A. Yes.

15 Q. -- to elect?

16 A. It was our normal practice to submit the  
17 cases to the conduct board.

18 Q. It sounds like from what you've said today,  
19 there's some -- there's a few practices that don't  
20 make the -- or haven't made the policy as of yet.  
21 Is that fair?

22 A. There are clarifications we simply need to  
23 make in our policy.

24 Q. Okay.

25 A. That's correct.

1           **Q.**    I mean if I'm a student or a parent of a  
2 student, I would hope to be able to rely on the  
3 actual policies as written.  Isn't that fair?

4           **A.**    That's fair.  But I also believe sometimes  
5 we develop practices that we don't necessarily put  
6 in print that we share with students.  And you're  
7 right, they should be in written format, but it  
8 doesn't mean that we haven't notified the students  
9 of the practice.

10          **Q.**    So the hearing gets vacated on the 5th.  
11 And then do you recall roughly when it gets reset  
12 to?

13          **A.**    I think the interviews begin immediately  
14 thereafter.  Students -- it takes approximately  
15 another week or so before the investigation is  
16 perhaps completed, and we then set the hearing  
17 within the next seven days.  So I think it's  
18 probably about two weeks following the date we  
19 originally canceled the hearing.  Again, I don't  
20 have the exact date.

21          **Q.**    I had sent my letter to Mr. Paulison  
22 because of the Title IX coordinator.  Is he involved  
23 in this process in any way?

24          **A.**    He is not involved in the hearing process.  
25 Again, he is involved from the notification process,

1 and yes, we do give him -- or I give him updates  
2 with regard to a hearing and an outcome, and again  
3 information for reporting purposes. But no, he's  
4 not involved in the process.

5 Q. So -- and you may have said this earlier.  
6 Are you a deputy Title IX coordinator?

7 A. I am.

8 Q. Okay. So really you're just given complete  
9 rein because you're the sexual assault response  
10 expert?

11 A. Right. And I work primarily with students  
12 of course as the dean of students and the office of  
13 student affairs.

14 Q. Okay.

15 A. So yes, that's my responsibility to work  
16 with students on these cases.

17 Q. So the Title IX coordinator really has no  
18 role in making sure that the process actually  
19 complies with Title IX? That's really up to you as  
20 the deputy Title -- kind of the specialist?

21 A. Yes.

22 Q. Okay. So as this is -- as this case is  
23 being continued, obviously you're in consultation  
24 with Mr. Cremin on these matters?

25 A. Uh-huh.

1           **Q.**    Are you in consultation with anybody else  
2           around the 5th when the case gets set over?

3           **A.**    With Joe Timmons and also with  
4           Mr. Paulison.

5           **Q.**    Okay.  And you're just updating  
6           Mr. Paulison?

7           **A.**    Yes.

8           **Q.**    Okay.

9           **A.**    And I've up -- that's correct.

10          **Q.**    Anybody else you're communicating with at  
11          that point?

12          **A.**    I've also -- I will, following that  
13          conversation, then follow up with the vice president  
14          for enrollment of student services so he might keep  
15          the president appraised and aware of the process as  
16          the investigation continues at this point.

17          **Q.**    Uh-huh.

18          **A.**    That the hearing has been postponed and  
19          that we are awaiting additional investigative  
20          information.

21          **Q.**    Okay.  How about anybody with the athletic  
22          department?  Are you in touch with anyone?

23          **A.**    I -- no, I would not have had any contact  
24          with anyone in the athletic department about  
25          postponing the hearing.  If the athletic department

1 is made aware, that perhaps came from the vice  
2 president or the president's office.

3 Q. Okay. How about just in general as this  
4 investigation is going on and moving forward, are  
5 you in touch with Crista or --

6 A. No, I was not.

7 Q. Okay. Is somebody else keeping them  
8 apprised? I mean they're obviously interested.  
9 It's one of their basketball players.

10 A. Absolutely. But the athletic director is a  
11 vice president and sits on the president's small  
12 executive council and so that information I am  
13 certain would have been a part of the discussion at  
14 those meetings. And the vice president for  
15 enrollment of student services would provide updates  
16 to the athletic director and to the president.

17 Q. Okay. Do you ever use any private e-mail  
18 addresses for a Tulsa-related business?

19 A. I do not.

20 Q. Okay.

21 A. I use the University of Tulsa's.

22 Q. You just use Tulsa?

23 A. Yes.

24 Q. Tulsa.edu?

25 A. That's correct.



1 meetings with him.

