

Background: The following is a story that can happen on any campus. Please read this as if it is happening on your campus and that you are operating from the perspective of Student Conduct Staff Member Jane.

Key Participants:

Complainant Student– Brittany Murphy

Respondent Student– David Simmons

Campus Officer Tom

Detective Peterson (he is an officer with the Town/City that surrounds the university)

Student Conduct Staff Member Jane

Brittany Murphy is a full-time student and lives in the privately owned, off-campus Oak Bridge apartments. She utilizes campus bus transportation – blue line to get to and from campus daily and on the weekends. She began college in 2011 and as of December 15th, 2013 is a junior. Brittany is a student in the College of Sciences and spends a significant amount of class time in the Biology building. She is a member of the Rho service organization and has no prior experience with student conduct.

David Simmons is a full-time student and lives in the privately owned, off-campus Tree Woods apartments. He utilizes campus bus transportation – purple line to get to and from campus daily and on the weekends. He began college in 2011 and as of December 15th, 2013 is a junior. David is a Forestry major and has some classes in the Biology building. He is not involved in any campus organizations and has no prior experience with student conduct.

The Biology building holds College of Science classes in addition to large, auditorium courses. Campus bus lines do not intersect – each path is specifically designed to cover an area of off-campus apartment locations. Brittany and David's home addresses show they are both from the city of Mosley (a large metropolitan city approximately three hours from campus by car) and attended different high schools. Prior to this incident, they had no contact with one another.

Facts of the Case

Jane first learns of Brittany when Campus Police sends a report that Brittany has made regarding David's behavior. The report said the following:

On December 15, 2013 at approximately 10:15PM I (Campus Officer Tom) was dispatched to Smith Hall to speak with an individual about a suspicious circumstance. Upon arrival, I made contact with Brittany Murphy. Ms. Murphy explained that an individual she kind of knew had been following her. She identified the individual as David Simmons, who sat next to her in their science class this semester. Ms. Murphy first started interacting with Mr. Simmons in late October; he offered her the extra ticket he had to a home football game. Ms. Murphy accepted the offer and provided Mr. Simmons her phone number to arrange the ticket exchange. Ms. Murphy had spoken to Mr. Simmons a few times in the days following the game and stopped talking to him when he began appearing everywhere she was. Ms. Murphy would often see Mr. Simmons outside her residence hall, classrooms and frequently at lunch. She stated that Mr. Simmons had texted and called her several times for the past three weeks following the football game. She explained a situation that occurred earlier this week where Mr. Simmons had followed her to the library and sat at a nearby table. He remained at the table until she left and did not appear to be doing any work. She said that he made her uncomfortable to walk alone, especially at night. Ms. Murphy advised me she had not told Mr. Simmons to stop contacting her. Ms. Murphy has not responded to any message since the few days following the home football game. Ms. Murphy did not want to press charges; she just wanted Mr. Simmons to leave her alone. At this time, I advised Ms. Murphy that I would contact Mr. Simmons and advise him to cease all contact. I asked her to contact me if he continued reaching out and the police department would take

further actions at that time. I also provided Ms. Murphy the number for the campus SAFE Ride Program in case she ever needed a late-night ride home.

Based on that report, Campus Officer Tom contacted David to ask his perspective on the complaint he received from Brittany. The report Jane received continued on and said the following:

At approximately 11:00PM on this same night I made contact with David Simmons by phone. I spoke with him for a few minutes and explained the situation. Mr. Simmons advised me that he was just friends with Ms. Murphy and that they had a class together. I asked Mr. Simmons to come speak with me at the police department to further investigate the report filed by Ms. Murphy.

At approximately 11:15PM Mr. Simmons arrived at the police department. I asked him to tell me more about his relationship with Ms. Murphy. He stated that he just knew her from class and that he had offered a ticket to her for the upcoming home football game. I asked if he had been calling her. He stated that they lived near each other back home and had called a few times looking for a ride home over break. He also stated that she had never answered the phone. I asked him if he could explain her seeing him frequently at the library and in the dining halls. He stated that he had been studying at the library a lot recently for exams and that he often went to Commons dining hall for lunch. He stated that he was not aware of her always being there. Mr. Simmons completed a short statement. I then advised Mr. Simmons that he was not in any trouble at this time, but that he should not contact Ms. Murphy anymore. I further explained that this meant he should not call her phone or approach her if he sees her on campus.

