

TITLE IX INVESTIGATIVE REPORT

****For Training Purposes Only****

Name of Investigators: Nancy Drew and Sherlock Holmes

Date of Formal Complaint: March 23, 2021

Name of Complainant: Hermione Granger

Name of Respondent: Draco Malfoy

ALLEGATIONS

The Complainant reported to school administration that the Respondent had been slapping her on her butt and grabbing her breasts since school began this year. The Complainant said this is happening at school while in the hall and outside at lunch. The Complainant said the Respondent has grabbed her breast or slapped her butt 2 to 3 times each week.

BACKGROUND OF PARTIES

Complainant is a 9th grade female at Hogwarts Jr. High School. Complainant has been attending Hogwarts Jr. High School since she began junior high as a 7th grader in the 2019-2020 school year. Respondent is an 8th grade male at Hogwarts Jr. High School. Respondent has been attending Hogwarts Jr. High School since his 7th grade year in 2020 but switched to Hogwarts Online when Complainant filed a Formal Complaint. Complainant and Respondent have no sexual harassment in their school records prior to this incident. Complainant and Respondent describe their relationship as starting out as friends hanging out with common friends and moving for a short time to a girlfriend/boyfriend relationship. Parties both agree they are no longer in a romantic relationship, but are just friends. Both parties have said that they spent time together outside of school on one occasion while hanging out at a friend's house.

INVESTIGATIVE PROCESS

Notice of the Complaint was sent to both Respondent and Complainant on March 24, 2021. (See attached.) The complaint was reported to law enforcement, and law enforcement investigated the two most recent incidents, an allegation that Respondent grabbed Complainant's breasts during lunch, while outside with a group of friends by a tree ("Tree Incident") and an allegation that Respondent grabbed Complainant's breast in the 5-point hallway between classes ("Hallway Incident"). A copy of the police report was provided to the Title IX Coordinator following the close of the criminal investigation. No charges were filed.

Complainant was interviewed once on April 19, 2021 at 10:25 AM. at Hogwarts Jr. High School following Notice of Interview investigators sent to her on April 17, 2021. Present during

this interview were: Nancy Drew (Investigator), Sherlock Holmes (Investigator), and Complainant and parent (Mrs. Granger). Complainant was interviewed again on April 21, 2021 at 10:05 AM, at Hogwarts Jr. High School upon sending a Follow-Up Notice of Interview on April 20, 2021. Present for the follow-up interview were: Ms. Drew, Mr. Holmes and Complainant. Parent was not present for this interview but was aware of and consented to conducting the interview without being present.

Respondent was interviewed on April 19, 2021, at 2:30 PM, at the District Office following notice of interview that investigators sent to him on April 15, 2021. Present for this interview were: Ms. Drew, Mr. Holmes, Respondent, and Respondent's parents (Mr. and Mrs. Potter).

The following witnesses were interviewed between April 19 and May 21, 2021:

- Complainant (HG)
- Respondent (DM)
- Harry Potter (HP), Student
- Ron Weasley (RW), Student
- Nymphadora Tonks (NT), Student
- Neville Longbottom (NB), Student
- Dudley Dursley (DD), Student
- Reubeus Hagrid (RH), Student
- Newt Scamander (NS), Student
- Ginny Weasley (GW), Student
- Seamus Finnigan (SF), Student
- Luna Lovegood (LL), Student
- Fleur Delacour (FD), Student

The following documents, accompanying this Report¹, were reviewed between April 19 and April 21, 2021:

- The police report
- Letter from Respondent's Mother
- Security cameras
- Written statement from Respondent
- Written statement from Complainant

Evidence reviewed by the investigators was shared with the parties on May 13, 2021. Each party had ten (10) days to respond to the evidence. Respondent's Mother submitted a letter, accompanying this report, for the Investigators to consider. A summary of that letter is provided below.

¹ All documents referenced as being accompanied with this Report have been previously provided to both parties. The reference herein is for the benefit of the Decision-Making Team.