2 Q. Okay. So you said they were given  
3 materials to review in advance. When would that  
4 have occurred?

5 A. That would --

6 Q. In terms of days before the hearing.

7 A. Probably four to -- three to four days in  
8 advance of the hearing they would have received  
9 information, a copy of the campus security report,  
10 the statements the students provided, and we would  
11 also have given them copies of the procedures  
12 regarding the student conduct board. The same thing  
13 we would have given -- essentially the same thing we  
14 would have given the students.

15 Q. Okay. So it's e-mailed out to --

16 A. It's -- I think he may have delivered  
17 them -- delivered the information to them.

18 Q. Okay.

19 A. And the students would have come into the  
20 office, but he would have gone to faculty or staff  
21 offices to deliver information to them.

22 Q. Okay. So there's no joint session or  
23 something, some -- on a kind of one-at-a-time basis  
24 he's getting the information to these --

25 A. Correct.

1           **Q.**   Yeah. Right. Okay. And how long did the  
2 hearing last?

3           **A.**   Approximately an hour and a half to two  
4 hours.

5           **Q.**   Okay. So after the hearing is concluded,  
6 what is your responsibility in terms of determining  
7 the outcome?

8           **A.**   I reviewed the information that the  
9 students -- I reviewed the investigative report and  
10 the information that the students provided. I also  
11 listened again to the hearing that was recorded. Go  
12 back and I review the hearing.

13           And I had an opportunity to -- once I've had an  
14 opportunity to review that information, then I begin  
15 to compose a letter based on what I believe is the  
16 appropriate decision in the case, whether or not to  
17 hold a student responsible for an allegation.

18           **Q.**   Okay. And then you write a report  
19 summarizing the outcome of the case and the specific  
20 findings that support the outcome?

21           **A.**   Yes.

22           **Q.**   Okay. And in your training from the  
23 University of Vermont, they teach you about the  
24 importance of making sure that final report, you  
25 know, lines up not just the outcome, but the

1 specific facts that --

2 A. Uh-huh.

3 Q. -- are in support of the outcome?

4 A. That's correct.

5 Q. Okay. Let me hand you this. So this is  
6 your outcome letter, right?

7 A. Yes.

8 Q. Did you write this letter?

9 A. I did.

10 Q. Did you have input from Mr. Cremin on the  
11 writing of this letter?

12 A. I did.

13 Q. Take a look at the -- what I've -- take a  
14 minute to look that over.

15 MR. LACKEY: Are we on 4?

16 THE REPORTER: Yeah.

17 MR. LACKEY: Or is this 5? Okay.

18 BY MR. CLUNE:

19 Q. Is this the first draft that you wrote of  
20 this outcome letter?

21 A. This is the final draft.

22 Q. So there was an original draft of the  
23 letter?

24 A. Yes.

25 Q. Were there more than two drafts of the

1 the student hearing process. I'd reviewed the text  
2 messages between the two and reviewed the statements  
3 and the information from the reports provided by  
4 campus security. And that's the information I would  
5 have used to -- or the information I did use in this  
6 particular case.

7 Q. Is this -- does this final draft lay out  
8 the appropriate key points of the rationale behind  
9 the decision?

10 A. It lays out some of the key points. I  
11 think there are perhaps other things that I would  
12 have used in making this decision, but it doesn't  
13 lay out every point in determining whether or not a  
14 student is held responsible.

15 Q. So in your -- on Page -- what's marked  
16 as -- in discovery Page 5328 in the lower-right-hand  
17 corner, the decision says, "Following review of the  
18 campus security report and the information presented  
19 at the student conduct hearing and based upon the  
20 inconsistencies in your testimony, determined  
21 there's insufficient evidence," right?

22 A. That's correct.

23 Q. So in this document you first start off  
24 with some background information, right?

25 A. Yes.

1 ask you is that a key point that you came up with or  
2 did somebody else come up with that one?

3 A. That's a key point that I made.

4 Q. Okay. How -- what about that -- what makes  
5 that a key point to you in terms of determining  
6 whether or not a sexual assault occurred?

7 A. It was a key point simply in determining  
8 the familiarity that these two students seemed to  
9 have.

10 Q. Okay. When we talked about how most cases  
11 are non-stranger sexual assault, how -- can you tell  
12 me anything more about the fact that they are  
13 familiar with one another that gives you some sort  
14 of indication whether or not a sexual assault  
15 occurred?

