

Student Life Conduct Conference
Case Summary Sheet

Incident Number: 191-2005A
Case Number: 2005A-177

YARBROUGH, Elton S.
Dorm 11, Room HARR
College Station, TX 77843



U3

(TELEPHONE NO.):

Student Conduct Code Violation(s): Please initial beside each violation Your initials indicate that you understand the violation(s) you have been charged with

FR violating section (24.3.2.1) Sexual Misconduct - Sexual Assault/Rape. Sexual assault is the oral, anal, or vaginal penetration by a sexual organ of another or anal/vaginal penetration by any means against the victim's will or without his/her consent. An individual who is mentally incapacitated, unconscious, or unaware that the sexual assault is occurring is considered unable to give consent. The type of force employed may involve physical force, coercion, intentional impairment of an individual's ability to appraise the situation through the administering of any substance, or threat of harm to the victim. (See Appendix XII)
.. By penetrating another student vaginally with your fingers and penis on or about 3.00am November 28, 2004 at an off campus residence

FR violating section (24.3.2.2) Sexual abuse. Attempting or making sexual contact, including but not limited to inappropriate touching or fondling, against the person's will, or in circumstances where the person is physically, mentally or legally unable to give consent.
... By touching and/or penetrating another student's vagina with your hands and penis or about 3 00am November 28, 2004 at an off campus residence

FR violating section (24.3.20) Violation of published university rules. Such rules include residence hall contracts and rules, university motor vehicle rules, rules relating to the use of student identification cards, entry and use of university facilities and dining hall conduct
.. By exhibiting conduct that is unbecoming a cadet or about 3:00am November 28, 2004 at an off campus residence

SLCC Meeting Dates

Info Meeting _____ Time _____ Location _____ Staff Initials _____
Hearing Date 1-11-05 Time 1:30 Location 317 C CAIN HALL Staff Initials AGG
Follow-Up _____ Time _____ Location _____ Staff Initials _____

Witnesses Expected to Participate in the Conference

JANE DOE - WITNESS

Student Life Conduct Conference Panel Members

Pre-Hearing Staff: _____
Panel Chair: STEFANIC, J
Panel Member(s): MALLAHAN, R.
Case Officer: ANN GOODMAN.

* TAPE *

Student Life Conduct Conference
Case Summary Sheet

Incident Number:
Case Number:

YARBROUGH, Elton S. Dorm 11, Room HARR College Station, TX 77843	[REDACTED]	U3
(TELEPHONE NO.):		

Conduct Conference - Finding of Responsibility

Decision Code: AR - Accepted Responsibility FR - Found Responsible NR - Not Responsible

Reasonable Factual Basis for Decision: The hearing panel felt that it was more likely than not the victim in the incident was not able to give consent to any intimate relationship during the incident. Therefore, the student will be responsible for the charges pending. The behavior was also in violation of the policies outlined in the Student.

Conference Panel Chair: [Signature] Richard A. Mollan 11/11/05
Signature Date

Student: X [Signature] Elton S. Yarbrough 11/11/05
Signature Date

My signature indicates that I understand the finding of responsibility in my case.

Sanction(s): 27.1.3 - Suspension through Dec 2005. Eligible to return in Jan 2006.
27.1.4 - Def. Suspension for 1 year upon return
27.2.1 150 hrs. Community Service to be completed as a condition of re-enrollment 12-30-05
27.2.3 Probation from being in the cups for one year, thru Dec. 30, 2005

Conference Panel Chair: [Signature] Richard A. Mollan 11/11/05
Signature Date

Student: X [Signature] Elton S. Yarbrough 11/11/05
Signature Date

My signature indicates that I understand the sanctions given in my case.

SIMS
 ACTION MEMO
 LIFT MEMO

BLOCK
 LIFT BLOCK
 PARENTAL NOTIFICATION

Student Life Conduct Conference
Case Summary Sheet

Incident Number:
Case Number:

YARBROUGH, Elton S.
Dorm 11, Room HARR
College Station, TX 77843

U3

(TELEPHONE NO.):

Acknowledgement of Documents provided/and or explained during the Conduct Conference

Please Initial

- I have been provided with or reviewed a copy of Sections 24, 25, 26, and 27 of the Texas A&M University Student Rules
- I have been provided with or reviewed a copy of the Student Rights and Responsibilities as documented in the Texas A&M University Student Rules.
- I have reviewed my student disciplinary file and signed the case summary sheet acknowledging my understanding of what it contains.
- I have been provided with an outline copy of the Student Life Conduct Conference process and understand my role in such proceedings.
- I have been provided with a copy of the Sanctioning Guidelines used by the Student Life Conduct Conference Panel
- I have been provided with a copy of the Alcohol & Illegal Drug Sanctioning Standards used by the Student Life Conduct Conference Panel.
- I have been provided with _____

Acknowledgement of Student Rights

Please Initial

- ESU I have been informed of the Student Conduct Code violations for which I have been charged.
- ESU I have been informed of, and understand, my student rights as explained in Section 26 of the Texas A&M University Student Rules.
- ESU I have been informed of, and understand, my student responsibilities as explained in the Student Rights and Responsibilities section of the Texas A&M University Student Rules
- ESU I am aware of the possible sanctions for my behavior. I understand that the decision of the conduct conference panel members may consist of any combination of sanctions defined in Section 27 of the Texas A&M University Student Rules, which could include expulsion, dismissal or suspension.
- ESU I am prepared to proceed with my conduct conference

Student Responsibility

- I accept responsibility for the violation(s) _____ of the Student Conduct Code for which I have been charged.
- ESU I do not accept responsibility for the violation(s) _____ of the Student Conduct Code for which I have been charged. I understand that the Student Life Conduct Conference Panel will make a decision regarding responsibility in my case.