This Draft Report (“Report”) was written on May 26, 2021 by Investigator Sherlock Holmes. It was provided to both parties on May 27, 2021, as well as to the Decision-Making Team.

SUMMARY OF INVESTIGATION

I. Interviews

1a. Complainant:

Interview Session #1: April 19, 2021 (10:25 a.m.)

Present: Nancy Drew (Investigator), Sherlock Holmes (Investigator), and Complainant and parent (Ms. Granger).

Location: Hogwarts Jr. High

- Complainant stated that in the school year 2019-2020, her relationship with Respondent started after the two of them started to hang out with mutual friends.
- The relationship with Respondent moved to a dating relationship before the Covid pandemic but they were no longer dating once the 2020-2021 school year started.
- Complainant stated that there was never physical contact between them during their boyfriend/girlfriend relationship outside of kissing.
- Once the school closed (due to pandemic), Respondent began to ask Complainant for nude pics of herself. She stated that she never did send Respondent the nude pics and the relationship ended.
- On the 3rd day of school 2020-2021 (this year) standing in line to take school pictures, Respondent touched the Complainant's butt, and she asked him to stop.
- Complainant stated that Respondent then started to grab her breast with his hand. When she asked him not to touch her breasts, Respondent said you asked me not to touch your butt, you didn't say not to touch your breasts.
- Throughout the year Respondent continued to touch Complainant's butt and breasts 40-50 times; she asked him to stop each time.
- Complainant stated that Respondent would laugh when she asked him to stop touching her butt and breast, and on several occasions he commented that “you won't tell, you're a pussy.”
- Complainant stated that on March 22, 2021, Respondent grabbed her breasts in the “W”(5 points) hallway between classes after the second period
- Complainant reported to the assistant principal on March 23, 2021 that Respondent had touched her breast during the lunch period outside with friends while sitting/lying at the “tree” with friends.
- Complainant stated that when the two most recent incidents (outside tree and hallway) happened, she decided to report Respondent to the school administration.

- Complainant and HP (friend) walked past Respondent on their way into the school and Complainant told Respondent “if you keep doing that I’m going to report you.” Respondent laughed at her and replied, “you won’t do anything , you’re a Pussy.” HP and RH (friend) spoke with Complainant and finally walked her to the office to report the incident.

Interview Session #2: April 21, 2021 (10:05 a.m.)
 Present: Ms. Drew, Mr. Holmes and Complainant
 Location: Hogwarts Jr. High

- When asked if she ever touched Respondent’s penis, Complainant replied “never in my life, never.”
- Complainant admitted to being at NS’s house in March with friends and Respondent came over and began to flirt with her. Respondent asked if she wanted to makeout. Respondent and Complainant kissed a couple of times that evening; it was consensual. Nothing happened except for kissing
- In response to the question “Was there any talk of having sex?”, Complainant replied, “No.” Complainant explained they were alone in the bedroom for a couple of minutes. She said they kissed 3 or 4 times, a little bit more than a peck but not a makeout.
- Complainant said that Respondent told the group of friends that if she reported him for touching her, that he would tell everyone that she touched him while at NS’s house.

1b. Respondent:

Interview Session #1: April 19,2021 (2:31)
 Present: Draco Malfoy, Mrs. Malfoy (Mother), Mr. Malfoy (Father), Nancy Drew (Investigator), Sherlock Holmes (Investigator)
 Location: District Office-K-12 Room

- Respondent stated that he and Complainant dated the previous school year until the school closure due to the pandemic.
- Respondent stated that he avoided Complainant the first half of the year but started talking to her the second half of the year.
- Respondent started the school year in-person, then went online and came back to in-person learning in November. Respondent withdrew from Hogwarts and enrolled again in Hogwarts Online shortly following the filing of the Formal Complaint.
- Respondent stated that he and Complainant have some of the same friends.

Five Point Hallway (W) Incident March 22,2021

- Respondent stated that he thought that Complainant came up to him in the **five point** hallway and gave him a hug and he poked Complainant breast; he then changed his wording to touching Complainant breasts.
- Respondent stated other friends, CR, LL and NL were around when he grabbed Complainant's breasts.

