

Brittney Schluterman, Title IX Coordinator
301 Elberta
Lamar, AR 72846
479-885-3907
June 30, 2022
RE: Notice of Decision

Copy via Email
Copy via First Class Mail
Original via Certified Mail [7020 0640 0001 7166 4860]

Mr. Joey McCutchen

[REDACTED]
PO Box 1971
Fort Smith, AR 72901
jmccutchen@mccutchenlawfirm.com

Thank you for your patience and cooperation as the Lamar School District has worked to conduct a thorough, neutral fact-finding investigation into the allegations of sexual harassment involving the formal complaint filed on April 5, 2022 alleged to have occurred on March 8, 2022. While we know that it can be difficult to wait for a decision, the District takes seriously the responsibility to seek and evaluate all available and relevant evidence. This letter serves to inform you that the investigation into the allegation is now complete. Please find the attached Written Determination found by the decision-maker, Dr. Wanda Van Dyke.

Both parties have the right to appeal this finding within 10 business days, as described in the attached policy. An appeal may be filed on one or more of the following bases: procedural irregularity that affected the outcome of the matter; new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

If you have any questions regarding this letter or the appeal process, please do not hesitate to contact me. Thank you again for your cooperation and patience.

Sincerely,



Brittney Schluterman
Title IX Coordinator
Lamar School District

Enclosures: Handbook Policy 4.27
Written Determination
Audio Transcription

4.27—STUDENT SEXUAL HARASSMENT

-The Lamar School District is committed to providing an academic environment that treats all students with respect and dignity. Student achievement is best attained in an atmosphere of equal educational opportunity that is free of discrimination. Sexual harassment is a form of discrimination that undermines the integrity of the educational environment and will not be tolerated.

-The District believes the best policy to create an educational environment free from sexual harassment is prevention; therefore, the District shall provide informational materials and training to students, parents/legal guardians/other responsible adults, and employees on sexual harassment. The informational materials and training on sexual harassment shall be age appropriate and, when necessary, provided in a language other than English or in an accessible format. The informational materials and training shall include, but are not limited to:

- o the nature of sexual harassment;
- o The District's written procedures governing the formal complaint grievance process;
- o The process for submitting a formal complaint of sexual harassment;
- o That the district does not tolerate sexual harassment;
- o That students can report inappropriate behavior of a sexual nature without fear of adverse consequences;
- o The supports that are available to individuals suffering sexual harassment; and
- o The potential discipline for perpetrating sexual harassment.

Definitions

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

"Education program or activity" includes locations, events, or circumstances where the District exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

"Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting an investigation of the allegation of sexual harassment.

"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

"Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. A District employee:
 - a. Conditions the provision of an aid, benefit, or service of the District on an individual's participation in sexual conduct; or
 - b. Uses the rejection of sexual conduct as the basis for academic decisions affecting that individual;
2. The conduct is:
 - a. Unwelcome; and
 - b. Determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
 - c. Constitutes:

- d. Sexual assault;
- e. Dating violence
- f. Domestic violence; or
- g. Stalking.

"Supportive measures" means individualized services that are offered to the complainant or the respondent designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party. The supportive measures must be non-disciplinary and non-punitive in nature; offered before or after the filing of a formal complaint or where no formal complaint has been filed; and offered to either party as appropriate, as reasonably available, and without fee or charge. Examples of supportive measures include, but are not limited to: measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment; counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work or class locations; leaves of absence; and increased security and monitoring of certain areas of the campus. -Within the educational environment, sexual harassment is prohibited between any of the following: students; employees and students; and non-employees and students.

Actionable sexual harassment is generally established when an individual is exposed to a pattern of objectionable behaviors or when a single, serious act is committed. What is, or is not, sexual harassment will depend upon all of the surrounding circumstances and may occur regardless of the sex(es) of the individuals involved. Depending upon such circumstances, examples of sexual harassment include, but are not limited to:

- o Making sexual propositions or pressuring for sexual activities;
- o Unwelcome touching;
- o Writing graffiti of a sexual nature;
- o Displaying or distributing sexually explicit drawings, pictures, or written materials;
- o Performing sexual gestures or touching oneself sexually in front of others;
- o Telling sexual or crude jokes;
- o Spreading rumors related to a person's alleged sexual activities;
- o Discussions of sexual experiences;
- o Rating other students as to sexual activity or performance;
- o Circulating or showing e-mails or Web sites of a sexual nature;
- o Intimidation by words, actions, insults, or name calling; and
- o Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming
- o to expected gender roles or conduct or is homosexual, regardless of whether or not the student self-identifies as homosexual or transgender.

Students who believe they have been subjected to sexual harassment, or the parent/legal guardian/other responsible adult of a student who believes their student has been subjected to sexual harassment, are encouraged to bring their concerns to any District staff member, including a counselor, teacher, Title IX coordinator, or administrator. If the District staff member who received a report of alleged sexual harassment is not the Title IX Coordinator, then the District staff person shall inform the Title IX Coordinator of the alleged sexual harassment. As

soon as reasonably possible after receiving a report of alleged sexual harassment from another District staff member or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

- o Discuss the availability of supportive measures;
- o Consider the complainant's wishes with respect to supportive measures;
- o Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- o explain to the complainant the process for filing a formal complaint.

Supportive Measures

The District shall offer supportive measures to both the complainant and respondent that are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party before or after the filing of a formal complaint or where no formal complaint has been filed. The District shall provide the individualized supportive measures to the complainant unless declined in writing by the complainant and shall provide individualized supportive measures that are non-disciplinary and non-punitive to the respondent. A complainant who initially declined the District's offer of supportive measures may request supportive measures at a later time and the District shall provide individualized supportive measures based on the circumstances when the subsequent request is received.