Conference Panel Chair: _____

Signature

Date

Student: _____

Signature

1-11-2005

Date



TEXAS A&M UNIVERSITY

Department of Student Life
Student Conflict Resolution Services



MEMORANDUM

January 24, 2005

To: Shontarius Aikens, Administrator, Student Activities
Jody Ford, Assistant Director, Student Financial Aid
Bob Piwonka, Manager, Student Financial Services
Jim Reynolds, Director, Memorial Student Center
Jason Boyle, Sports Club Coordinator, Recreational Sports
Julie Scamardo, Ring Program Coordinator, Association of Former Students
Dr. Charles Johnson, Dean, College of Liberal Arts

From Jeff Stefancic
Coordinator of Student Conduct Services

RE: **Disciplinary Suspension -** Elton Stepphon Yarbrough
University ID# - XXXXXXXXXX

Elton Stepphon Yarbrough is hereby **suspended** from Texas A&M University for disciplinary reasons. The suspension will be effective **Tuesday, January 11, 2005** and will remain in effect through **Friday, December 30, 2005**. This student is eligible to re-apply for enrollment only after being cleared through Student Conflict Resolution Services

This memorandum contains information that is part of a student's educational record at Texas A&M University. In accordance with the Family Educational Rights and Privacy Act of 1974 ("FERPA") this information is being shared with you because it has been determined that you have a legitimate educational interest in this matter. Any subsequent disclosure of this information must be done in accordance with FERPA guidelines and may not be re-released without prior written consent of the student references in this document.

You will receive additional documentation when this student has completed his or her disciplinary sanction. Please contact the SCRS office at 847-7272 if you have any questions regarding this information.

**STUDENT
LIFE**

Cain Hall - Suite 315C
College Station, Texas 77843-1257
(979) 847-7272, FAX 845-6136
E-Mail scrs@tamu.edu, WWW <http://studentlife.tamu.edu/scrs>
...A Department in the Division of Student Affairs



TEXAS A&M UNIVERSITY

Department of Student Life
Student Conflict Resolution Services

COPY

January 12, 2005

Elton Stepphon Yarbrough, II
215 Douglas St.
Palestine, Texas 75803-3207

0021

Dear Elton:

The purpose of this letter is to inform you that you are hereby **suspended** from Texas A&M University. **This suspension takes effect Tuesday, January 11, 2005, and will remain in effect through Friday, December 30, 2005.** Requests for reinstatement must be submitted in writing to Student Conflict Resolution Services prior to re-application or re-enrollment. Please be advised that you must meet all established University criteria and deadlines for re-enrollment or re-application in the current Undergraduate and Graduate Catalog.

Upon returning to the university, you will be placed on **deferred suspension effective Monday, January 03, 2005 through Friday, December 29, 2006.** If your return to Texas A&M is delayed, then the dates of this sanction will be adjusted accordingly. Under the terms of the deferred suspension sanction, you are eligible to enroll in the University and attend classes. However, if you should be found in violation of any University Student Rule during the term of the deferred suspension sanction, then you will be suspended from the University immediately without further review. Additional disciplinary action appropriate to the new violation will also be taken. During the term of the sanction, you are considered "not in good standing" with the University. Please refer to paragraph 27 1.4 of the 2004-2005 Texas A&M University Student Rules for a list of additional restrictions, which may apply.

In addition to this sanction, you are **required to complete 150 hours of community service.** Please bring confirmation of the completion of your service hours to the SCRS office once you have completed this sanction. You must provide written verification of your completion of this service requirement **no later than 5:00 p.m. on December 30, 2005.**

You are also being placed on **Suspension from the Corps of Cadets** effective immediately and to remain in effect through **December 30, 2005.** Should you wish to return to the Corps after the completion of this time period, you will need to contact Colonel Rick Mallahan, Assistant Commandant for Discipline, at (979) 458-1341. Please refer to the Standard for the appeals process in the Corps of Cadets. All appeals of Corps sanctions should be presented in writing to the Commandant of the Corps of Cadets; within five working days of the date the decision was made.