Tree Incident (during lunch) March 23,2021

- Respondent stated that a bunch of friends went outside by the tree for lunch.
- Respondent stated that Complainant laid across the laps of he and three other friends when he **poked** Complainant's breasts.
- We showed Respondent the police report which stated that he **grabbed** Complainant's breasts.
- When asked which is accurate, Respondent stated that since the report was closer to when the incident happened, the report was more accurate; the report stated he grabbed Complainant's breasts. Respondent's father reminded him to tell the truth. Respondent stated that since he wrote the report right after the incident, that the report was probably more accurate and "I guess I grabbed It."
- Respondent stated that Complainant did tell him to stop or she'd file a report.
- He stated that RM, DD and NL were there and would have witnessed this.
- At the end of the interview with Respondent, he mentioned that he touched Complainant because she touched his penis so he thought it was okay to touch her.
- Respondent stated that before the two incidents he never touched Complainant's breasts and he doesn't remember ever slapping her butt.

2. Witnesses

HP (Interview 4/19/2021)

We asked HP to look over his written witness statement he submitted to law enforcement to see if it was accurate and if anything needed to be updated or changed. He read it over and said it was accurate.

Five Points Hallway Incident

HP stated that Respondent reached about and grabbed Complainant's breast. She told him to stop. HP stated that he was there when Respondent grabbed Complainant's breasts.

Tree Incident

HP stated that Respondent reached out with one hand and grabbed Complainant's breast and that Complainant told him to stop. HP stated that he was at the "tree" and gave a clear description of the incident at the tree when Respondent grabbed Complainant's breast.

Additional Information

HP said that Respondent started grabbing Complainant's breasts this school year. He said he saw Respondent do this 5-10 times. He stated that every time he did it Complainant would push him away and every time she would tell him to stop. He said that he also told Respondent to stop 2-3 times. HP stated that Complainant would ask Respondent to stop every time he touched her inappropriately. Complainant would also smack Respondent's hands away. HP stated that the majority of times there were other students around when Respondent grabbed Complainant's butt.

4/21/21--After receiving KM's statement about an incident at NS's home we re-interviewed HP.

We called HP back in to ask questions. He stated that he had never seen Complainant touch Respondent inappropriately. He also stated that he and Respondent used to be close friends and Respondent never told him that Complainant had done this.

HP stated that the Saturday before both of the incidents, a bunch of friends were at NS's home. HP stated that he saw Complainant and Respondent cuddling and kissing and it seemed consensual.

RM Interview 4/19/2021

We asked RW to read over his written witness statement he submitted to law enforcement. We asked if it was accurate or if he needed to change anything. He said it was accurate.

Five Points Hallway Incident

RW stated that he saw Complainant reach out and touch Complainant's breast. RW could not recall if he heard Complainant tell him to stop. RW heard someone tell Respondent to stop; RW thought it was RH.

Tree Incident

RM stated that a bunch of their friends were outside for lunch--which they do often. RW said Complainant was lying on the ground when Respondent reached and grabbed Complainant's breast--using both hands. RW stated that he heard Complainant tell Respondent to stop. RW stated that he also told Respondent to stop.

Additional Information

RW stated that before these two incidents, he saw Respondent touch Complainant's breasts and butt 7-8 this school year. RW stated that every time he saw Respondent do this, Complainant told him to stop. RW said that he told Respondent 1-2 times to stop as well.

RW stated that he never saw Complainant touch Respondent inappropriately. RW stated that Complainant would not have a reason to make up a story about Respondent touching her inappropriately. "They are friends."

ND Interview 4/21/2021

Five Points Hallway

ND said a bunch of friends were standing in a circle in the hallway and Respondent pushed through the circle and reached out and grabbed Complainant's breast. She said that Complainant pushed KM's hands back.

Additional Information

ND stated that before the hallway incident, she saw Respondent touch Complainant's breasts 5-6 times. The first time she saw this was about January.