Formal Complaint

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email. Upon receipt of a formal complaint, a District shall simultaneously provide the following written notice to the parties who are known:

- o Notice of the District's grievance process and a copy of the procedures governing the grievance process;
- o Notice of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to
- o prepare a response before any initial interview. Sufficient details include:
 - o The identities of the parties involved in the incident, if known;
 - o The conduct allegedly constituting sexual harassment; and
 - o The date and location of the alleged incident, if known;
- o A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding
- o responsibility is made at the conclusion of the grievance process;
- o That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- o That the parties may inspect and review evidence relevant to the complaint of sexual harassment; and
- o That the District's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the previous notice, the District shall simultaneously provide notice of the additional allegations to the parties whose identities are known.

-The District may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the District has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular "party", "complainant", or "respondent" include the plural, as applicable.

- When investigating a formal complaint and throughout the grievance process, a District shall:
- o Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties;
 - o Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege or access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party unless the District obtains the parent, legal guardian, or other responsible adult of that party's voluntary, written consent or that party's voluntary, written consent if the party is over the age of eighteen (18) to do so for the grievance process;
 - o Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
 - o Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
 - o Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding;
 - o Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
 - o Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation ; this includes evidence:
 - o Whether obtained from a party or other source,;
 - o The District does not intend to rely upon in reaching a determination regarding responsibility; and
 - o That is either Inculpatory or exculpatory; and
 - o Create an investigative report that fairly summarizes relevant evidence.

-At least ten (10)³ days prior to completion of the investigative report, the District shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties shall have at least ten (10)³ days to submit a

written response to the evidence. The investigator will consider the written responses prior to completion of the investigative report. All evidence subject to inspection and review shall be available for the parties' inspection and review at any meeting to give each party equal opportunity to refer to such evidence during the meeting.

-After the investigative report is sent to the parties, the decision-maker shall:

- o Provide each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness;
- o Provide each party with the answers;
- o Allow for additional, limited follow-up questions from each party; and
- o Provide an explanation to the party proposing the questions any decision to exclude a question as not relevant. Specifically, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Following the completion of the investigation period, the decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility. The written determination shall include—

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including:
 - a. Any notifications to the parties;
 - b. Interviews with parties and witnesses;
 - c. site visits;
 - d. Methods used to gather other evidence,; and
 - e. Hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the District's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions imposed on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and
6. The procedures and permissible bases for the complainant and respondent to appeal.

-The written determination shall be provided to the parties simultaneously. The determination regarding responsibility shall become final on the earlier of:

- o If an appeal is not filed, the day after the period for an appeal to be filed expires; or
- o If an appeal is filed, the date the written determination of the result of the appeal is provided to the parties.

-The District shall investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved; did not occur in the District's education program or activity; or did not occur against a person in the United States, then the District shall dismiss the complaint as not meeting the

definition of sexual harassment under this policy. A dismissal for these reasons does not preclude action under another provision of the District's code of conduct. The District may dismiss the formal complaint or any allegations therein, if at any time during the grievance process:

- o The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- o The respondent is no longer enrolled at the District; or
- o Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

-Upon the dismissal of a formal complaint for any reason, the District shall promptly send written notice of the dismissal and

reason(s) for the dismissal simultaneously to the parties.

-The District may hire an individual or individuals to conduct the investigation or to act as the determination-maker when necessary.

Appeals

Either party may appeal a determination regarding responsibility or from a dismissal of a formal complaint or any allegations therein, on the following bases:

- a. The existence of a procedural irregularity that affected the outcome of the matter;
- b. Discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
- d. An appeal of the disciplinary sanctions from the initial determination.

For all appeals, the District shall:

1. Notify the other party in writing when an appeal is filed;
2. Simultaneously Provide all parties a written copy of the District's procedures governing the appeal process;
3. Implement appeal procedures equally for both parties;
4. Ensure that the decision-maker for the appeal is not the same person as the decision-maker that reached the original determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator;
5. Provide all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

Confidentiality

Reports of sexual harassment, both informal reports and formal complaints, will be treated in a confidential manner to the extent possible. Limited disclosure may be provided to:

- o individuals who are responsible for handling the District's investigation and determination of responsibility to the extent necessary to complete the District's grievance process;

- o Submit a report to the child maltreatment hotline;
- o Submit a report to the Professional Licensure Standards Board for reports alleging sexual harassment by an employee towards a student; or
- o The extent necessary to provide either party due process during the grievance process.

Except as listed above, the District shall keep confidential the identity of:

- o Any individual who has made a report or complaint of sex discrimination;
- o Any individual who has made a report or filed a formal complaint of sexual harassment;
- o Any complainant;
- o Any individual who has been reported to be the perpetrator of sex discrimination;
- o Any respondent; and
- o Any witness.

Any supportive measures provided to the complainant or respondent shall be kept confidential to the extent that maintaining such confidentiality does not impair the ability of the District to provide the supportive measures.

Emergency removal

The District may remove a respondent from the District's education program or activity on an emergency basis only after the completion of an individualized safety and risk analysis that determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. A removed student will be provided with notice and an opportunity to challenge the removal decision immediately following the removal.

Retaliation Prohibited

Students, or the parents/legal guardians/ other responsible adult of a student, who submit a report or file a formal complaint of sexual harassment,; testified; assisted; or participate or refused to participate in any manner in an investigation, proceeding, or hearing on sexual harassment shall not be subjected to retaliation or reprisal in any form, including threats; intimidation; coercion; discrimination; or charges for code of conduct violations that do not involve sex discrimination or sexual harassment, arise out of the same facts or circumstances as a report or formal complaint of sex discrimination, and are made for the purpose of interfering with any right or privilege under this policy. The District shall take steps to prevent retaliation and shall take immediate action if any form of retaliation occurs regardless of whether the retaliatory acts are by District officials, students, or third parties.

Disciplinary Sanctions

It shall be a violation of this policy for any student to be subjected to, or to subject another person to, sexual harassment. Following the completion of the District's grievance process, any student who is found by the evidence to more likely than not have engaged in sexual harassment will be subject to disciplinary action up to, and including, expulsion. No disciplinary sanction or other action that is not a supportive measure may be taken against a respondent until the conclusion of the grievance process.