**STUDENT
LIFE**

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College Station, Texas 77843-1257
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E-Mail scrs@tamu.edu, WWW <http://studentlife.tamu.edu/scrs>
...A Department in the Division of Student Affairs



TEXAS A&M UNIVERSITY

Department of Student Life
Student Conflict Resolution Services

This action is being taken as a result of your violation of the Student Conduct Code contained in the University Student Rules. During your conduct conference conducted on Tuesday, January 11, 2005:

- a. you were **found responsible** for violation section 24.3.2 of the Student Rules regarding sexual misconduct by penetrating another student vaginally with your fingers and penis on or about 3:00AM November 28, 2004 at an off campus residence;
- b. you were **found responsible** for violation section 24.3.2.2 of the Student Rules regarding sexual abuse by touching and/or penetrating another student's vagina with your hands and penis on or about 3:00 AM November 28, 2004 at an off campus residence;
- c. you were **found responsible** for violation section 24.3.21 of the Student Rules regarding violation of published university rules by exhibiting conduct that is unbecoming a cadet on or about 3:00 AM November 28, 2004 at an off campus residence.

The rationale for this decision is that the hearing panel found it more likely than not that you engaged in the behaviors described above. Specifically, that the victim in this incident was not able to give consent regarding any intimate contact that occurred on the morning of November 28, 2004. By nature of you being found responsible for charges 24.3.2 and 24.3.2.2 listed above, you were also deemed to be responsible for charge 24.3.21.

You are hereby reminded of your right to appeal this decision. Enclosed is a copy of the appeal procedures. If you decide to exercise this right, then you must do so in writing to Dr. Wynn Rosser, Chair of the University Disciplinary Appeals Panel, John J. Koldus Building - Suite 117, (979) 845-4728, by 5:00 PM on Wednesday, January 19, 2005.

Should you have questions concerning this matter, please contact me at (979) 847-7272.

Sincerely,

Jeff Stefancic
Coordinator of Student Conduct Services

CC. Col. Rick Mallahan, Assistant Commandant for Discipline
Dr. Wynn Rosser, Chair, University Disciplinary Appeals Panel
Dr. Dave Parrott, Dean of Students
Mike Collins, Assistant Director of Student Life

Enclosures: University Disciplinary Appeals Panel Procedures
Information for Students Separated from the University

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LIFE**

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...A Department in the Division of Student Affairs



TEXAS A&M UNIVERSITY
 Department of Student Life
 Student Conflict Resolution Services

Deferred Suspension

As a result of your hearing with Student Conflict Resolution Services, you have received a sanction of Deferred Suspension. This form is designed to further explain the conditions and terms of this sanction (Student Rules, Section 27.1.4). The student will retain a copy of this form, and a copy will remain with the student's conduct file maintained in the SCRS Office.

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By receiving this sanction, the student has been suspended from Texas A&M University. However, this suspension is being placed in a deferred status by the hearing officer.

If the student is found to be responsible for any other university rule violation during the time that the student is on Deferred Suspension status, then the student will automatically be suspended from Texas A&M University for the period of the original sanction. The sanction of suspension cannot be appealed by the student.

During the time that the student is on Deferred Suspension status, he/she will be considered to be "not in good standing" with the university. Being "not in good standing" means:

- The student is ineligible to hold an office or elected position within a university recognized student organization.
- The student is ineligible to represent the university to anyone outside the university community in any way.
- If the length of the Deferred Suspension is longer than one semester, the student will be ineligible to receive any university-administered scholarship.
- Additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the student's conduct.

Barring any other university rule violations during the period of the Deferred Suspension status, the student will return to "good standing" status within the university on _____ (Date)

 Student's Signature and Date

 Hearing Officer Signature and Date

Original: Student
 Copy: Student's file





TEXAS A&M UNIVERSITY
Department of Student Life
Office of the Dean of Student Life

University Exhibit #1
YARBROUGH - 11/2005



December 13, 2004

Elton S. Yarborough
Dorm 11, Room HARR
College Station, TX 77843

0021

Dear Mr. Yarborough:

Information has been forwarded to the Department of Student Life, which indicates that you may have violated TAMU Student Rules related to sexual abuse/misconduct specific to an incident in which you penetrated another student sexually against their will. Specifically you are charged with allegedly violating:

- 1. TAMU Student Rules (24.3.2.1) Sexual Misconduct - Sexual Assault/Rape.** Sexual assault is the oral, anal, or vaginal penetration by a sexual organ of another or anal/vaginal penetration by any means against the victim's will or without his/her consent. An individual who is mentally incapacitated, unconscious, or unaware that the sexual assault is occurring is considered unable to give consent. The type of force employed may involve physical force, coercion, intentional impairment of an individual's ability to appraise the situation through the administering of any substance, or threat of harm to the victim. (See Appendix XII)
 - *By penetrating another student vaginally with your fingers and penis on or about 3:00am November 28, 2004 at an off campus residence.*
- 2. TAMU Student Rules (24.3.2.2) Sexual abuse.** Attempting or making sexual contact, including but not limited to inappropriate touching or fondling, against the person's will, or in circumstances where the person is physically, mentally or legally unable to give consent.
 - *By touching and/or penetrating another student's vagina with your hands and penis or about 3:00am November 28, 2004 at an off campus residence..*
- 3. TAMU Student Rules (24.3.20) Violation of published university rules.** Such rules include residence hall contracts and rules, university motor vehicle rules, rules relating to the use of student identification cards, entry and use of university facilities and dining hall conduct.
 - *By exhibiting conduct that is unbecoming a cadet or about 3:00am November 28, 2004 at an off campus residence.*



