



Institutional Equity

University of Missouri

HEARING PANEL RESOLUTION INVESTIGATIVE REPORT

Emma Whitaker v. Ethan Caldwell

Investigator: Heidi Shearer
Date of Report: June 26, 2026

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CASE OVERVIEW

PARTIES

1. Complainant: Emma Whitaker, MU Student
2. Respondent: Ethan Caldwell, MU Student

WITNESSES

1. Sophia Bennett, Friend of Emma Whitaker
2. Nat Harper, Friend of Emma Whitaker
3. Lucas Mercer, Boyfriend of Emma Whitaker

HISTORY OF THE CASE AND RELEVANT DATES

January 27, 2026

- In his Tiger Hall Residence Hall room, Ethan Caldwell allegedly engaged in behaviors toward Emma Whitaker that may constitute Sexual Harassment (Hostile Environment) and/or Sexual Assault, specifically Rape and/or Nonconsensual Sexual Contact, as defined by MU policy.

March 8, 2026

- Whitaker called OIE and requested a meeting. I, Heidi Shearer, responded and scheduled an appointment for the next day, March 9.

March 9, 2026

- OIE spoke with Whitaker about her rights and options.

March 16, 2026

- Whitaker filed a Formal Complaint against Caldwell, requesting an investigation by OIE.¹

March 26, 2026

- OIE sent Notices of Allegations² and No Contact Directives³ to Whitaker and Caldwell.

March-May 2026

- OIE conducted the investigation, including interviews with parties and witnesses and gathering relevant documentary evidence.

June 25, 2026

- OIE sent a draft of this Investigative Report and Exhibits to the parties for a 10-day review period, as required by the Title IX Resolution Process.

July 16, 2026

- OIE sent Notices of Hearing Panel Resolution⁴ and copies of this Investigative Report and Exhibits to the parties.

¹ Exhibit 1: (EW Formal Complaint 3.16.2026).

² Exhibit 2: (EC Notice of Allegations 3.26.2026).

³ Exhibit 3: (EC No Contact Directive 3.26.2026).

⁴ Exhibit 4: (EC Notice of Hearing 7.16.26).

INTERVIEW DATES WITH PARTIES AND WITNESSES

1. March 23, 2026 – Interview with Complainant, Zoom
2. April 6, 2026 – Interview with Respondent, In Person
3. April 22, 2026 – Interview with Witness Sophia Bennett, Zoom
4. April 30, 2026 – Interview with Witness Nat Harper, In Person
5. May 7, 2026 – Interview with Lucas Mercer, Phone
6. May 15, 2026 – Interview with Complainant, Zoom
7. May 25, 2026 – Interview with Complainant, Zoom

METHODS USED TO GATHER EVIDENCE

In conducting the investigation, I spoke with the Complainant, Respondent, and Witnesses through a combination of phone calls, Zoom meetings, and in-person interviews. All other communications were through email.

SITE VISITS

No site visits were conducted.

POTENTIAL POLICY VIOLATIONS

I sent a Notice of Allegations (NOA) to Ethan Caldwell on March 26, 2026, via University email. In this letter, OIE informed him that an investigation was being conducted pursuant to the University of Missouri Collected Rules and Regulations (CRR) Section 600.030, to determine if his reported actions had violated the University's Sexual Harassment under Title IX policy (CRR 600.020).

The following information was included in the NOA⁵ and subsequently investigated:

Complainant Emma Whitaker alleges that Ethan Caldwell engaged in behaviors toward her on January 27, 2026, described below, that may constitute Sexual Harassment by creating a hostile environment and/or Sexual Assault, specifically Rape and Nonconsensual Sexual Contact as defined by MU policy, which is cited in Section III of this letter.