ND said that every time she saw this, most of the time Complainant would push his hands away. ND also stated that Complainant is a "touchy" person but that she never saw Complainant touch Respondent inappropriately.

ND stated that Respondent has also grabbed her breasts 6-7 times; however, she has never reported it. One time a bunch of friends were in the seminary building hanging out (in February or March) when Respondent touched her breasts.

GH Interview 4/21/2021

GH stated that he has not seen Respondent grab Complainant's breasts, but he has seen Respondent do this to a girl named ND.

GH stated that he has not heard of anything Complainant has done to Respondent nor has he seen Complainant do anything to KM.

GH's House--GH stated that about a month before the two incidents, a bunch of friends came to his house. Complainant and Respondent were both there. NS said they were in his room and he saw them cuddling but that was all he saw.

CH Interview 4/21/2021

CH stated that he hasn't really seen anything himself, he just heard from people talking that Respondent and Complainant touch each other. NL said that he heard Complainant was accidentally touched by KM. NL also stated that he and Respondent aren't close friends

DD Interview 4/21/2021

DD stated that last school year (2019-2020), that Respondent and Complainant had dated. DD stated that he didn't see Respondent grab Complainant's breast, it was more like a "cupping" motion. DD stated that he never saw Complainant touch KM.

RH Interview 4/21/2021

Five Points Hallway

RH said a bunch of students were hanging out in the hallway. Complainant gave Respondent a hug and Respondent grabbed her breasts. RH said Complainant told Respondent to stop and Respondent just laughed at her.

Tree Incident

A bunch of friends were outside by the tree for lunch. Complainant was on her back and Respondent reached over with one hand and grabbed Complainant's breast. RH said she thinks Complainant told Respondent to stop.

Additional Information

RH said that she has not seen Respondent do this to other girls, nor has she ever seen Complainant touch Respondent inappropriately.

Additional Interviews: The following witnesses interviews were suggested by Respondent and his Mother

GW Interview 5/18/21

Tree Incident

- GW said she was with the group by the tree but she was talking to Neville and did not see Respondent touch Complainant. However, she did hear Complainant say that Respondent touched her breasts and that she was going to report him.

5 Points Hallway

- GW stated that she was not with the group for the hallway incident.

Additional Information

- GW stated that she had never seen Respondent touch Complainant breasts.
- GW said that two weeks prior to the "tree" incident, she said that Respondent and Complainant were facing each other when Complainant started to hug Respondent and rub his chest. She said that Complainant was running her hand up and down Kasem's chest and moved her hand down to his "private part." She said that she didn't think

Complainant intentionally touched Respondent there, but it did seem to make Respondent uncomfortable so he walked away.

LL Interview 5/18/21

- LL stated that she was not with the group in the “tree” incident or the “hallway” incident.
- LL stated that she has never seen Respondent touch Complainant inappropriately.
- LL state that she has never seen Complainant touch Respondent inappropriately
- LL stated that she has “heard things about them from other people: however, she could not recall who told her the information about them.

SF Interview 5/21/21

- We asked SF about the “tree’ and “hallway” incident. He stated that he is friends with the group and hangs but that he did not witness these two incidents.
- SF stated that he never saw Respondent and Complainant touch Complainant inappropriately.
- SF said that he never saw Complainant touch Respondent inappropriately. He did mention that Complainant is a “hugger” and hugs everyone. He said he might have seen Complainant touch Respondent’s thigh, but that would have been it.

FD (Phone interview) 5/21/21

- FD stated that she was with the group at the “tree” incident. She said they were all just hanging out together when Respondent reached out with one hand and touched Complainant’s breast. She said she heard Complainant tell Respondent to stop, but Respondent just laughed. FD thought he reached out with both hands to do it. FD stated that Complainant told him to stop or she would tell him. FD said that Respondent replied, “ you wouldn’t do that.”
- FD stated that she did see Respondent touch Complainant’s breast another time in the hallway. She thought it was before the “tree” or “hallway” incident. FD thought it might have been the first time Respondent had done this. She said that Respondent reached out with one hand and touched Complainant’s breast. She did not remember if Complainant told him to stop or not. FD did say that the vice-principa;l was close by so she thought Respondent was being a little careful.
- FD stated that she never saw Complainant touch Respondent inappropriately.