It is our intention to resolve this matter as quickly as possible for all individuals concerned. **Therefore you are required to appear for an administrative hearing on Tuesday December 21 at 2:00 pm in room 315C in Cain Hall (Student Conflict Resolution Services).** It is a university expectation that you appear for this hearing; an excuse will be provided for any missed classes. Failure to appear for this appointment will result in further disciplinary charges

The purpose of the Student Life Conduct Conference will be to determine what action, if any, may be taken in reference to the above charges. The decision of the Student Life Conduct Officers will consist of a finding of "not responsible" or "responsible". In cases where responsibility is found any combination of sanctions defined in Section 27 of the Texas A&M University Student Rules, up to and including *suspension, dismissal and expulsion* may be given.

A copy of your case file is available for viewing any time prior to your conduct conference my office, room 112 John J. Koldus Bldg. You may drop by at any time or schedule an appointment to view the file by calling 845-3111. In addition, you may also schedule a **Conduct Code Information Session** with a representative of the Student Conflict Resolution Services staff by calling 847-7272. An appointment such as this may be helpful in addressing any concerns you may have about the process and answer questions you may have as you prepare for your Conduct Conference.

I have enclosed a bookmark that highlights your rights in the Student Life Conduct Code proceeding. If you have questions regarding the conduct conference or possible sanctions, I encourage you to read the information carefully and familiarize yourself with the applicable sections of the **TAMU Student Rules** regarding the Student Code of Conduct, the Student Conduct System, Rights in Student Conduct Proceedings and Sanctions (<http://student-rules.tamu.edu>). You may also access the Student Conflict Resolution Services website's "Student Conduct Services – Frequently Asked Questions" for additional information (<http://studentlife.tamu.edu/scrs>).

Sincerely,



Ann Goodman
Assistant Dean of Student Life

Enclosure: Rights in Student Conduct Proceedings



When I was asked to write an "impact statement", I was unsure what to write, as I do not think the impact and implications of the situation have even fully hit me yet. I have sat in front of a blank computer screen for the past two hours and now I realize that all I can do is write to you from the heart. I will share with you, the world of pain and fear in which I have lived for the past month of my life and I no doubt will continue to live in, for a long time to come.

The thing, which has stood out the most to me through this entire ordeal, is how in a matter of minutes, someone has the ability to take control of the life of another and turn their entire world upside-down. That is what Elton did to me. He treated me like I was nothing but an object, like I had no feelings, no emotions, no worth. He knew he could not have me with my consent, so for him I suppose it was enough to have me while I slept, just a limp body laying there, obviously a playground for him to satisfy his sick pleasures.

Elton took a sacred part of me, which can never be returned. He took not only my body, but possibly even more importantly, my dignity, my confidence in myself and my faith in other people. After all, if you cannot trust another student with a record, which appears, as impeccable as Elton's, then who can we really trust in life? I wonder if it has ever, only for just a second, crossed his mind the pain and suffering which he has not only caused me, but also all those close to me. Did it not occur to him that I am not just a student? I am also a daughter, a granddaughter, a sister, a niece, a cousin and a friend. He has not just torn a hole in *my* life, but also in the lives of those close to me. I am one of [REDACTED] Did he never stop to think of the pain it would cause my parents?

There is no way that I can convey to you in words, the pain, which Elton has put me through. I have a permanent feeling of emptiness and helplessness inside me. Sometimes I like to think that it never happened to me, that it was something I saw in a movie or a very bad dream that I had. But each night before I lay my head down to try to sleep, it all comes flooding back to me and I know there is no way I can denied what has happened.

I feel like I am living in a body which is no longer my own. I hate to look at myself in the mirror now and each day I have started to struggle with who I am. I do not have the confidence, which I had a month ago. I no longer feel that independence, which I used to feel. I no longer feel that I possess the strength, which has carried me this far in life. I used to feel like I could conquer the world if I put my mind to it and now I simply aim to conquer each week, one day at a time.

This incident has also had a huge affect on my lifestyle in Texas. Each day I had to go back to that apartment where it happened and try to sleep in the bed in which he did it to me. But he didn't even stop with that. He sent private investigators around to our apartment after the ordeal, harassing my roommate and reducing her to tears and living in a permanent state of fear. Eventually it became too much and so we decided to move apartment. Each day I was too scared to walk to class alone, living in fear that my path would cross with his. Each night I struggled to sleep, my mind flooding with the events of that night and eventually after almost three sleepless weeks I resorted to sleeping tablets to aid me. It has strained friendships as I have told the minimum number of people possible and those that do not know have been wondering why I have not been going out or going to parties like I used to, or even just returning their calls. There are

only so many times that I can put on a brave face to the world and pretend like I am the girl that I was a month ago.