-Students who knowingly fabricate allegations of sexual harassment or purposely provide inaccurate facts shall be subject to disciplinary action up to and including expulsion. A determination that the allegations do not rise to the level of sexual harassment alone is not

sufficient to conclude that any party made a false allegation or materially false statement in bad faith.

Records

The District shall maintain the following records for a minimum of seven (7) years:

Each sexual harassment investigation including:

- o Any determination regarding responsibility;
- o Any disciplinary sanctions imposed on the respondent;
- o Any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
- o Any appeal and the result therefrom;
- o All materials used to train Title IX Coordinators, investigators, and decision-makers;
- o Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, which must include:
 - o The basis for the District's conclusion that its response was not deliberately indifferent; and
 - o Document:
 - If supportive measures were provided to the complainant, the supportive measures taken designed to restore or preserve equal access to the District's education program or activity; or
 - If no supportive measures were provided to a complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Cross References: 3.26—LICENSED PERSONNEL SEXUAL HARASSMENT, 4.11—EQUAL EDUCATIONAL OPPORTUNITY, 5.20—DISTRICT WEBSITE
7.15—RECORD RETENTION AND DESTRUCTION, 8.20—CLASSIFIED PERSONNEL
SEXUAL HARASSMENT

Legal References: 20 USC 1681 et seq.

ARKANSAS EDUCATION CONSULTING
PO Box 21462 Little Rock, AR 72221
aredcon.llc@gmail.com

WRITTEN DETERMINATION

Lamar School District
June 30, 2022

.. CONFIDENTIAL -
COMPLAINANT - [REDACTED]

Investigation and Decision Related to Formal Complaint
of Sexual Harassment under Title IX - Consolidated

Prepared by: Dr. Wanda Van Dyke
Responsibility Decision Maker

Written Determination Sent to ALL Parties on June 30, 2022

Title IX Sexual Harassment Determination of Responsibility

Title IX Sexual Harassment Determination of Responsibility Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on sex in educational institutions that receive federal financial assistance. This decision must be issued simultaneously to the Complainant and Respondent.

COMPLAINANT/RESPONDENT PERSONAL INFORMATION:

Complainant: [REDACTED]	School/Work Location: <u>LAMAR MIDDLE SCHOOL</u>
Respondent: <u>(R1)</u>	School/Work Location: <u>LAMAR MIDDLE SCHOOL</u>
Respondent: <u>(R2)</u>	School/Work Location: <u>LAMAR MIDDLE SCHOOL</u>
Respondent: <u>(R3)</u>	School/Work Location: <u>LAMAR MIDDLE SCHOOL</u>
Respondent: <u>(R4)</u>	School/Work Location: <u>LAMAR MIDDLE SCHOOL</u>

Complainant: [REDACTED]	School/Work Location: <u>LAMAR MIDDLE SCHOOL</u>
Respondent: <u>(R1)</u>	School/Work Location: <u>LAMAR MIDDLE SCHOOL</u>
Respondent: <u>(R2)</u>	School/Work Location: <u>LAMAR MIDDLE SCHOOL</u>
Respondent: <u>(R3)</u>	School/Work Location: <u>LAMAR MIDDLE SCHOOL</u>
Respondent: <u>(R4)</u>	School/Work Location: <u>LAMAR MIDDLE SCHOOL</u>

Complainant: [REDACTED]	School/Work Location: <u>LAMAR MIDDLE SCHOOL</u>
Respondent: <u>(R2)</u>	School/Work Location: <u>LAMAR MIDDLE SCHOOL</u>
Respondent: <u>(R3)</u>	School/Work Location: <u>LAMAR MIDDLE SCHOOL</u>

TYPE OF COMPLAINT AND NATURE OF ALLEGATIONS:

Complaint is based on discrimination due to: (Check all that apply)

- Sexual Harassment Sexual Assault Cyberbullying Gender-Based Harassment
 Retaliation Stalking Dating or Domestic Violence

Other unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education programs or activities

Ia. Identification of the Allegations Potentially Constituting Harassment

On March 10, 2022, the Lamar Middle School Title IX Coordinator's office received a report of alleged sexual harassment. Due to the outside investigation of the local police department and the Arkansas State Police, the District was instructed to refrain from investigating the incident until further notice was given by the police department. On April 5, 2022, a Title IX Formal Complaint was filed by the Complainant's [REDACTED] mother.

The Title IX Formal Complaint states that on March 8, 2022, the Complainant reported to Coach Clark that he was subjected to the following conduct potentially constituting sexual harassment.

Allegations 1 [REDACTED]: On March 8, 2022, while in the boy's locker room, one of the Respondents forcefully put their finger in his rectum.

Allegation 2 [REDACTED]: On March 14, 2022, the Complainant's pants were pulled down while in the hallway.

During the investigation, two additional Title IX Formal Complaints were filed which arose out of the same facts and/or circumstances.

Ib. Identification of the Allegations Potentially Constituting Harassment

On May 11, 2022, a Title IX Formal Complaint was filed by the Complainant's [REDACTED] mother. The Title IX Formal Complaint states that conduct potentially constituting sexual harassment towards Complainant [REDACTED] began in Summer of 2021 with the latest date of incident being November of 2021. The Formal Complaint states that the incident was reported by the Complainant's [REDACTED] mother to Mr. Debusk (via Face to Face) in November of 2021.

The Title IX Formal Complaint further states that on March 10, 2022, another report was made by the Complainant's [REDACTED] mother to Mr. Holland (via Face to Face) in the office with several other parents.

Allegation 1 – [REDACTED]: Beginning Summer of 2021 through November 2021, the Complainant [REDACTED] experienced sexual assault by other students.