The Student Conduct office wanted to talk to Brittany before adjudicating the case but it was nearing the end of the semester so Student Conduct issued a campus no contact order to David. Jane planned to reach out to Brittany after the break. During the first week of classes as Jane prepared to email Brittany, she filed another report with the campus police. The details of that report are as follows:

On Friday, Jan 27, 2014, I, Detective Peterson, met with Brittany Murphy at the campus Women's Center. Ms. Murphy reported that she was being stalked by an individual named David Simmons. She said that she filed a police report in 2013 about him. That report shows that Campus Officer Tom advised Mr. Simmons to have no further contact with Ms. Murphy. Ms. Murphy said that, after making the report, Mr. Simmons ceased all contact with her for a period of time. She said that during the fall semester of 2013, she started seeing Mr. Simmons in her apartment complex (which is several miles from his apartment), at a campus dining hall, in many of her classes, and at various places off campus. She said she sees him too frequently to be coincidence. She stated that on several occasions she has passed him while he was sitting or walking the opposite directions, only to have him turn and follow her or walk in front of her to her intended destination. She said that she had also seen him on the bus that she rides from her complex to campus. The bus in question does not have a route that takes it near Mr. Simmons's apartment. Brittany voiced that she is not friends with David and has only interacted with him in class and when she has seen him walking around campus. Ms. Murphy told me that she felt unsafe walking around campus and was unsure how Mr. Simmons continued to show up in the same places. Ms. Murphy said that several of her friends have also observed Mr. Simmons's actions. Following my interaction with Ms. Murphy, I forwarded the case to the Student Conduct office for further investigation.

Immediately after receiving the report, Jane met with David to notify him of his pending hearing regarding his behavior toward Brittany. Jane reaffirmed the no-contact order, to which he agreed. During David's pre-hearing he disclosed the he and Brittany were friends and from the same town and he did not know why she was accusing him of stalking her.

Jane also met with Brittany for a pre-hearing meeting to prepare her for the pending conduct hearing. During the conversation with the conduct officer, Brittany shared more about David's behavior the previous semester:

- Last semester David would walk in front of Brittany when she would walk to her class in Williams Hall to the Commons Dining Hall because he knew her routine and continued this throughout the semester.
- David would walk around Brittany's apartment complex repeatedly last semester, but specifically Halloween weekend and the weekend of Homecoming (late September). Brittany does not believe that David lives in the same complex, but lives across town.
- Brittany also disclosed the David would follow her from another class to her lab section in Price Hall as well.
- On one occurrence last semester he was sitting on a bench on the campus quad, and when Brittany approached him he got up and began walking in front of her to her lab. After entering the building, David walking into the room where Brittany normally studies, but when she decided not to enter the room because he was there, he left.
- Other instances that occurred last semester include David standing outside the restroom in Williams Hall when Brittany was exiting; standing outside her lab section, which he is not in, before her class began; and looking at Brittany from behind the wall of the Commons Dining Hall and then entering the building.
- The Sunday before classes started Spring 2014, Brittany's friend reported to Brittany that she saw David outside their apartment complex, and when Brittany and her friends went to a friend's townhouse her friend also saw him walking around those townhouses. Again, David does not live near this complex either.
- During the first week of classes this semester, Brittany was walking down her apartment complex stairs when she saw him walk across the complex in front of her and once outside, Brittany saw David looking at her from behind the complex.
- There have also been times where David has showed up to dining halls when Brittany has been present and once she points him out to her friends, he ends up leaving the dining hall.
- There was one instance where Brittany was standing at the bus stop outside her complex with two friends and she saw him standing on the sidewalk. Once downtown, Brittany and her friends went to the Campus Pub and she saw David there. Her and her friends walked downstairs to another bar to make it seem as if they were leaving and once they did, David exited the Campus Pub. Two of Brittany's friends saw him walk into an alley and then come out walking on the street. The group then went to The Watering Hole where the same two friends saw him again. It was at this point that Brittany's boyfriend approached David and asked what he was doing there and David said he was just hanging out. Brittany's boyfriend then asked why he was alone and not drinking and he replied he was driving friends. He then asked David where his friends were and David said he didn't know. Brittany's boyfriend then asked David "You know that girl you're following around?" to which David said "Yea." Brittany's boyfriend told David to be careful because she would be pressing charges.
- Brittany and her friends are fearful for their safety. Brittany also stated that these incidents have impacted her sleep, health, and peace of mind.

Tabletop #1:

Based on what you have read, what would be the potential policy violations?

How can your policies help you adjudicate this? What, if any, gaps are there in your policy?

What are the “ends” of your rubric for adjudication? What do those words mean to you? How do they connect to your policy?