What probably hurts me the most though, is that I know I am not the only girl, which he has preyed upon. At first I thought I was alone out there, possibly even giving him the benefit of the doubt and thinking that he wasn't a bad person but simply made a mistake which he would regret for the rest of his life. Now I believe that it is indeed something, which he will regret for the rest of his life but for the wrong reasons. I am sure he regrets doing it to me, not because he feels remorse, but rather because I was strong enough to stand up to him and actually get a taped confession so he could no longer deny what he was doing to girls.

For a person like Elton, it appears that a university campus is like a playground, where he goes to parties or to bars and chooses his victim for the night. To all those present at the hearing today, I beg you to make this a safer campus and society in general. Help to stop him from doing this to other girls.

Elton, this is a message to you and this is the last time that I will ever address you directly. I want you to take in these words and carry them with you for the rest of your life. I do not know if you feel any remorse for what you have done to me. I do not know if you are aware of how wrong your actions were. There were only so many girls however, that you could do this to before one would outsmart you and your sick habit would come to an end. How would you feel if someone had done this to your mother, your sister or in time, possibly your daughter? Elton, you have beaten me into the ground for now but you have not and will not *ever* be able to break my spirit or touch my soul. God will make me pure again and I will be able to move on with my life and hopefully God will give me the strength to help other girls who are in the same situation that I find myself in now. Elton you are not only a danger to society at large, but also a disgrace to the Corps and to Aggies as a whole. You do not exemplify the Aggie spirit and when I leave Texas at the end of my exchange year, you are not the memory that I will take with me of Texas A&M. Elton, you have ruined too many people's lives and now it is time to pay. You have dug your own grave and now I am sorry to say, you have to lie in it and suffer the consequences of your inhumane and immoral actions.

Provided to the Department of Student Life
1-7-2005 from Jane Doe (case number 04-015391)



CAMPUS COMMUNITY II

To be completed by faculty/staff/employees/students of the Texas A&M University Community

University Exhibit #3

7/11/2005

Report by: _____ Title/Position: _____

Date of Report: 12/9/04 Incident Location: 8

Date of Incident: 11/28/04 Time of Incident: about 5am

Student(s) Involved: Elton Stepphon Yarborough / Dorm 11 / Social Security Number: [redacted] Address: [redacted] Telephone: [redacted]

Facts (use additional pages if necessary)

Elton contacted [redacted] (Jane Doe's roommate) after seeing the victims picture on The Facebook. The victim and Elton talked online for a few days and met one week later to play pool. The next night the victim had some friends over and invited Elton. Elton then went out to the group to Northgate. Elton left his car at the victims apartment. At the time the victim and roommate thought it was odd that Elton left his car, but they thought that it was because he had been drinking. [redacted] (a friend of the victim) mentioned that Elton became "possessive" of the victim at the end of the night at northgate. [redacted] drove the victim [redacted]

Table with 5 columns: Witness(es) To Incident, Social Security Number, Address, Telephone, Student?. Contains two rows of redacted witness information with 'Yes/No' checkboxes.

Attach Supporting Documents (i.e., Department information, doctor's excuse, additional statements)

Signature _____ Date 12/9/04

Submit this form to: Student Conflict Resolution Services, Student Life Services Building - The Grove, 1257 TAMU / College Station, Texas 77843-1257, (979) 847-7272; FAX 845-6136, E-Mail scrs@tamu.edu WWW http://studentlife.tamu.edu/scrs ...A Department in the Division of Student Affairs

(a friend of the victim and [redacted] boyfriend), and Elton back to the female's apartment. [redacted] "passed out" in [redacted] bed. [redacted] went home. The victim and [redacted] baked a pizza. Although the female were hinting for Elton to leave, he ^{did} did not leave. The females tried to be rude to him so that he would leave. The victim fell asleep on the sofa, and Elton carried her to her bed. The victim woke up during this and walked back into the living room. The victim and [redacted] went to the victim's bedroom so that the victim could change. Elton tried to come into the bedroom, but [redacted] shut the door and asked him to leave. Elton waited on the sofa. The victim went straight to bed. Before falling asleep the victim asked [redacted] to stay in her room with her. Elton told [redacted] a few minutes earlier that he just wanted to make sure that the victim was OK (probably referring to alcohol since they went out earlier in the evening) and that she got to sleep OK. [redacted] also stated that Elton told [redacted] that she should stay with [redacted] to make sure he was OK. [redacted] left the victim's room so that she could get changed. When [redacted] returned to the victim's room, the victim was in bed, under the covers, asleep. Elton was also in the bed with the victim, but he was on top of the covers. The victim remembers Elton asking her if it was OK if he took off his sweater (he had a shirt on underneath), at this ^{point} he was sitting on the bed. When [redacted] returned she got into bed. The victim was in the middle of Elton and [redacted]. [redacted] stated that the victim tried to sleep very close to her. ~~Therefore~~ Therefore, [redacted] had little space in the bed, and got up and went to her own bed. [redacted]