16 A. Would you repeat that question, please?

17 Q. Probably not. Probably can't.

18 A. Could you rephrase that question?

19 Q. Sure. So we talked about how non-stranger  
20 sexual assault is the norm in campus rape, right?

21 A. Correct.

22 Q. So how is their level of familiarity with  
23 one another indicative on whether or not a sexual  
24 assault occurred?

25 A. Again, alone it doesn't -- it doesn't state

1 that a student is either responsible or not simply  
2 based on this statement. But it's taken in  
3 consideration with the other information that's  
4 provided. It's not a standalone that this is the  
5 only reason why I think that you weren't sexually  
6 assaulted or this is the only reason why I can't  
7 hold a student responsible for the allegation of  
8 sexual assault.

9 Q. Yeah. I guess what I'm saying is what  
10 meaning does that have to you?

11 A. Again, as I said, I think there is a sense  
12 of familiarity with the students and that this -- in  
13 this particular instance the student didn't seem to  
14 be offended by the fact that someone would say you  
15 have a nice ass or a big ass for a white girl.

16 Q. And so how did that fact help you in the  
17 totality, with all the other facts, how did that  
18 fact help you make a determination on whether or not  
19 a rape occurred?

20 A. Again, it simply goes back to a familiarity  
21 with statements like this being made about the  
22 student and the student not, according to the text  
23 message, being offended by that type of information.

24 Q. So if she's not offended by somebody making  
25 a comment about her behind, and this is a week

1 earlier prior to the assault, then it is more likely  
2 that she consented to the sexual activity on the  
3 evening in question?

4 **A.** That's not what I said. What I said was  
5 this information, taken into consideration with  
6 other information, seemed to show at that point that  
7 there was a sense of familiarity and a sense where  
8 the student was not offended by that particular  
9 information.

10 **Q.** And so what I'm trying to get at is the  
11 fact that you were making the determination that she  
12 was not offended, that helps you determine whether  
13 or not this was a consensual sexual encounter a week  
14 later?

15 **A.** That information helps me with a comfort  
16 level that a student might have with another  
17 student. This seemed to show, just based on a  
18 pattern of relationship and her interaction, that  
19 that particular information, initially based on what  
20 was said or provided, didn't seem to offend her.  
21 Now that information along with other information  
22 gleaned from the hearing is what allowed me to move  
23 toward a not responsible decision.

24 **Q.** Okay. And when you heard my question  
25 about, you know, the fact that somebody is okay with

1 a comment about their, quote-unquote, ass a week  
2 before, and whether or not that impacts whether or  
3 not somebody consented a week later --

4 Oh, that's a bad question. Let's strike that.

5 So you -- but you would agree with me that the  
6 fact that this text message occurred on  
7 January 20th, just a comment about her ass and she  
8 says, "Ha ha, thanks," that doesn't mean that it's  
9 more likely that she consented to sexual activity on  
10 the night of the assault? Or does it?

11 **A.** It doesn't mean that she consented more  
12 likely than not to sexual activity on that  
13 particular evening.

14 **Q.** Okay.

15 **A.** And it doesn't -- it doesn't also state  
16 that more likely than not that -- it doesn't mean  
17 that.

18 **Q.** So how significant was this piece in the  
19 totality of your decision making?

20 **A.** Again, it is about totality, it's not about  
21 that one particular issue. It doesn't state in the  
22 findings that this is the only reason why I believe  
23 he's not responsible. It says this issue in  
24 conjunction with the others.

25 **Q.** The second thing that you indicate as a key



1 Q. Okay.

2 A. She does not have an obligation to say  
3 that, but it was part of the -- again the statement  
4 that she made in an overall context.

5 Q. Okay. So she earlier says that she doesn't  
6 want to have a booty call, and on this particular  
7 evening she's coming over and he says, "Wear  
8 something sexy," right?

9 A. Uh-huh.

10 Q. And she responds, "Ha ha, that makes me  
11 want to know what the plan is for tonight," right?

12 A. That's correct.

13 Q. And he says, "LOL. I'm JP man." What do  
14 you interpret those things to mean?

15 A. I'm just playing.

16 Q. Okay. And the LOL?

17 A. Laughing out loud.

18 Q. Okay. So he says something about wear  
19 something sexy. And she says I want to know what's  
20 going on. And he says I'm just playing.