1c. Identification of the Allegations Potentially Constituting Harassment

On May 11, 2022, a Title IX Formal Complaint was filed by the Complainant's [REDACTED] mother. The Title IX Formal Complaint states that conduct potentially constituting sexual harassment towards Complainant [REDACTED] began in Summer of 2021 with the latest date of incident being November of 2021. The Formal Complaint states that the incident was reported by the Complainant's [REDACTED] mother to Mr. Debusk (via Face to Face) in the Summer of 2021.

The Title IX Formal Complaint submitted by Complainant's [REDACTED] mother further states that on March 10, 2022, another report was made: "Parents reported it to Mr. Holland Face to Face in his office with a lot of other parents."

Allegation 1 – [REDACTED]: Beginning Summer of 2021 through November 2021, the Complainant [REDACTED] experienced sexual assault by other students.

II. Description of the Procedural Steps Taken

A) Formal Complaint and Notice of Formal Complaint - Notifications to the Parties

- March 10 - The Lamar Middle School Title IX Coordinator's office received a report of alleged sexual harassment. The district was instructed to refrain from investigating the report due to an active outside investigation by the local police department and the Arkansas State Police. No other information was provided
- March 10 - The District initiated supportive measures.
- March 15 - The Title IX Coordinator contacted Complainant's mother who informed the coordinator that she was instructed not to communicate with the District due to the ongoing criminal investigation.
- March 28 - The District received a letter from attorney Joey McCutchen requesting information on the District's Title IX grievance process.
- March 29 – Title IX Complaint – Response to Sexual Harassment Report Supportive Measures
- April 5 – A Formal Complaint was received by the District's Title IX Coordinator.
- April 5 - The District contacted Keith R. Alexander to serve as the Title IX Investigator.

TITLE IX -- LAMAR 3.8.22

- April 5 - The Title IX Coordinator sent notices of the Formal Complaint to all parties and provided the Complainant and Respondents with written notice of their rights in the grievance process and policies, including the right to an advisor.
- April 6 - The Title IX Coordinator provided the parties with notice of investigative interviews to be conducted by the investigator.
- April 6th and 7th - The Title IX Investigator sent written notice of interviews and right to an advisor to all parties.
- April 6th through April 11th - The Title IX Investigator conducted interviews.
- April 19th - The investigative report was completed. The District provided the Complainant and Respondents the opportunity to inspect and review evidence (including investigative interview summaries) and gave them ten (10) calendar days to submit a written response.
- April 20th - The District contacted Dr. Wanda Van Dyke to determine availability to serve as Decision Maker.
- April 22nd - The Title IX Coordinator and Title IX Investigator received a written response. The Title IX Investigator made revisions.
- April 26th - The District provided the Complainant and Respondents the opportunity to inspect and review the revised report.
- April 26th - Notice to Parties of Revision to Title IX Investigative Report
- April 27th - Attorney Robbins submitted questions and an affidavit from Respondent (), regarding the incident.
- April 27th - Attorney Vaughn submitted a response on behalf of his client Respondent ().
- April 28th - Mr. Spence submitted clarifications for his statements.
- April 28th - Mr. Vaughn was given an opportunity to come on campus to review the recording in evidence with one of the respondent's mother.
- April 29th - The Title IX Investigator updated the investigative report with the revisions from Mr. Spence and answers to the questions submitted by Attorney Robbins. Attached to the report are the affidavit and letter submitted by Attorney Robbins and the response submitted by Attorney Vaughn.
- April 29th - The District provided the Complainant and Respondents the opportunity to inspect and review the revisions.
- May 4th - Decision Maker was contacted by ARESC and services requested.

- May 24th – Decision Maker contacted Cathi Swan with ARESC and requested a copy of the Title IX Investigator’s notes related to voice verification of Complainant [REDACTED]
- May 24th – Decision Maker contacted Title IX Coordinator and requested/received:
 - Employment history of three (3) employees
 - Status of Investigation by Local Law Enforcement and Arkansas State Police
 - Complainants/Respondents academic and discipline records
- May 27th – Decision Maker contacted Cathi Swan with ARESC and requested to be provided with the Title IX Investigator’s original notes. (1st attempt)
- June 2nd – Decision Maker contacted Cathi Swan with ARESC and requested to be provided with the Title IX Investigator’s original notes. (2nd attempt)
- June 8th – Decision Maker contacted Cathi Swan with ARESC and requested to be provided with the Title IX Investigator’s original notes. (3rd attempt)
- June 10th, Cathi Swan notified the Decision Maker that the notes within the Title IX Report were the only notes provided by the Title IX Investigator.
- June 13th, Decision Maker notified Lamar Middle School, Title IX Coordinator of a request to meet with Complainant [REDACTED] and Respondents ([REDACTED]) and Witness [REDACTED] to provide an opportunity to verify voices on provided video/audio recording
- June 15th, Decision Maker notified of rescheduling for Complainant [REDACTED]
- June 16th, Decision Maker notified of decline to meeting by Respondent ([REDACTED]) representation.
- June 17th, Decision Maker traveled to Lamar, however, none of the scheduled individuals
 - Respondent’s ([REDACTED]) mother requested to reschedule. (6/20)
- June 20th, Complainant ([REDACTED]) verified voices on recording.
 - Respondent ([REDACTED]) did not arrive

B). Selection of Investigator and Overall Investigation Approach

Upon receipt of the formal complaint, the District contacted Keith Alexander on April 5, 2022, to conduct an investigation under the grievance process. The Investigator determined that he had no bias or conflict of interest against the Complainant or Respondent either generally or specifically.

C. Investigation Procedure

1. Pre-Investigation Gathering of Evidence

Prior to the investigation, the investigator began review of the Formal Complaint and relevant district policy and student code of conduct provisions. On April 6th, the Investigator received a copy of the video of the incident.

2. Interviews with Parties and Witnesses

On April 6th and 7th, the Title IX Investigator sent written notice of interviews and notified each of their right to an advisor.

The Investigator interviewed the Complainant (█) on April 11th. On April 7th and 11th, the Investigator interviewed witnesses provided by Complainant and the Respondents and witnesses provided by the Respondents.