stated that before she got out of bed that she noticed Elton put his arm around the victim, and kept looking over at [REDACTED] [REDACTED] remembers hearing the victim's door close after she left the room. This was probably between 4am - 5am. The next thing the victim ^{remembers} is waking up face down on her bed. Her shirt was pulled up and her bra was unhooked. The victim's shorts and panties were still on her, but pushed to the side. Elton was on top of the victim, Elton was "inside" the victim. There was vaginal penetration. The victim pushed Elton off of her, Elton moved to the other side of the bed. The victim asked Elton "what the hell were you doing"? He put his arm around the victim and said that they were just cuddling. The victim immediately got up and out of bed. The victim was shouting at Elton to leave. The victim went to her bedroom door and it was locked. The victim unlocked the door and went straight to [REDACTED] room. The victim got [REDACTED] out of bed. Elton came to the [REDACTED] door and was putting his clothing on. Elton stated that he "didn't know what happened". Elton then left the apartment. Elton asked [REDACTED] to "come lock the door behind him". It took a few minutes for [REDACTED] to understand what happened. The females tried to contact some friends, but no answer. They also tried to call the TAMU helpline, no answer, but a message that stated they were closed for Thanksgiving weekend. The females then called the CS Police. The Police, ~~the investigators~~ ^{and} detectives came to the apartment, as well as the paramedics. The victim then talked to the female detective, then went to the hospital to do a Rape Kit. Before the

Police arrived Elton tried to call the victim, she did not answer. Elton left a voicemail. The next day Elton attempted to reach the victim and [REDACTED] via the Facebook and email. Neither females responded. The females still have the voicemail and emails. The police wired the victims phone, and there is a taped confession from Elton.

~~Retrospect~~

[REDACTED] transcribed this narrative for me as I was uncomfortable writing it myself. All the facts however are from me and are true.

— "the victim" of this incident



TEXAS A&M UNIVERSITY

Department of Student Life
Office of the Dean of Student Life

December 10, 2004

Elton Yarbrough
Dorm 11, HARR.
College Station, TX 77843

Dear Mr. Yarbrough,

This letter is to inform you that you are hereby suspended from Texas A&M University on an interim basis. In accordance with Texas A&M University Student Rules paragraph 26.6, "*When, however, the Dean of Student Life . . . believes that the presence of a student on campus poses a continuing danger to persons or property or presents a threat of disrupting the academic process, an interim suspension may be imposed. A student conduct proceeding will be scheduled as soon thereafter as practicable.*" This action is taken as a result of alleged violations of the Student Conduct Code contained in Texas A&M University Student Rules, including but not limited to, Sections 24.3.1, Physical Abuse and 24.3.2, Sexual Misconduct.

You are not to be on the campus of Texas A&M University for any reason without the permission of the University Police and the Department of Student Life. You will need to contact Student Conflict Resolution Services in the Department of Student Life (847-7272) to set the time and date of your student conduct proceeding and obtain additional information about the student disciplinary process.

Should you have any questions concerning the interim suspension, please contact me.

Sincerely,

A handwritten signature in black ink that reads "David W. Parrott".

David W. Parrott, Ed.D.
Dean of Student Life

xc: Mr. Mike Collins, Assistant Director of Student Life
Dr. Dean Bresciani, Vice President for Student Affairs
Mr. Elmer Schneider, Director, University Police Department
General John Van Alstyne, Commandant, Corps of Cadets

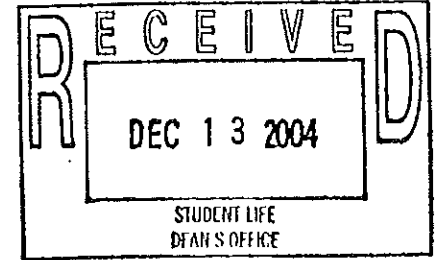


Department of Student Life | 1257 TAMU | College Station, Texas 77843-1257
PHONE (979) 845-3111; FAX (979) 845-6138
E-Mail studentlife@tamu.edu | WWW <http://studentlife.tamu.edu>
...A Department in the Division of Student Affairs



TEXAS A&M UNIVERSITY
 Department of Student Life
 Student Conflict Resolution Services

University Exhibit #5



MEMORANDUM

DATE: December 10, 2004

TO: Dr. Dean Bresciani
 Vice President for Student Affairs

THROUGH: Dr. Dave Parrott *[Signature]*
 Dean of Student Life

FROM: Mike Collins *MRL*
 Assistant Director of Student Life

SUBJECT: Disciplinary Action for an Off-Campus Incident

On December 9, 2004 Student Conflict Resolution Services received the attached Probable Cause Statement from the College Station Police Department and a Jane Doe victim's statement regarding an off-campus incident. The alleged incident involved Elton Stepphon Yarbrough, UIN # [REDACTED]. According to the victim's statement and the probable cause statement, on November 28th, 2004, Mr. Yarbrough allegedly sexually assaulted another person, by penetrating the female sexual organ of Jane Doe, without the consent of Jane Doe.