1. Whitaker reported that, on the evening of January 26, 2026, she exchanged messages with Caldwell via Snapchat. According to Whitaker, Caldwell invited her to his room in Tiger Residence Hall. Whitaker alleges that she agreed to visit him but expressly communicated that the purpose of the visit was to talk and that she did not intend to engage in any sexual activity.
2. Whitaker reported that, upon arriving at Caldwell's room at approximately 12:30 a.m. on January 27, Caldwell appeared intoxicated from alcohol consumption. Whitaker alleges that, after a period of conversation, Caldwell offered her whiskey, which she consumed. She further alleges that Caldwell repeatedly encouraged her to consume additional shots of alcohol over the course of the evening. According to Whitaker, she consumed multiple shots within a relatively short period of time and became significantly intoxicated.
3. Whitaker alleges that, while the two of them were sitting on Caldwell's bed, he engaged in physical contact without her consent. Specifically, Whitaker alleges that Caldwell touched her arm, neck, and upper chest area above her breasts and placed his head in her lap. Whitaker reported that she responded by reiterating that she did not want any physical or sexual activity to occur, reminding Caldwell that they were both involved with other partners and stating that she did not want him to "get the wrong idea" about the purpose of her visit.
4. Whitaker alleges that Caldwell continued making unwanted physical advances despite her statements. According to Whitaker, Caldwell continued to "grab" her and ultimately kissed her without her consent. Whitaker reported that she pulled away in an attempt to end the contact; however, she alleges that Caldwell then pushed her onto the bed and positioned himself on top of her without her consent.
5. Whitaker reported that, due to her alcohol consumption, she experienced periods of memory loss and "blacked out" during portions of the encounter. Whitaker alleges that she was incapacitated and unable to provide consent for sexual activity. She reported feeling "confused," "frozen," and "physically overpowered" during the incident.

⁵ Exhibit 2: (EC Notice of Allegations 3.19.2026).

- a. Whitaker alleges that Caldwell penetrated her vagina with his penis without her consent. She reported experiencing pain and described the sensation as “forceful stretching.”
- b. Whitaker further alleges that, while positioned on top of her, Caldwell grabbed her breasts and inserted his finger(s) into her vagina without her consent.

As described above, allegations of unwanted contact with Whitaker’s arms, neck, upper chest, lap, and breasts, as well as nonconsensual kissing, could relate to MU policies prohibiting nonconsensual sexual contact and/or policies prohibiting sexual harassment, by creating a hostile environment. Allegations of nonconsensual penetration of Whitaker’s vagina with Caldwell’s penis and nonconsensual digital penetration of her vagina could constitute sexual assault in the form of rape, as defined by MU policy.

APPLICABLE POLICY DEFINITIONS

Sexual Harassment under Title IX Policy (CRR 600.020)

B. Definitions

1. **Sexual Harassment.** Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
 - b. **“Hostile Environment”** - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity;
 - c. **“Sexual assault”** - Any sexual act that constitutes rape, nonconsensual sexual contact, incest, and statutory rape, as defined below:
 - (i) **“Rape”** is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object, without the consent of the victim. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent. Attempted Rape is included.
 - (ii) **“Nonconsensual Sexual Contact”** is the touching of the clothed or unclothed genitals, groin, breast, buttocks, or other body parts of another person where the touching was intentional, without consent of the victim, and with the purpose of sexual degradation, sexual gratification, or sexual humiliation or forcing a person to make contact with another person’s genitals, groin, breast, buttocks, or other body parts, clothed or unclothed, where the touching was intentional, without consent of the victim, and with the purpose of sexual degradation, sexual gratification, or sexual humiliation.

2. **Consent to Sexual Activity.** Consent to sexual activity is knowing and voluntary. Consent to sexual activity requires of all involved persons a conscious and voluntary agreement to engage in sexual activity. Each person engaged in the sexual activity must have met the legal age of consent. It is the responsibility of each person to ensure they have the consent of all others engaged in the sexual activity. Consent must be obtained at the time of the specific activity and can be withdrawn at any time. Consent, lack of consent, or withdrawal of consent may be communicated by words or nonverbal acts. Someone who is incapacitated cannot consent. Silence or absence of resistance does not establish consent. The existence of a dating relationship or past sexual relations between the Parties involved should never by itself be assumed to be an indicator of consent. Further, consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Coercion and force, or threat of either, invalidates consent.
3. **Incapacitated or incapacitation.** A state in which rational decision-making or the ability to consent is rendered impossible because of a person's temporary or permanent physical or mental impairment, including but not limited to physical or mental impairment resulting from drugs or alcohol, disability, sleep, unconsciousness or illness. Consent does not exist when the Respondent knew or should have known of the other individual's incapacitation. Incapacitation is determined based on the totality of the circumstances. Incapacitation is more than intoxication but intoxication can cause incapacitation.