The Investigator interviewed additional witnesses, to include District staff and students on April 6, April 7, and April 11, 2022.

3. Delivery of Relevant Evidence and Written Responses

The parties were given the opportunity to submit evidence, which was reviewed by the Investigator. On April 26th, prior to the completion of his investigation report, the investigator gave the Complainant, the Respondents, and all their advisors the opportunity to inspect and review all related evidence. The only noted evidence provided by the Investigator is:

- Title IX Report -- Dated April 19, 2022

The Title IX Coordinator informed all parties that they had ten (10) days to submit a written response (April 29th) and that any written response prior to the completion of the investigation report would be considered.

- On April 27th, Attorney Robbins submitted questions and an affidavit from Respondent (█) regarding the incident.
- On April 27th, Attorney Vaughn submitted a response on behalf of his client Respondent (█).
- On April 28th, Mr. Spence submitted clarifications for his statements.
- On April 28th, Mr. Vaughn was given an opportunity to come on campus to review the recording in evidence with one of the respondent's mother.
- On April 29th, the Title IX Investigator updated the investigative report with the revisions from Mr. Spence and answers to the questions submitted by Attorney Robbins.
- On May 5th, Questions submitted as a response to the affidavits submitted to appropriate parties.
- On May 6th, Notice to Parties of Revisions to Title IX Investigative Report (Addendum)
 - Response by Attorney McCutchen
 - Two (2) Affidavits
 - Two (2) Responses to Affidavits

- On May 10th, Investigative Report received.
- On May 11th, Notice to Parties of Revision to Title IX Investigative Report
 - Two (2) responses to the two (2) affidavits received after the ten (10) day allotment by two (2) different respondents
 - Two (2) different statements regarding an incident with the complainant from employees of the Lamar School District,
 - A statement by one (1) Respondent
 - Notice that May 6th video had been submitted to Decision Maker as evidence.
- On May 12th, Notice to Addendum to Title IX Investigative Report
 - Received Title IX Formal Complaints filed by Complainant's (█) mother and Complainant's (█) mother dated May 11, 2022.
- On May 17th, Notice to Parties of Addendum to Title IX Investigative Report
 - Questions submitted related to May 5th affidavits and May 11th Formal Complaints
 - Email from Respondent's mother from fall of 2021

4. Investigation Report

On April 29, 2022, the investigator completed his report and sent copies to the Complainant, and the Respondents which included notification of their right to submit, "written, relevant questions of a party or witness," within ten (10) days of the date of the letter (April 29, 2022) and noted provision of "additional time for the parties to respond to the new questions and responses" prior to the Decision Maker a determination of responsibility for a Title IX violation.

The Investigator did not note if he "did not require, allow, rely upon, or otherwise use questions or evidence that constituted, or sought disclosure of, information protected under a legally recognized privilege."

5. Question and Answer Period

After receiving a copy of the investigation report but before reaching a determination regarding responsibility, the Complainant and Respondent were afforded the opportunity to submit written relevant questions that they wanted asked of any party or witness. Each were informed that limited follow-up questions would be allowed and that the Complainant's sexual predisposition, or prior sexual behavior are not relevant, except under certain limited conditions stated in district policies concerning sexual harassment which was provided to them earlier. They were also informed that if the decision maker determined a question as not relevant, an explanation would be provided to the party asking the question.

6. Site Visits

While the Investigator did complete interviews, no site visits were noted in the Investigative Report. (Investigator did not indicate if he toured the locker room.)

7. Hearings Held

No notation indicating that any hearing had been held.

8. Was a Child Abuse Hotline Report Necessary

A report was faxed to the Arkansas Child Abuse Hotline on April 5, 2022, and noted as being received. Per Sexual Abuse/Exploitation Citation: Ann. Code § 12-18-103, a Child Abuse Hotline report was necessary.

9. Is There is a Related Criminal/Juvenile Investigation

A Report was filed with the Lamar Police Department and Arkansas State Police. The Case Status is noted as OPEN/ACTIVE CASE.

III. Findings of Fact and Credibility Supporting the Determination

Based upon my objective opinion of all relevant evidence provided by all parties during the decision-making process and based upon my credibility determinations which were not based on the Complainant/s, Respondent/s, or any witness's status, I have made the following findings of fact.

When there is little to no direct evidence supporting either a complainant or respondent, the credibility of the parties may take on more importance. To assess the accuracy of information, reliability of evidence, and credibility of witnesses, plausibility, motive to lie, corroboration, consistency, past record, effect on the Complainant, and demeanor must be considered.

There are two pieces of evidence which weighed heavily:

Affidavit of Respondent (█)

As noted by Respondent (█) in his affidavit dated April 26, 2022:

"When we went into the locker room, I yelled 'put him in the stall' as a joke meaning put █ into the bathroom stall. I proceeded to pick him up at the first sink and then set him down at the second sink. Me and (Name Not Identified in Report) both were laughing at it all. No one was hurt or angry at the time, it was just a joke. I then left the locker room to go lift weights. Other than picking up (█) and carrying him to the next sink and setting him down, I did not touch him in any other way or in any offensive manner.

Locker Room Recording

The Decision Maker was provided a recording of the incident that occurring on March 8, 2022. The video provided no visual distinguishable evidence. The audio was difficult to understand due to sound distortion of background noise. No transcription was provided and although the Investigator noted in his report that Complainant [REDACTED] verified voices, there was nothing within the Investigator's report to note which voices belonged to which speaker.

The Decision Maker utilized a vocal remover software program which allows for the minimization of background noise. Once background/white noise was reduced, the recording speech speed was reduced to half time. This allowed the Decision Maker ability to hear speakers more clearly.

As part of the Determination of Responsibility, the Decision Maker has included the transcription and a copy of the audio with minimized background noise. (Transcription (T3822) and Audio Recording (AR3822))

Upon review of the audio, it is noted that screaming and moaning occur. It is also noted that comments such as "grab his penis," "touch his penis," and "I swear, I'm about to piss in your throat," are made. The statement: "I was raping [REDACTED] when you walked in," was also noted. The speaker was verified by Complainant [REDACTED] as being Respondent [REDACTED].