Given the serious nature of this incident, I recommend that University be allowed to investigate this incident further and if necessary issue disciplinary charges. In accordance with University Student Rules 24.5, disciplinary action for an off campus offense will be taken only when, in the judgment of the Vice President for Student Affairs, action is warranted

Approved/Disapproved

[Signature] 12-10-04
 Dr. Dean Bresciani Date
 Vice President for Student Affairs

XC: Dr. Carol Binzer, Director of Student Life
 ENCL: Probable cause statement/Victim's Statement



Department of Student Life | 1257 TAMU ☐ College Station, Texas 77843-1257
 PHONE (979) 847-7272; FAX (979) 845-6136
 E-Mail sers@tamu.edu WWW <http://studentlife.tamu.edu>
 ...A Department in the Division of Student Affairs



TEXAS A&M UNIVERSITY
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**CONSENT TO DISCLOSE STUDENT RECORDS
 MAINTAINED BY THE DEPARTMENT OF STUDENT LIFE**

This release represents your written consent to disclose educational records maintained by the Department of Student Life to the specific individual(s) identified below. Please read this document carefully, fill in all blanks, and initial where indicated as to which documents may be disclosed.

I, Elton Stepphen Yarbrough I _____
 [Print Full Name] [Social Security Number]

AM / WAS a student at Texas A&M University (TAMU) and hereby give my voluntary
 [Circle one]

consent to the Department of Student Life to disclose the following records
 [Initial appropriate item(s)]

- Contents of Individual Disciplinary File (copies of files are not provided, and files may not leave SCRS)
- Other: (please specify) _____

to the following person(s): Stephen Gustitis

These records are being released for the purpose of: counsel by attorney
 [Indicate the purpose of disclosure (i.e. communication with parents)]

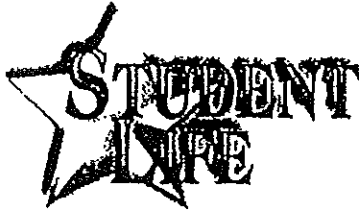
- Please indicate your access preference regarding the nature of this record release
 [Initial appropriate item(s)]
- Provide personal access to documentation contained in file (files may not leave the SCRS).
 - Authorize Student Life staff to orally discuss information contained in file.
 - All of the above.

I understand that under the Family Educational Rights and Privacy Act of 1974, no disclosure of my records can be made without my written consent unless otherwise provided for, in legal statutes and judicial decisions. I also understand that I may revoke this consent at any time (via written request the Director of Student Life) except to the extent that action has already been taken upon this release.

Elton Stepphen Yarbrough I _____ 14 Dec 04
 [Signature of Student] [Date]

Am [Signature] _____ December 14, 2004
 [Signature of Student Life Staff Member] [Date]





Witness Participation Form

DATE: 12/9/04

NAME OF WITNESS / VICTIM: victim / "Jane Doe"

Texas A&M University
CLASSIFICATION OR STATUS:

(exchange student)
 Current Student Faculty
 Staff Visitor to Campus

ADDRESS: _____

CITY/STATE/ZIP: _____

LOCAL TELEPHONE NO.: _____

OTHER TELEPHONE NO.: _____

BASIC INCIDENT DESCRIPTION: see narrative

You have identified yourself as a witness or have been identified as a witness in an incident involving an alleged violation of the Texas A&M University Student Rules. This document is designed to provide you an opportunity to state your preference regarding your participation in a student judicial hearing related to the identified incident. Please answer the questions below and return this form to Student Judicial Services staff as soon as possible.

PARTICIPATION IN JUDICIAL HEARING:
(check all that apply)

- I wish to provide a "statement of fact" related to this incident for use in a student judicial hearing. In addition, I will answer any questions posed by a University official investigating this incident.
- I wish to participate "in person" at any student judicial hearing related to this incident. *(do not want to see ~~witness~~ hi)*
- I wish to participate via a telephone conference call at any student judicial hearing related to this incident.
- I will answer written questions posed by the hearing officer(s) or the accused student(s).
- I DO NOT wish to participate in any student judicial hearing related to this incident.

NOTIFICATION OF JUDICIAL HEARING RESULTS (Victims Only):

(Due to federal regulations regarding the release of information contained in student's education files, only the victims of violent crime are entitled to this information)

- I wish to be notified of the outcome of said student judicial hearing via telephone call only.
- I wish to be notified of the outcome of said student judicial hearing via written documentation.
- I wish to be notified of the outcome of the student judicial hearing via telephone and written documentation.
- I DO NOT wish to be notified of the outcome of the student judicial hearing.

As a witness/victim I understand that under the Federal Education Rights and Privacy Act of 1974 the accused student's discipline file and discipline hearing are confidential. I understand that I can not re-release any of the information without consent of the eligible student or parent.

Signature: _____

Date: 12/9/04

Goodman, Ann

From: Goodman, Ann
Sent: Monday, December 20, 2004 6:21 PM
To: Elton Yarbrough; [REDACTED]
Subject: RE Reschedule hearing

Attachments: E Yarbrough local rescheduled to dec 20 doc



E Yarbrough local
rescheduled...

Thank you Elton -

I have attached a new copy of your charge letter reflecting the new date and time of your Student Life conduct Conference. If you have any questions about the process prior to this time please let me know.

Thank you and have a happy holiday.