II. Documentary Evidence

Police Report

Between April 19, 2021 and May 21, 2021, investigators gathered evidence through interviews, review of law enforcement report (“Police Report”) and student records. The Investigators reviewed student records for the sole purpose of determining whether either party had been involved in an allegation of sexual harassment in the past while enrolled in Wizard School District. Neither party has been.

The Police Report included a summary of all the witnesses Investigators interviewed. The summaries in the Police Report are consistent with the summaries in this Report. The Investigators interviewed four additional witnesses, as suggested by Respondent, who were not interviewed by law enforcement.

The Police Report also includes a summary of the security camera footage, as reviewed by the law enforcement officer. His report states,

“I asked Hermione to review the security camera video in each of these locations with me. We reviewed video from camera 44-02 which gives the closest view of the area of the tree the group was sitting around during lunch. The tree is at the far edge of the camera view but we were able to zoom into that area and obtain sufficient clarity to identify individuals. The video shows the group as described including Hermione, Draco, Reubeus, Harry and Ron Weasley who had also been present for both incidents. Hermione was laying on the ground as described above. Ron was seated next to where Hermione was laying with his back to the camera. Draco joins the group and sits down next to Ron with his back to the camera. Ron and Draco’s position blocks the view of most of Hermione’s body. A minute or so after Draco sits down, you see him lean forward toward Hermione. Hermione reacts to this and shortly after her reaction, Draco gets up and walks away from the group. Hermione said that when Draco had leaned forward is when he grabbed her breast. The video does not actually show this contact but it is consistent with what Hermione had described.

“Hermione and I then reviewed the video from camera 18 which shows the Five-Points area. On 3-22-21 at 0908 hrs. the same group of friends are standing by the west trophy case. Hermione and Reubeus are at the south edge of this group. Draco, Ron and some other boys are talking together at the north end of the group. As the group begins to disperse to go to class, Hermione and Reubeus move closer to the boys. Hermione is facing the camera and Draco’s back is toward the camera. Draco’s body partially obstructs the view of what is going on between them but it appears that he reaches forward toward Hermione. Hermione blocks his reach with her right hand Draco grabs her right wrist with his left hand and lifts her arm up to about head level. Hermione pulls

her arm out of Draco's grip and Draco immediately reaches forward with his left hand and appears to touch Hermione's chest.

Security Camera Footage - Tree Incident

Camera 44-02 is mounted on the outside of xx and provides a view of the outdoor gathering area. The video shows a group of students including Hermione, Reubeus, Harry and Ron Weasley gathered near a tree. Hermione appears to be laying down near Ron who is facing away from the camera. Draco approaches the group and sits down next to Ron. Draco appears to lean forward toward Hermione. Hermione moves her arms and sits up in response to Draco leaning forward. Draco then gets up and walks away from the group.

Security Camera Footage - Hallway Incident

Camera 18 is mounted in the "W hallway." The video shows Hermione, and Reubeus talking and a group of boys including Draco and Ron gathered in the hallway. The group begins to disperse and Reubeus and Hermione approach Draco. Draco is facing away from the camera. Hermione is facing the camera. Draco's arm reaches out toward Hermione, Hermione moves her right arm, Draco catches her wrist with his left arm and raises it. Hermione pulls her arm back and breaks Draco's grip. Draco reaches forward with his left hand makes contact with Hermione's chest.

Complainant's Written Statement:

Hermione's written statement is consistent with her interview statements. She states she and Complainant dated previously but ended their relationship at the beginning of the pandemic. She states Draco has touched her breasts without her consent on multiple occasions while on school property. She states she asked Draco to stop but the behavior has continued.