The Investigator reported that [REDACTED] stated he "dresses in the field house," and therefore was not present in the locker room. Complainant [REDACTED] verified several statements that [REDACTED] made on the recording.

Respondent [REDACTED] reported in his affidavit that "I yelled 'put him in the stall' *as a joke*.... Me and (??) both were laughing at it all. No one was hurt or angry at the time, *it was just a joke.*" The overall tone of the locker room did not appear, to the Decision Maker, to be that of simply a joke, but rather one of threat and intimidation. While laughing could be heard in the recording, so could screaming, moaning and at various times the statement, "No...No."

ADDITIONAL INFORMATION REVIEWED

The Decision Maker reviewed the following pieces of information:

- 1) Affidavit from Coach DeBusk – The affidavit focuses on clarifying if Coach BeBusk was made aware of alleged incidents occurring in the locker room. For the purposes of the Title IX Complaint, the affidavit had no bearing.
- 2) Photographs and Diagram of Bathroom – The photographs and diagram of the bathroom were submitted for consideration to establish the possibility of a student's forearm being able to reach under a stall. Although the Affidavit of [REDACTED] states that Respondents "reached under the bathroom stall," it does not specifically state that the Respondents were on their knees. It is plausible that the Respondents could have been positioned on their stomachs. Without the ability to question or clarify involved parties, the photographs had no bearing.

- 3) Interview Statements of Coach Mitchell – The Investigator's report includes "several [experinices] that he as a coach had encountered with this particular class:" The experiences focus on the [REDACTED] football team and players, and include incidents of fighting, breaking property, and vandalism. While the purpose of including the information may have been to establish character assessment, the report did not include specific names of students. With no specific names provided, the statements had no bearing.

LIMITATIONS

It is important to note that in making a Determination of Responsibility, the Decision Maker was faced with several limitations:

Investigative Report: The investigative report was lacking in several areas.

- a. Investigator notes from each interview were on average four sentences long.
- b. No ending time was given for any interview.

While it is possible that individuals interviewed were quiet, had little to say or were concise in their recollection of details, with the exception of Coach Mitchell Clark (15 minutes), interviews were scheduled in 30-minute to one-hour increments. It is possible that interviews did not last the entirety of time.

As Decision Maker, it is difficult to phantom that a 30 minute to one (1) hour interview could be summarized in three to seven sentences. Most perplexing is that the shortest scheduled interview (Coach Mitchell Clark at 15 minutes), produced the greatest amount of interview notes. It causes the Decision Maker to question, "Is it possible that the report did not fully contain information that was shared during interviews?"

- c. The Investigator did not include a list of questions as a basis for the interview.

While there is no requirement for a pre-determined list of questions to be asked, it is important to the investigation that questions are utilized to gain information relevant to the complaint. Multiple times throughout the report, the investigator included information about "dressing out" and the time taken to do so, however, nothing in the report communicates why this information would be of importance.

If the time for "dressing out" was established in order to determine if the Respondents would have had time to have performed the alleged acts, why was a schedule not included? Why was a reference to when students enter the locker room and exit the locker room not included?

Common/consistent questions also allows the investigator insight when recollection of details differ from witness to witness. If several witnesses were in the same room, and yet their recollections are vastly different, the investigator should: look for points of

corroboration, note witnesses' body language, eye gaze, and voice pattern. None of these factors were included in the Investigative Report.

d. Specific statements made in the report contained no clarification or follow up questions such as:

- 7:50 am interview with [REDACTED] – The investigator reported that [REDACTED] told him, "he was in the locker room at the time of the incident but he did not see any of the particulars. He said that there was some rough housing but did not see anyone get hurt. He said that [REDACTED] could take care of himself."

While [REDACTED] may have claimed he did not "*see any of the particulars*," the auditory volume of the locker room was such that it would have been challenging not to have heard something. Also, [REDACTED] contradicts himself in the next sentence, stating that "...there was some rough housing." If [REDACTED] did not "see" anything, how would he know it was rough housing? Does [REDACTED] define "rough housing" as individuals mutually pushing/punching each other, or does he define "rough housing" as acts of unwanted physical contact by one individual to another? With no follow-up question to clarify, the Decision Maker's insight to understanding is limited.

Furthermore, the investigator included the statement made by [REDACTED], "[REDACTED] could take care of himself." How does [REDACTED] know that [REDACTED] can take care of himself? Had he observed previous situations of "rough housing?" If so, who was involved? Has [REDACTED] been subjected to a pattern of on-going "rough housing" behavior by specific individuals?

- 8:30 am interview with Respondent [REDACTED] – The investigator reported in the second sentence, "[REDACTED] could not add any information to the incident but did tell me that this group did threaten or intimidated other victims."

How did the interviewee know he could not "add any information to the incident?" Was [REDACTED] provided information upfront and simply agreed to or did the information he provided corroborate with someone else's information?

- 11:30 am interview with [REDACTED] – The investigator reported that [REDACTED] stated "...and sometimes, they get rough."

There was no follow up question to clarify who [REDACTED] meant by "they," or what the interviewee meant by "rough."

- e. Absence of original voice verification from Complainant (█), Respondents and Witness (W1).

Within the Title IX Investigative Report, The Investigator reports that, "He (█) verified the voices on the attached tape." While the recoding was difficult to auditorily decipher; it was not impossible. The Investigator did not include a transcript of the recording. The Investigator also did not include in the report:

- Whose voices did (█) verify?
 - If (█) verified any specific statements made which corroborated his Formal Complaint and who made the statement/s.
 - If (█) provided context (What actions in the room were occurring at the time?) for various statements captured on the recording.
- 1) "Grab his penis. Touch his penis."
 - 2) "Put him in the stall."
 - 3) "I was raping (█) when you walked in."
- If Respondents or Witnesses were provided the opportunity to "verify the voices" on the recording.