Factors to consider in determining incapacity include, but are not limited to, the following:

- a. Lack of awareness of circumstances or surroundings (e.g., an inability to understand, either temporarily or permanently, the who, what, where, how and/or why of the circumstances; blackout state)
- b. Inability to physically or verbally communicate coherently, particularly with regard to consent (e.g., slurred or incoherent speech)
- c. Lack of full control over physical movements (e.g., difficulty walking or standing without stumbling or assistance)
- d. Physical symptoms (e.g., vomiting or incontinence).

APPLICABLE PROCEDURE

At all times, this investigation was conducted in accordance with CRR 600.030, which describes the Resolution Process for Resolving Complaints of Sexual Harassment under Title IX.

JURISDICTION

At the time of the alleged incident, Emma Whitaker and Ethan Caldwell were both students⁶ at the University of Missouri.

⁶ Meeting the definition as set forth by CRR 600.030(C)(22), "A person having once been admitted to the University who has not completed a course of study and who intends to or does continue a course of study in or through one of the Universities of the University System."

STANDARD OF PROOF

When this matter is reviewed by the decision maker pursuant to CRR 600.030, the standard of proof will be “preponderance of the evidence,” defined as determining whether evidence shows it is more likely than not that a policy violation occurred.⁷

CREDIBILITY ASSESSMENT

The information provided in the interview summaries, below, was obtained by an interview with the stated person that was free of prompting, coaching, or behavior that could, in any way, compromise the validity of the statements made. At all times, the parties and witnesses were interviewed in a manner free of any coercion or undue intimidation. Both parties were interviewed in person in my office or via Zoom; the witnesses were interviewed via telephone, Zoom, or in-person meetings at my office. The statements offered by all parties and witnesses during interviews were in their own words and of their own accord.

Each party and witness had an opportunity to review their statements presented in this Investigative Report. They all responded to approve their statements.

⁷ Per CRR 600.030(P)(1).

PARTY INTERVIEWS

COMPLAINANT: EMMA WHITAKER, MU STUDENT

On March 8, 2026, student Emma Whitaker called the MU Office of Institutional Equity (OIE) and requested to speak with OIE about her rights and options regarding an incident that occurred. Whitaker did not provide any details about the incident(s) that had occurred, at that time. I, Equity Consultant and Investigator Heidi Shearer, scheduled a meeting with Whitaker for the next day, March 9.

When I met with Whitaker on March 9, she did not provide any names or specific details about the allegations, other than a brief reference to an incident that was sexual in nature and occurred on the University of Missouri campus. She opted not to share more information, including the respondent's name. Instead, we discussed the role of OIE and potentially applicable policies and procedures. Whitaker indicated that she wanted to proceed with a Formal Complaint, which she submitted to OIE on March 16. The Formal Complaint is included as an Exhibit, and its narrative is also pasted below, verbatim:

On January 26, 2026, around 11:30 p.m., I was communicating with Ethan Caldwell, an ex-partner with whom I had a physical relationship, on Snapchat. He seemed to be highly intoxicated and was sending concerning messages. When he suggested that I visit him, I agreed but made it clear that nothing sexual would happen because we were both in relationships. Concerned for his well-being, I went to his residence hall around 12:30 a.m. on January 27.

When I arrived, I got him water and talked with him about the messages he had sent. We discussed his anxiety about his current relationship and our past relationship. After about an hour, he offered me a shot of alcohol, which I accepted because I thought it would make the conversation easier. However, I felt pressured to continue drinking. As the night went on, he became increasingly physical, including putting his head in my lap and grabbing my arms without permission. I directly told him that I was not comfortable with anything physical happening. In response, he told me that "no one had to know" and continued making physical advances. Despite my objections, he eventually kissed me.

I became intoxicated very quickly and blacked out during much of what followed. I remember feeling confused and unable to understand what was happening. At some point, I realized he was having sex with me without my consent. I do not remember much of the encounter, but I remember lying on my back with him on top of me and freezing because I felt confused and overwhelmed. I also felt that he was much stronger than me and that resisting was not a realistic option. When it ended, I checked my phone and saw it was approximately 3:30 a.m.

Afterward, I got dressed and left. The next morning, Caldwell messaged me on Snapchat. Later that day, I spoke with my best friend and roommate about what had happened, and both encouraged me to stop communicating with him. Around 3:00 or 4:00 p.m., I sent Caldwell a message explaining that I felt "used and manipulated" and informed him that I was blocking him. I blocked him immediately afterward. On Sunday evening, I spoke with my boyfriend about the incident. He was supportive and helped me locate campus resources.

