



OFFICE OF STUDENT AFFAIRS

March 31, 2014

Abby Ross

[REDACTED]  
Tulsa, OK 74104

Dear Ms. Ross,

This letter summarizes action taken by the Office of Student Affairs regarding the complaint of sexual assault filed by you against Patrick Swilling, Jr.

### **Background**

On February 11, 2014, you filed a complaint against Patrick Swilling, Jr. with Campus Security alleging Mr. Swilling sexually assaulted you in his apartment on January 27, 2014. Your report states that you only knew Mr. Swilling as an acquaintance from the basketball team and that you had not previously been to Mr. Swilling's apartment. On January 27, 2014 you agreed to go to Mr. Swilling's apartment, after having declined previous invitations from Mr. Swilling, to watch the OU basketball game but noted in your report to Campus Security the visit was not to be a "booty call." You stated that you arrived at Mr. Swilling's apartment and went into his bedroom to watch the basketball game. At some point while you were in his room, you report that Mr. Swilling attacked you and sexually assaulted you in his bedroom even as you repeatedly asked him to stop.

Mr. Swilling also provided a statement to Campus Security alleging the sexual contact between the two of you was consensual. Mr. Swilling stated the two of you had been texting and decided to hang out on January 27, 2014. Mr. Swilling stated that you arrived at his apartment and the two of you went into his bedroom. He stated that his roommate's girlfriend was in the apartment and when his roommate arrived home, he went out into the living room to tell his roommate that you were in the apartment. Mr. Swilling stated that at no time did

you say no or stop but asked him to "pinky promise" that he would not tell anyone the two of you had sex.

Campus Security completed an investigation into your complaint and provided a final investigative report to the Office of Student Affairs on March 17, 2014. A review of the report was completed and a University Student Conduct Board hearing was scheduled for March 25, 2014.

### **Hearing**

On March 25, 2014, in accordance with the University Student Conduct Board policy at The University of Tulsa, a student conduct hearing was held to resolve the complaint of sexual assault filed by you against Patrick Swilling, Jr. Sexual Assault is a violation of the Student Code of Conduct and a university conduct hearing was held to determine, based on the preponderance of the evidence, if Mr. Swilling would be held responsible for sexual assault.

During the hearing, both you and Mr. Swilling acknowledged you had received copies of the policies and procedures regarding student conduct hearings. Both you and Mr. Swilling were allowed an opportunity to present statements regarding what occurred on the evening of January 27, 2014. You were both provided an opportunity to ask questions and to question the one witness you presented during the hearing.

### **Key Observations**

Prior sexual history for both students was not considered in this hearing

Both you and Mr. Swilling noted that your only contact had been through text messages. You noted that you had seen Mr. Swilling at a campus party but had never spoken to Mr. Swilling prior to going to his apartment on January 27, 2014. You stated during the hearing that Mr. Swilling answered his apartment door and directed you to his bedroom. During the hearing, you noted that as you lay on Mr. Swilling's bed, "he rolled over, grabbed your rear end and said you have a big butt for a white girl. You stated this made you feel uncomfortable and caused you to scoot away from him and off the bed. However, in a text message dated

January 20, 2014, Mr. Swilling made a similar statement, "I didn't know white girls had ass like that" and you responded with "Haha thanks."

Aubrey Wong provided a witness statement that the two of you decided on a secret word the night you visited Mr. Swilling's apartment. When asked at the hearing why you didn't use the secret word you said you could not remember the word nor did you reach out to Ms. Wong.

Aubrey Wong also provided a statement to Campus Security that "Swilling was texting Ross to wear something sexy when she came over and Ross told him that she would not." The text conversation, according to those provided by Mr.

Swilling read:

January 27, 2014

Ross: Are you doing anything tonight?

Swilling: Nah what's up?

Ross: I was just wondering if you wanted to hang out

Swilling: Yup I do where at?

Ross: Umm idk. We can't have guys in the house so it's up to you

Swilling: 🙄 I'll let you know

Ross: Okayy 🙄

Swilling: When you trying to hang?

Ross: Whenever

Swilling: About 9-930

Ross: That works:)

Swilling: 🙄 wear something sexy

Ross: Haha that makes me what to know what the plan is for tonight

Swilling: Lol I'm jp man

Ross: Haha okay good. But really what do you want to do tonight?

Swilling: It's up to you!

Ross: Hmm well idk what there is to do

Swilling: Idk we'll see

Ross: Okay 🙄 do you think you would be able to pick me up?

Swilling: Uhm maybe probably

Ross: Alrighty just let me know:)

Swilling: Wyd

Ross: Just doin laundry

Swilling: You ready

Ross: Yepp

Swilling: My teammate had my car so can you walk over?

Ross: Yeah

Swilling: Ok

Ross: Where's your apt

Swilling: Lorton Village Apt 4033

Ross: Alrighty  
Swilling: Cool  
Ross: Did you tell Rashad I was coming over  
Swilling: No why  
Ross: What building is it?  
Swilling: 1<sup>st</sup>  
Ross: Here

The statement you provided to the Office of Student Affairs on March 2, 2014, states "He then started asking me to hang out with him every day for about 4 days. I finally gave in and agreed to hang out with him on the night of January 27, 2014. Before I went over there, we made it clear that we were not going to hook up." That does not appear clear in the above referenced text message.

Mr. Swilling said you made him "pinky promise" that he would not tell anyone that the two of you had sex. He stated the "pinky promise" entailed linking "pinky fingers" and kissing your thumb. You said that it had been Mr. Swilling who asked you to "pinky promise" that you would not tell anyone what happened the night of January 27, 2014. Mr. Swilling inquired of your witness, Erin Anderson, if she had ever seen you "pinky promise" and she stated you link "pinky fingers" and kiss the thumb.

### **Decision**

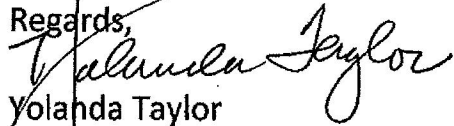
Following review of the Campus Security report and the information presented at the student conduct hearing, and based on the inconsistencies in your testimony, I have determined that there is insufficient evidence to show that it is more likely than not that Mr. Swilling violated the Student Code of Conduct or related University policies prohibiting sexual assault, violence, or harassment.

Ms. Ross, you have the right to appeal this decision within five (5) working days of receipt of notification of the results from the student conduct hearing. Should you decide to appeal, you must submit your appeal to:

The Office of Student Affairs  
800 S. Tucker Drive  
Tulsa, OK 74104

Should you require additional information, please do not hesitate to contact me at 918-631-2327.

Regards,

A handwritten signature in cursive script that reads "Yolanda Taylor". The signature is written in black ink and is positioned above the printed name.

Yolanda Taylor

Associate Vice President for Enrollment and  
Student Services & Dean of Students

Xc: Mr. Earl Johnson, Vice President for Enrollment and  
Student Services