21 A. I'm just playing.

22 Q. Right?

23 A. She also says, "Ha ha, that makes me want  
24 to know what the plan is for tonight."

25 Q. Right. So she's asking him, you know,

1 initially requested to be present during those  
2 meetings. But other than that type of  
3 communication, I'm not aware or can share with you  
4 any additional communication they may have had.

5 Q. So when did you learn that Abby dropped out  
6 of school?

7 A. I spoke with Ms. Ross when she returned to  
8 school. The Monday or Tuesday that she returned to  
9 the university, we met. And she shared with me that  
10 she didn't know if she wanted to continue at the  
11 University of Tulsa. That perhaps she would  
12 withdraw. She wanted to take some time to make that  
13 decision.

14 I consulted or shared that information again  
15 with the center for student academic support to let  
16 them know that it was a possibility that she might  
17 be withdrawing from the University of Tulsa. I  
18 recommended that she visit with the counseling  
19 center, and she said she had someone that -- a  
20 therapist that she was working with with whom she  
21 was comfortable with working with that person.  
22 Didn't really want to use anyone in the Alexander  
23 Health Center, but that she would let me know of her  
24 decision. And I shared we could assist with  
25 withdrawing her from the university.

1           **Q.** Did she describe for you why she was  
2 thinking about leaving the university in the  
3 aftermath of the hearing?

4           **A.** It wasn't in the afternoon of the hearing  
5 that she said she was planning to leave the  
6 university. It was actually prior to.

7           **Q.** And did she share why?

8           **A.** She said she just felt she needed to go  
9 home. She did not provide details, specific details  
10 as to why she wanted to go home. And if I were to,  
11 again based on my experience, say that she was  
12 probably uncomfortable and needed -- and was  
13 experiencing that trauma that we discussed earlier.

14           **Q.** Okay. Did you discuss with her anything  
15 that the university could do to help make her feel  
16 comfortable staying in school, if that was an  
17 option?

18           **A.** Yes. Ms. Ross lives in a sorority house  
19 and I asked her if she felt comfortable living in  
20 the sorority house. And I believe the sorority  
21 house is perhaps one of the most secure places on  
22 campus, perhaps outside of a residence hall. If  
23 housing was an issue or if she felt she wanted to be  
24 in an apartment or if there was additional  
25 counseling services that we could provide for her,

1     totality of circumstances.  More accurately though,  
2     it's the totality of the circumstances that you were  
3     allowed to consider, right?

4             **A.**     Correct.

5             **Q.**     Okay.

6             MR. CLUNE:  Got anything else, Spence?

7             MR. BRYAN:  No, that was it.

8             MR. CLUNE:  I think we're good.

9             MR. LACKEY:  She'll read and sign.

10            THE REPORTER:  All right.

11            MR. CLUNE:  Thank you, Ms. Taylor.

12            (DEPOSITION CONCLUDED AT 2:59 P.M.)

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JURAT

I, YOLANDA TAYLOR, do hereby state under oath that I have read the above and foregoing transcript in its entirety, and that the same is a full, true, and correct transcription of my testimony so given at said time and place, except for the corrections noted.

\_\_\_\_\_  
YOLANDA TAYLOR

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned Notary Public in and for the State of \_\_\_\_\_ on this, the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

REPORTED BY: STEVE PLUMBTREE, CSR, CP

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CERTIFICATE

STATE OF OKLAHOMA     )  
                                  )     SS:  
OKLAHOMA COUNTY     )

I, Steve Plumbtree, Certified Shorthand Reporter within and for the State of Oklahoma, do hereby certify that the above-named YOLANDA TAYLOR was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid; that the above and foregoing deposition was by me taken in shorthand and thereafter transcribed; that the same is true and correct; and that it was taken on the 13th day of March, 2015 at the time of 9:10 a.m. in the City of Tulsa, County of Tulsa, State of Oklahoma under the stipulations hereinbefore set out, and that I am not attorney for or relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 22nd day of March, 2015.

---

STEVE PLUMBTREE, CSR, CP  
Oklahoma Certified Shorthand Reporter  
Certificate No. 00332  
Expires: December 31, 2015

1 ERRATA SHEET

2 WITNESS: YOLANDA TAYLOR

3 DATE: March 13th, 2015

4 REPORTER: Steve Plumbtree, CSR, CP

5 NO CORRECTIONS ARE NECESSARY \_\_\_\_\_

6 PAGE LINE CORRECTION

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