Since the incident, I have not had any verbal contact with Ethan. However, I later saw him in the lobby of my residence hall, which made me uncomfortable and fearful of encountering him again. Since then, I have avoided spending time in my dorm and have struggled academically because of the impact the incident has had on me. The experience has affected multiple areas of my life and continues to occupy a significant amount of my time and energy.

On March 23, I met with Whitaker via Zoom to further discuss the allegations presented in the Formal Complaint and to ask follow-up questions. I asked Whitaker about her “physical relationship” with Caldwell that had ended a few weeks prior to the incident, as she referenced in the Formal Complaint. She explained that their relationship lasted for a few months and stated it was “purely sexual” with “no romantic involvement.” She confirmed that their prior sexual relationship included sexual intercourse and oral sex between them.

I asked Whitaker about the “concerning” messages she received from Caldwell on February 10, as referenced in her Formal Complaint. She said, “He was expressing a lot of anxiety about a lot of things, both his relationship with her current girlfriend and our relationship. He told me that he was worried that I hated him. Things were awkward.”

Next, I asked Whitaker how she knew Caldwell had been drinking alcohol and was “highly intoxicated” before she went to his residence hall room. Whitaker recalled that his messages contained “lots of misspellings,” he sent videos in which he was “slurring his words,” and she asked him if he was drunk. Whitaker believed Caldwell was drinking whiskey and “doing shots,” although she did not know how many. When asked how she knew he was intoxicated upon her arrival, she explained, “He wasn’t really walking in a straight line. The slurring was still there. He seemed off.”

I then referenced Whitaker’s statement in the Formal Complaint that she made clear via Snapchat that “nothing sexual would be happening” during her visit. Whitaker explained that she told Caldwell she was coming over only to talk and recalled saying, “I don’t know if this is your intention. Nothing sexual is going to happen. We are both in relationships.”

Next, we discussed Whitaker’s arrival at Caldwell’s room around 12:30 a.m. on January 27, 2026. Whitaker stated that she retrieved a bottle of water for Caldwell from his refrigerator. When asked about Caldwell’s demeanor, she described him as calm and stated, “He didn’t seem like he was trying to push anything sexual to happen. Very platonic type of conversation.”

Whitaker explained that Caldwell offered her Jim Beam whiskey. She could not recall how many shots she consumed but remembered taking multiple shots in quick succession. Whitaker stated that she consumed no other alcohol or drugs that evening and did not observe Caldwell using drugs.

Regarding her statement that Caldwell “pushed [her] to drink more,” Whitaker explained that he repeatedly encouraged her to continue drinking, saying, “Take another,” and “Come on. Don’t be a buzz kill.” She recalled responding, “No, I would like to wait a few minutes.”

I then referred to Whitaker’s statement that Caldwell had “progressively gotten touchier” as the evening continued. Whitaker explained that he began “grazing my arm, grabbing my neck, [and] touching on my torso,” and that the contact became more frequent throughout the night. She confirmed they were fully

clothed at that point. When asked whether he touched her breasts or genital area over her clothing, she replied, "At that point, I was very drunk. It could have happened. I don't remember."

I next referenced Whitaker's statement that she reminded Caldwell she did not want anything physical to happen. Whitaker stated that after Caldwell put his head in her lap, she told him, "I really don't want you to get the wrong idea." When asked how Caldwell tried to convince her to engage in physical or sexual activity, Whitaker recalled him saying, "Nobody has to know. This is not about anyone else; this is about us. We don't have to tell anybody." Whitaker also confirmed that Caldwell kissed her on the lips and stated, "I was very confused [by] what was happening. It took me a few seconds to pull away." She maintained that none of the physical activity that followed was consensual.

Whitaker further stated that she "gotten drunk so fast that [she] blacked out during most of the experience." She reported remaining on the bed throughout the evening and making comments that she felt "pretty drunk." Whitaker stated that Caldwell had seen her intoxicated at least once before. She described initially sitting at the end of the bed while talking with Caldwell and later recalled, "He pushed me down. He grabbed me to turn me around, so my head was at the end of the bed."

When discussing the alleged sexual activity, Whitaker confirmed that "penetrative sex" referred to Caldwell inserting his penis into her vagina. She recalled feeling "some pain, forceful stretching," but stated there was no bleeding.