Lack of Police Report as Evidence

While it is understandable that an open case be protected, Lamar School District was permitted to conduct an investigation. If the District was permitted to conduct an investigation, why is the case still open? It has been my professional experience as Decision Maker and as an Investigator that once permitted to conduct an investigation by local law enforcement, the local police department releases any interview and evidence to the school. The Title IX Coordinator inquired multiple times as to the status of the investigation and requested to be provided any interview information. As of date of the Written Determination, no information has been provided by local law enforcement. Access to interviews conducted by a police investigator, could have provided the Decision Maker with more substantial information.

Lack of Respondent Verification

Given that the investigative report does not indicate that Respondents were asked to verify voices on the recording, and Respondents elected not to meet with the Decision Maker to verify voices on the recording, the transcript reflects solely the Complainant's (█) verification.

Delayed Submission of Title IX Complaint by Complainants (█) and (█)

Research supports that it is not uncommon for individuals to delay or even decline to report incidents of assault, especially when the assault is committed by someone the person has relationship. The Title IX Formal Complaints submitted by Complainant (█) and Complainant (█) was submitted after the completion of the initial investigation and after the ten (10) day

allotted time for questions and written response. While this in no way minimizes or negates their Title IX Formal Complaint, the timing of the submission did not allow for the investigator to gather additional information related to the complaints or further question the Complainant/s and reported Respondents.

Decision Maker Interaction

Procedural steps for Title IX Formal Complaints are in place to safeguard the integrity of the investigation and the Determination of Responsibility. As such, it is important that the Decision Maker glean understanding from the investigative report and refrain from direct conversations with the Investigator, Complainant/s, Respondent/s and Witnesses.

The Decision Maker inquired multiple times about the potential of original notes, more detailed notes, and transcription of recording. The Title IX Coordinator facilitated the request of the Decision Maker with no results. The Decision Maker then made multiple requests to the ARESC Director, only to learn that the Title IX Report was all there was available.

IV. Conclusions Regarding the Application of the District's Code of Conduct to the Facts / Statement and Rationale Concerning the Allegations, including:

The District's Title IX Sexual Harassment policy (4.27) states that sexual harassment means conduct on the basis of sex that satisfies one or more of the following, "The conduct is: Unwelcomed; and determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity." The District must find that such sexual harassment occurred by a preponderance of the evidence.

Since no video footage exists to support the allegations made by the Complainant and no witness states that they directly observed the Respondent/s commit the actions reported by the Complainant, heavy consideration was given to the statements captured on the recording;

- 1) "Grab his penis. Touch his penis."
- 2) "Put him in the stall."
- 3) "I was raping [REDACTED] when you walked in."

The Decision Maker also considered the Complainant/s and Respondent's credibility and likelihood of their accuracy when reporting was taken into consideration. This consideration was determined by analyzing statements within the investigative report, sworn affidavits of Complainant [REDACTED] and [REDACTED] and written statement of Respondent [REDACTED] to support or refute the Complainant/s' and Respondent/s' statements.

Based on a preponderance of the evidence, it is determined that:

Allegations 1 - [REDACTED]: On March 8, 2022, while in the boy's locker room, one of the Respondents forcefully put their finger in his rectum.

- a. The Respondents (R4 & R2 & R1) have been determined to have been responsible for the alleged Title IX sexual harassment.

The Respondent (R3) has been determined not responsible for the alleged Title IX sexual harassment.

- b. The reasoning for the finding:

Allegation 1 - [REDACTED]:

As noted in the recording transcription, per voice verification of Complainant [REDACTED], the Respondent (R4) states, "Grab his penis. Touch his penis. I was raping [REDACTED] when you walked in."

The Complainant's [REDACTED] report of Respondents (R3, R2, R1 and R4) attacking him and Respondent (R4) putting "his finger in his [REDACTED] buttocks" is consistent with the statements made on the March 8th locker room recording. Respondent's (R3) voice was not verified as being present on the recording. Respondents (R4), (R2), and (R1) were verified.

Allegation 2 - [REDACTED]: On March 14, 2022, the Complainant's pants were pulled down while in the hallway.

- a. The Respondents have been determined not responsible for the alleged Title IX sexual harassment.
- b. The reasoning for the finding:

Allegation 2 - [REDACTED]:

The individual verified by administration as having pulled down the Complainant's [REDACTED] pants is not listed as a Respondent. While the Decision Maker does not condone the act or behavior, it is not deemed relevant to this specific Formal Complaint.

Allegation 1 - [REDACTED]: Beginning Summer of 2021 through November 2021, the Complainant [REDACTED] experienced sexual assault by other students.

- a. The Respondents (R1 & R4 & R2) has been determined responsible for the alleged Title IX sexual harassment.

The Respondent (R3) has been determined not responsible for the alleged Title IX sexual harassment.

- b. The reasoning for the finding:

Allegation 1 – [REDACTED]:

The Complainant's [REDACTED] report of Respondents (R3, R2, R1 and R4) reaching under the stall and "grabbed my balls and touched my butt," and "grab my penis and touch my butt" multiple times is consistent with the statements made on the March 8th locker room recording. Respondent's (R3) voice was not verified as being present on the recording. Respondents (R4) and (R2) and (R1) were verified as being present.

Allegation 1 – [REDACTED]: Beginning Summer of 2021 through November 2021, the Complainant [REDACTED] experienced sexual assault by other students.

- a. The Respondents (R2) has been determined responsible for the alleged Title IX sexual harassment.

The Respondents (R3) have been determined not responsible for the alleged Title IX sexual harassment.

- b. The reasoning for the finding:

Allegation 1 – [REDACTED]:

The Complainant's [REDACTED] report of Respondents (R3, R2) pinning him "against a wall and grabbed my balls" is consistent with the statements made on the March 8th locker room recording. Respondent's (R3) voice was not verified as being present on the recording. Respondent (R2) voice was verified.