Ann

-----Original Message-----

From: Elton Yarbrough [mailto:[REDACTED]]
Sent: Monday, December 20, 2004 6:03 PM
To: ann-goodman@tamu.edu
Subject: Reschedule hearing

I'm just writing to confirm the change in date of my hearing to January 11 @ 1:30 pm.

Elton Stepphon Yarbrough II
Fightin' Texas Aggie Alpha Iota Class of '05

Goodman, Ann

From: Elton Yarbrough
Sent: Monday, December 20, 2004
To: [REDACTED]
Subject: Reschedule hearing

I'm just writing to confirm the change in date of my hearing to January 11 @ 1:30 pm.

Elton Stepphon Yarbrough II
Fightin' Texas Aggie Alpha Iota Class of '05



TEXAS A&M UNIVERSITY

Department of Student Life
Office of the Dean of Student Life

December 20, 2004

RESCHEDULED

as of 12/20/04 per

0021

E.S. Yarbrough

Elton S. Yarbrough
Dorm 11, Room HARR
College Station, TX 77843

Dear M. Yarbrough:

Information has been forwarded to the Department of Student Life, which indicates that you may have violated TAMU Student Rules related to sexual abuse/misconduct specific to an incident in which you penetrated another student sexually against their will. Specifically you are charged with allegedly violating:

- 1. TAMU Student Rules (24.3.2.1) Sexual Misconduct - Sexual Assault/Rape.** Sexual assault is the oral, anal, or vaginal penetration by a sexual organ of another or anal/vaginal penetration by any means against the victim's will or without his/her consent. An individual who is mentally incapacitated, unconscious, or unaware that the sexual assault is occurring is considered unable to give consent. The type of force employed may involve physical force, coercion, intentional impairment of an individual's ability to appraise the situation through the administering of any substance, or threat of harm to the victim. (See Appendix XII)
 - *By penetrating another student vaginally with your fingers and penis on or about 3:00am November 28, 2004 at an off campus residence.*
- 2. TAMU Student Rules (24.3.2.2) Sexual abuse.** Attempting or making sexual contact, including but not limited to inappropriate touching or fondling, against the person's will, or in circumstances where the person is physically, mentally or legally unable to give consent.
 - *By touching and/or penetrating another student's vagina with your hands and penis or about 3:00am November 28, 2004 at an off campus residence..*
- 3. TAMU Student Rules (24.3.20) Violation of published university rules.** Such rules include residence hall contracts and rules, university motor vehicle rules, rules relating to the use of student identification cards, entry and use of university facilities and dining hall conduct.
 - *By exhibiting conduct that is unbecoming a cadet or about 3:00am November 28, 2004 at an off campus residence.*



It is our intention to resolve this matter as quickly as possible for all individuals concerned. **Therefore you are required to appear for an administrative hearing on Tuesday January 11, 2005 at 1:30 pm in room 315C in Cain Hall (Student Conflict Resolution Services).** It is a university expectation that you appear for this hearing; an excuse will be provided for any missed classes. Failure to appear for this appointment will result in further disciplinary charges

The purpose of the Student Life Conduct Conference will be to determine what action, if any, may be taken in reference to the above charges. The decision of the Student Life Conduct Officers will consist of a finding of "not responsible" or "responsible". In cases where responsibility is found any combination of sanctions defined in Section 27 of the Texas A&M University Student Rules, up to and including *suspension, dismissal and expulsion* may be given.

A copy of your case file is available for viewing any time prior to your conduct conference my office, room 112 John J. Koldus Bldg. You may drop by at any time or schedule an appointment to view the file by calling 845-3111. In addition, you may also schedule a **Conduct Code Information Session** with a representative of the Student Conflict Resolution Services staff by calling 847-7272. An appointment such as this may be helpful in addressing any concerns you may have about the process and answer questions you may have as you prepare for your Conduct Conference.

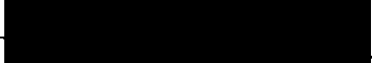
I have enclosed a bookmark that highlights your rights in the Student Life Conduct Code proceeding. If you have questions regarding the conduct conference or possible sanctions, I encourage you to read the information carefully and familiarize yourself with the applicable sections of the **TAMU Student Rules** regarding the Student Code of Conduct, the Student Conduct System Rights in Student Conduct Proceedings and Sanctions (<http://student-rules.tamu.edu>). You may also access the Student Conflict Resolution Services website's "Student Conduct Services - Frequently Asked Questions" for additional information (<http://studentlife.tamu.edu/scrs>).

Sincerely,

Ann Goodnan
Assistant Dean of Student Life

Enclosure: Rights in Student Conduct Proceedings

STUDENT LIFE ADMINISTRATIVE HEARING PANEL
** FILE REVIEW LOG **

STUDENT NAME: ELTON YARBROUGH UIN# 

ELTON YARBROUGH 12-14-04
NAME DATE

PURPOSE: FILE REVIEW PRE-HEARING

ANNY - STEPHEN GUSTINS 12-16-04
NAME DATE

PURPOSE: FILE REVIEW PRE-HEARING

NAME DATE

PURPOSE: FILE REVIEW PRE-HEARING

NAME DATE

PURPOSE: FILE REVIEW PRE-HEARING