Whitaker stated that she remembered Caldwell removing her shirt and bra after pushing her onto the bed but did not remember the events that followed. She confirmed that Caldwell moved in a thrusting motion and was undressed, although she did not recall how his clothing was removed. Whitaker stated she had been wearing sweatpants and a T-shirt, while Caldwell wore a T-shirt and pajama pants.

Whitaker further alleged that Caldwell grabbed her breasts and inserted his finger(s) into her vagina. She could not recall the sequence of those events. When asked what she said before leaving, Whitaker replied, "I think I just said, 'I have to go,' or something like that."

I then asked Whitaker about a Snapchat message she reportedly sent Caldwell later that day. Whitaker recalled writing, "I feel disgusting. [I] feel used. I know you want to be friends, but this isn't going to work. I don't want to talk to you again." She stated that she waited approximately 10–15 minutes to see if the message was opened before blocking him.

Regarding a later encounter on February 16, Whitaker stated that she saw Caldwell in the lobby of her residence hall while with her boyfriend, Lucas Mercer. According to Whitaker, Caldwell held the door open and made eye contact, but neither spoke to the other.

Finally, Whitaker identified three witnesses listed in her Formal Complaint: Nat Harper, her roommate; Lucas Mercer, her boyfriend; and Sophia Bennett, her best friend. Whitaker stated regarding Bennett, "I told her what happened the morning after. She (Bennett) is the first person I told."

On **April 24, 2026**, I met with Whitaker via Zoom and explained that I would share information provided by witnesses during the investigation and give her an opportunity to respond.

First, I relayed statements made by witness Nat Harper. I explained that Harper reported Whitaker had discussed the incident with Caldwell and told Harper that she “regretted it” and felt “coerced” by Caldwell. I also relayed Harper’s statement that Whitaker was concerned about how the encounter would affect her relationship with her boyfriend, Lucas. Additionally, I informed Whitaker that Harper said Whitaker had developed feelings for Caldwell and was hurt when he resumed a relationship with his ex-girlfriend. In response, Whitaker stated, “Yeah, him getting back together with his girlfriend and me developing feelings was obviously prior to all this happening. That was probably a month or so before, and I had hardly spoken to him since then.”

Whitaker estimated that her feelings for Caldwell and his reconciliation with his ex-girlfriend occurred around December 2025. When asked, she confirmed that “developed feelings” was an accurate description of how she felt at that time.

I then asked whether she had any contact with Caldwell after December 2025 and before January 26, 2026. Whitaker stated that they exchanged messages on Snapchat approximately one week before the alleged incident but said she did not remember what they discussed.

I explained to Whitaker that Bennett shared screenshots of text messages between them (Whitaker and Bennett) about the incident.⁸ Whitaker confirmed that she is familiar with the text thread I referenced and did not need to see my copy to refresh her memory. Note that screenshots of the text messages between Whitaker and Bennett on January 26 are attached as Exhibit 6, and their content is included here, verbatim:

Whitaker: “Girl, we need to talk.”

Bennett: “What happened? Are you okay?”

Bennett: “I can talk whenever.”

Whitaker: “I can’t call you because I don’t want Nat to know, and she’s going to tell me she told me so.”

Bennett: “What happened, sweetheart?”

Whitaker: “So last night, I went over to Ethan’s to take care of him since he was so drunk and was texting me some concerning stuff. I still care about him (I know, bad choice to begin with). I was already a little tipsy because I was nervous about seeing him, but I was super adamant that nothing could happen between us since we’re both in relationships. Over the course of a couple of hours, we talked and reconnected, but he was getting me really drunk and pushed himself on me. I feel so, so terrible because I shouldn’t have gone over there to begin with, and I kind of knew what was going to happen, but he 100% manipulated me into doing it.”

Whitaker: “I could have gotten up and left at any point, but I didn’t because he got me so drunk.”

Bennett: “Oh, baby, honey, it’s okay.”

⁸ Exhibit 5: (Text Messages between Whitaker and Bennett 1.26.2026, provided by Bennett).

Bennett: "Did you tell Lucas, or do you not want to?"

Whitaker: "I don't know if I should."

Whitaker: "I feel like I should be honest and tell him, but his ex cheated on him for years, and I don't want him to think that's what's happening here."