V. Determination Regarding Sanctions and Remedies

I recommend the following disciplinary sanctions be imposed upon the Respondents:

1. Ten (10) days Out of School Suspension, during which time the Respondents are to have no contact with the Complainant. This includes directly messaging the Complainant through social media, email etc. or indirectly contacting the Complainant through peers, family, or mutual friends.
2. Upon return from Out of School Suspension (OSS), a "No Contact Order" shall be put into place. The Order should specifically address:

- a. That the Respondents are to have no contact with the Complainants. (Clearly define what contact means.)
 - b. Time Span of Order, which may include summer if the Respondent and Complainant should attend summer school or school sponsored camps or events that occur during the summer.
 - c. Protocol for accommodating the attendance of school sponsored events by the Respondents and the Complainants.
 - i. Example 1: Should parties attend a basketball game; the Respondents will be required to sit in a specific section away from the Complainants.
 - d. Protocol for accommodating field trips, extra-curricular and athletic activities when transportation is needed.
 - i. Example: Should both parties need to travel on the same bus, the Respondents will be required to have assigned supervised seating.
 - e. Progressive consequences should the Respondents violate any part of the agreement.
3. Upon return from Out of School Suspension (OSS), I recommend Respondents be provided individual mini courses related to harassment. The purpose of the course would be to ensure Respondents are fully aware of what sexual harassment entails and the impact that it can have on their and other's lives.
 4. Schedule a date prior to the start of the 2023-2024 school year to review the Order with the Respondent, the Respondent's parent/guardian, and the Respondent's building level administrator. The building level administrator may decide that the Agreement will remain in effect for the 2022-2023 school year.

The District should determine how it will communicate the No Contact Order to all staff responsible for supervising or observing the Respondent's interactions with the Complainant and other peers. Staff should clearly understand their responsibility for reporting not only any observed violation of the order, but also their responsibility to report any inappropriate activity alleged by a credible source.

I highly encourage the District to review transportation possibilities and consider separating the Respondent and Complainant if at all possible.

REMEDIES

I recommend the following Remedies be provided to Complainants and are designed to restore or preserve equal access to the district's educational programs.

1. As noted above, Respondents must follow the No Contact Order
2. At least once a month, the counselor or building level administrator shall check in with Complainants to ensure that the No Contact Order is being adhered to. This information should be considered by the Respondents' building level administrator when determining if the No Contact Order should be extended through the 2023-2024 school year.

3. In addition, I recommend that Complainants be provided counseling and/or any other service appropriately identified by the counselor.

VI. The Procedures and Permissible Bases for the Complainant and Respondent to Appeal
Either party may appeal this determination of responsibility on a form provided by the District within 10 days of issuance of this decision. The only allowable bases for appeal are:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time of the decision that could affect the outcome; and
3. The Title IX Coordinator, Investigator, or Decision-Maker has a conflict of interest or bias for or against for or against complainants or respondents in general or for or against the specific complainant and respondent that affected the outcome of the matter.

Signed: Dr. Wanda Van Dyke
Title IX Decision-Maker

Date: June 30, 2022

Printed Name: Dr. Wanda Van Dyke

cc: Brittany Schluterman- Title IX Coordinator

Joey McCutchen – Attorney
jmcutchen@mccutchenlawfirm.com



Transcription of Lamar Locker Room Recording
2:05 length of recording

The Decision Maker was provided a recording of the incident that occurring on March 8, 2022. The video provided no distinguishable evidence. The audio was difficult to understand due to sound distortion of background noise. No transcription was provided and although the investigator noted that Complainant [REDACTED] verified voices, there was nothing to note which voices belonged to which speaker.

The Decision Maker utilized a vocal remover which allowed the minimization of background noise. Once there was a clearer recording, speech speed was reduced speech to half time.

The following is a transcript of the audio. It is noted where language is unintelligible. Complainant [REDACTED] was played the audio with the background removed and asked to identify the voices. The speakers noted are based upon the Complainant's [REDACTED] verification.

[REDACTED]: What's up niggers

Not verified: Who took my. "....."

[REDACTED]: It's because you're black

@ 8 seconds
SCREAMING

[REDACTED]: Moaning

Not verified : Why did you have to change?

Not Verified: [REDACTED]s a S....Not a wimp

Not verified: [REDACTED] likes the wimps.

@ 20 seconds

[REDACTED]: Get in the Stall, No, No, No, Get in the stall, Put him in the Stalllllllll

Not Verified: No, No

@26 seconds

Not Verified: Why, what do you want me to do?

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█): Put him in the stall

@33 seconds
Crying voice

@35 seconds

█): Grab his penis

█): No, No, No, No

@38 seconds

█): Touch his penis

█): Put him in the stall.

@ 47.1 seconds

█): "....." his fingers. Smell his fingers.

█): Screaming

█): Shut the hell up. "....." Then shut the hell up and tell me why it smells so fucking good in that bitch? I thought it smelled like ass in there just as bad as in here. But no, the mother fucker "....." that shit, not this shit. FUCK

█): Moaning

█): Laughing noise

█): I gotta piss...unintelligible

(█): And I gotta piss, FUCK

Unintelligible

█): Get into the stall.

Not Verified: Lord the more he cries.

█): He's gonna piss on you.

Not Verified: I swear I'm about to piss in your throat...

█): Haaa Haaa

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@1:22

Not verified: All this raping [REDACTED]

Not Verified: Holy shit

[REDACTED]: I swear I

Not Verified: That shit is loud

Not Verified: Holy shit

@1:34

[REDACTED]: I was raping [REDACTED] when you walked in

[REDACTED] Push as hard as possible.

[REDACTED]): Feel how hard

[REDACTED]): Are you ready for this?

[REDACTED]: It's fucking loud.

[REDACTED]: Jesus, Do ya'll have to do that, like stop cussing, something.

Unintelligible.