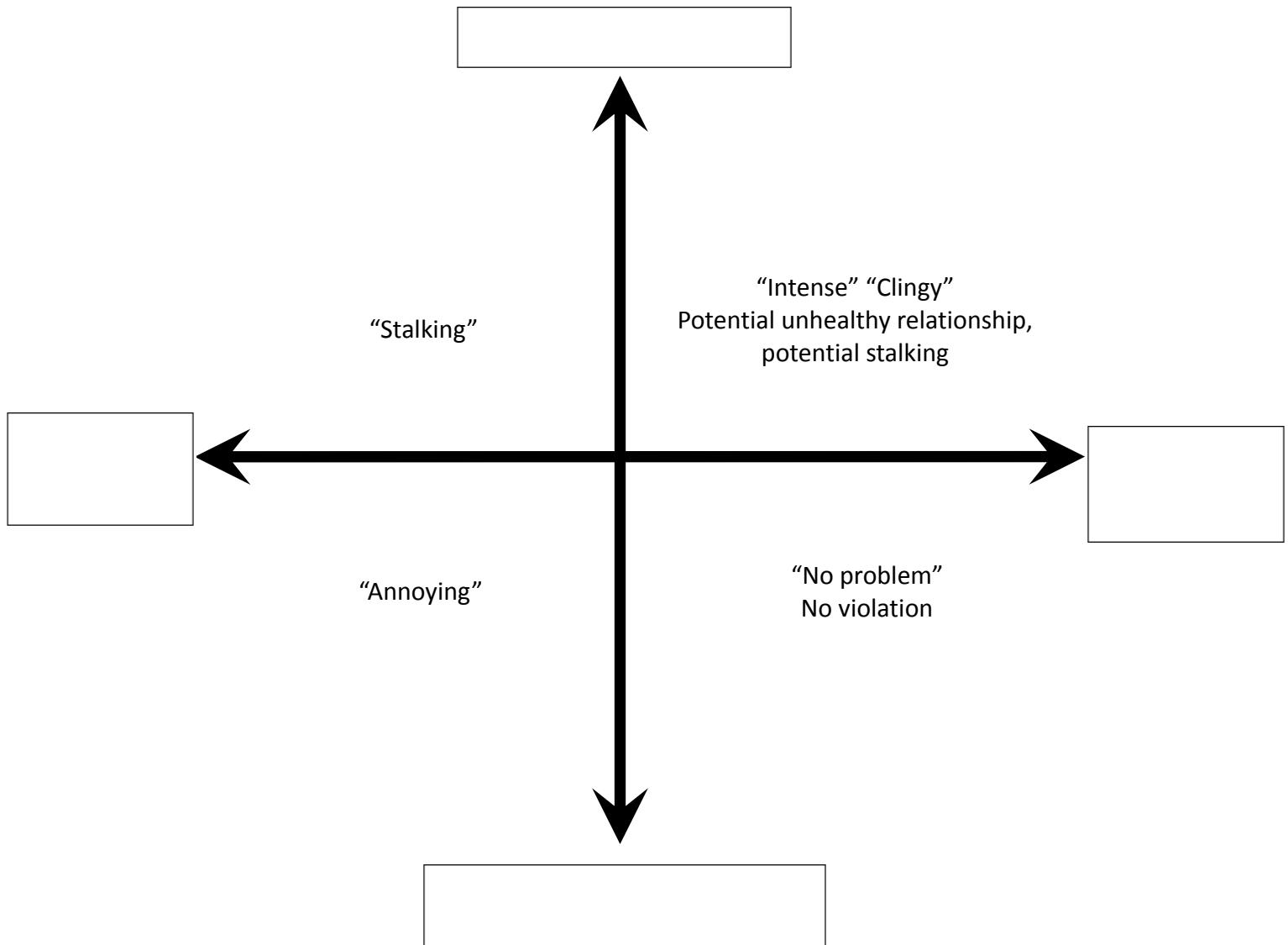


Table Top #2: Adjudicate the Case

Taking all of previously provided documentation that Brittany has shared about David's behavior and the policy you have selected to charge David, use the rubric to play out the adjudication of this case.

At your tables, use the stalking rubric with your campuses terms (or those provided) to "plot" David's behavior.

What would be the questions you would want to ask?

Having seen the sample questions, what questions would you add, modify, or remove from the list of suggested questions?

What would be your outcome? Why?

Time permitting: EPILOGUE

The conduct hearing regarding David's behavior has been determined and the outcome is final. It has been one month since Jane has seen or heard from either of them.

As Jane sits at her desk one Monday in March, she has an email from Brittany stating that she contacted the local police department over the weekend regarding David's behavior. She said she wants to come in and meet. She checks to see if the police have sent her the report and she finds it was just received. The initial report from the responding officer said:

Dispatched to a call in reference to a violation of protective order. Victim advised she had a protective order in place against Mr. Simmons. When she arrived home, she observed Mr. Simmons standing on the sidewalk. Mr. Simmons was located in the side yard of complainant's residence. A warrant was obtained and served on him for violation of a stalking protective order.

The local police had followed up with Brittany that Sunday and Brittany provided the following statement to the police:

On April 8th around 1:47am I was standing in the parking lot of my complex talking to my neighbors. My friend Joe Evans and I then started to walk along the side of my apartment complex to enter my neighbor's apartment from their porch door. I saw David Simmons standing on the sidewalk next to my complex. I pointed him out, said "That's him" and then went inside the apartment. Joe then saw David put up his hood and rush to his car (gray Camaro/sports car). Joe saw him speed out of the parking lot, running the stop sign on Main Street, heading towards Second Street.

Table Top #3:

What, if anything, would be your response?