Whitaker: "And I'm so scared telling him will ruin it."

Bennett: "You can tell him or not; that is your choice."

Bennett: "Do you want to be alone right now or with someone?"

Whitaker: "I need to be alone because I have so much work to get done."

Bennett: "If you need me to come over today, I will. Or if you just need to get coffee or get off campus for a bit, I can come."

Whitaker: "Okay, I'll let you know."

Whitaker: "Honestly, I just want to go home."

Bennett: "I don't blame you. I would want to be home too."

Bennett: "Let me know if you need any help or emotional support."

Whitaker: "Okay, thank you so much. That means a lot to me."

Whitaker: "It really means a lot."

Next, I explained to Whitaker that I would share information Caldwell provided during his interviews and written statement and give her an opportunity to respond. I relayed Caldwell's account that he offered Whitaker two shots of whiskey, which she accepted, and that she later poured one or two additional shots for herself. Whitaker responded, "I don't remember him drinking—just me," and "I do not recall pouring anything for myself." I also relayed Caldwell's statement that Whitaker placed her hand on his thigh and that they began kissing and engaging in "intimate contact." Whitaker replied, "I do not remember ever touching him."

I shared Caldwell's description of their conversation that evening, including discussions about classes, their relationships, and dissatisfaction with their current partners. According to Caldwell, they also discussed wanting to have sex with each other again. Whitaker responded, "We did not talk about sex. We had been talking about our relationships, but that is as far as it went." She also did not recall discussing problems with her boyfriend, Lucas.

I relayed Caldwell's statement that Whitaker showed no visible signs of intoxication and was "perfectly coherent and moving, completely unhindered throughout [the night]." Whitaker responded that while

she did not know whether she displayed outward signs of intoxication, she “definitely felt” very intoxicated and believed it would have been apparent to others. Whitaker also confirmed her prior statement that Caldwell appeared intoxicated when she arrived but seemed to sober up as the evening progressed.

I then relayed Caldwell’s statement that he and Whitaker had engaged in sexual activity approximately a dozen times before January 26, including during Thanksgiving break. Whitaker confirmed, “Yes, that’s all right.”

Next, I reiterated Caldwell’s statement that Whitaker consumed two shots he poured and then poured additional shots for herself, and that she used her vape throughout the evening. Whitaker again stated she did not remember pouring shots and recalled Caldwell encouraging her to drink more, saying, “Oh, you should have another one. You should have more.”

I relayed Caldwell’s statement that he did not encourage Whitaker to drink beyond the initial two shots and that she had responded to a question about her current relationship by saying, “I would need another shot before answering that question.” Whitaker responded, “I distinctly remember him telling me I should drink more,” and stated she did not remember that exchange regarding her current relationship.

I relayed Caldwell’s assertion that Whitaker never fell asleep and was “perfectly awake and conscious the entire time,” and that he walked her home at the end of the evening. Whitaker replied:

“I do not remember ever walking home because I drank so much, at that point. I do remember leaving his room, but honestly, I was exhausted, confused, and very intoxicated at that point, so if he walked me home, I don’t remember.”

I then shared portions of Caldwell’s description of the sexual activity. Caldwell stated that after kissing, they removed their clothing and continued physical contact. Whitaker responded, “I don’t remember ever taking off my own clothes.” She confirmed remembering kissing but stated, “It was not consensual.”

I relayed Caldwell’s statement that he engaged in additional sexual activity consistent with their prior encounters, which included kissing Whitaker’s neck, chest, stomach, and legs, before initiating oral sex. Whitaker acknowledged some of the described actions occurred but maintained, “those actions were not consensual.”

I further relayed Caldwell’s assertion that Whitaker performed oral sex on him and later expressed a desire to have intercourse. Whitaker responded, “I don’t remember that ever happening. I did not say that.” She maintained that she was on her back throughout the encounter and that “Neither of us said anything; he just initiated having sex.”

I continued sharing Caldwell's descriptions of various sexual positions during intercourse, including his statement that he became tired and asked Whitaker if she wanted to be on top. Whitaker stated, "I was never on top of him. At least, not that I remember." However, she also stated, "I vaguely remember being on all fours. I don't remember how I got there." Whitaker confirmed remembering that Caldwell ejaculated on her stomach and stated she believed he later wiped it off with a towel.