Respondent's Written Statement

Draco states he touched Hermione's breasts on only two occasions; these incidents occurred in group settings in the W hallway, and outside while sitting under a tree. Draco states he believed he was responding to Hermione's flirtatious behavior.

III. Documents Produced by Parties

Respondent's mother submitted a letter to be considered by the Investigators and Decision-Making Team. The letter explains that Respondent's parents have been concerned

about Respondent's choices for some time and Respondent has been seeing a therapist to help him address some of his choices and to help him with his independent decision making skills. Respondent's parents had him drug tested--which tests came back clean--and put him in an online school. They also restricted his access to his phone, computer, and gaming console. Respondent has been involved in hockey, and Respondent's parents have informed his coaches of the current allegations and asked the coaches to keep an eye on Respondent. Respondent's mother expressed that she communicates with Respondent regularly and she has seen a shift in him. Respondent's mother explained that Respondent is thinking about his future and wants to be a leader, and he has been more respectful and kind toward them--his parents--recently. The letter also states that Respondent has admitted guilt and that he understands what he has done is wrong. Respondent expressed that he never really thought that Complainant was serious [when asking him to stop] because of a few recent times when Complaint touched him, but that Respondent understands now that even if she did touch him, it is not okay or right for him to touch her when she said no. Respondent's mother states Respondent is ready for his consequences and will accept them.

UNDISPUTED AND DISPUTED FACTS

Undisputed Facts

The following are facts that neither party disputes.

1. Complainant is a 9th grade student at Hogwarts, and Respondent is an 8th grader student at Hogwarts.
2. Respondent voluntarily withdrew from Hogwarts at the time the Formal Complaint was filed and enrolled in Hogwarts Online
3. Complainant and Respondent have a common circle of friends.
4. Complainant and Respondent were in a romantic relationship prior to March, 2020 but after the soft closure of schools in March 2020 and the summer, they returned to school in the fall of August, 2020 as friends, not romantically involved.
5. Complainant and Respondent kissed consensually outside of school on at least one occasion prior to the Formal Complaint being filed.
6. Complainant and Respondent spent lunch together with their friends and also are often together in the hallways between classes.

7. Respondent acknowledged that he grabbed Complainant's breast during lunch near the tree (Tree Incident).
8. Respondent acknowledged that he touched Complainant's breast in the hallway (Hallway Incident)
9. Complainant and Respondent both agree that Complainant asked Respondent to stop during the Tree Incident.
10. Complainant and Respondent agree that Complainant said if Respondent did not stop, she would file a report.
11. Complainant and her mother stated they do not wish to pursue criminal charges as long as the conduct stops.

Disputed Facts

The following are disputed by the parties, and will be determined by the decision-making teFD based on the information in this report, and any other relevant information provided by the parties during the review period.

1. Respondent alleges that Complainant touched his penis previously, which caused him to believe Complainant welcomed Respondent's touching her breast and butt. Complainant denies touching Respondent's penis, ever. Complainant also denies welcoming Respondent touching her breast and/or butt.
2. It is disputed how many times Respondent touched Complainant's breast and/or butt throughout the 2020-2021 school year. Respondent claims he did not touch Complainant prior to the Tree Incident and the Hallway Incident. Complainant alleges Respondent touched her butt or breasts 40-50 times throughout the 2020-2021 school year.

CONCLUSION

The Investigators have considered all the evidence provided by the parties to this point, and have interviewed all witnesses deemed relevant to the investigation. The above is an accurate reflection of the Investigators' investigation.

/s/Sherlock Holmes_____

May 28, 2021_____

Investigator Sherlock Holmes

DATE

/s/ Nancy Drew_____

May 28, 2021 _____

Investigator Nancy Drew

DATE

FOR TITLE IX COORDINATOR USE ONLY

- The Title IX Investigators submitted this Investigative Report to me on May 28, 2021.
- Both parties received a copy of this Investigative Report on May 28, 2021.
- The Decision-Making Team received a copy of this report and all evidence on May 28, 2021.