I then relayed Caldwell's explanations regarding what he viewed as indicators of consent, including Whitaker placing her hand on his thigh, removing her own clothing, and comforting him after he stumbled. Whitaker responded, "No, I don't recall ever touching him like that or saying those things to him." She also stated that she did not recall Caldwell stumbling.

When I relayed Caldwell's statement that he kissed Whitaker and that she kissed him back, Whitaker responded, "I do remember him distinctly...him grabbing me. I don't remember kissing him back." She also stated that she remembered Caldwell kissing her on the cheek but believed that occurred after he kissed her on the lips.

I relayed Caldwell's assertion that Whitaker removed her own clothing and performed oral sex before intercourse. Whitaker responded, "I don't remember performing oral sex on him. He had pushed me down and removed my clothes. I don't remember ever doing that myself."

I also relayed Caldwell's statement that both discussed dissatisfaction with their current relationships and the possibility of having sex "just that once." Whitaker recalled Caldwell making comments about his relationship, but stated, "It seemed pretty one-sided to me." She confirmed that she only remembered Caldwell discussing having sex "just this once."

I then relayed Caldwell's statement that Whitaker never attempted to leave during the sexual activity and that, afterward, they discussed what had occurred. According to Caldwell, Whitaker told him she missed having sex with him and that he was a better lover than her current partner. Whitaker responded, "I don't remember ever saying that, any of that."

I further relayed Caldwell's statement that they agreed the encounter was a mistake, that he helped her find her clothes, and that he walked her home. Whitaker replied, "I don't remember him ever saying it was a mistake. I think I said something to that effect, at that time. I don't remember him walking me home."

I then shared Caldwell's statement that they held hands, continued kissing, and agreed the events would remain a "guilty secret." Whitaker responded, "I don't remember any of that conversation happening. I don't remember touching him." She also stated, "No, I don't even remember walking home with him."

Next, I relayed Caldwell's statement that he kissed Whitaker goodbye outside her residence hall and that they discussed continuing to communicate. Whitaker responded, "I don't remember that conversation ever happening either."

I then relayed Caldwell's statement that they communicated on Snapchat the following morning and discussed the encounter. Whitaker responded, "I do remember talking to him, though," but stated she did not remember the content of the conversation.

Finally, I relayed Caldwell's statement that Whitaker later messaged him saying they should no longer speak and that she would block him. Whitaker responded, "After I sent him a message saying, 'I don't want to talk to you anymore. We can't be friends anymore,' I blocked him immediately, so I did not see his response."

At the conclusion of the interview, I asked Whitaker whether she had anything else to add, and she stated that she did not.

On **June 25, 2026**, I sent Whitaker a draft of the investigative report for the ten-day review period. Whitaker did not provide a written response to the draft investigative report.

RESPONDENT: ETHAN CALDWELL, MU STUDENT

On April 6, 2026, I met with Ethan Caldwell and his Support Person. I explained the investigation process and then read the allegations aloud. Caldwell and his Support Person confirmed, when asked, that Caldwell may be willing to answer written questions or make a written statement, rather than respond to verbal questions at our meeting. Caldwell and his Support person asked questions related to the investigation and hearing procedures, which I answered. We discussed the next steps, and I agreed to send questions via email, per their request.

The following day, on April 7, I sent written questions. On April 15, Caldwell submitted written responses⁹ via email. My questions and Caldwell's answers (in bold) are attached as an Exhibit and pasted below:

- a. How and when did you first meet Emma Whitaker? **I met her initially at the beginning of the fall semester from a class we shared together, but we talked a lot more after we matched up on Tinder.**
- b. Did you interact with Whitaker before January 26, 2026? If so, please describe those interactions. **I met her the first day of class. Our interactions in class were usually just surface level conversations, but when we matched on Tinder we started hanging out outside of class. We would usually meet in my room, sometimes in hers, and our interactions were always sexual. She initiated the first time we had sex. Around mid-December 2025 I told her I was getting back together with my ex-girlfriend, and from there we stopped talking for roughly a month until January 26.**

⁹ Exhibit 6: (Caldwell Written Response 4.15.26).

- c. Was Emma Whitaker present in your residence hall room during the overnight hours of January 26-27? (If so, see additional questions below.) **Yes**
- a. Did you invite her to come to your room? **Yes**
 - b. Did she bring any items with her to your room? **Her vape.**
 - c. What time did she arrive at your room? **Around midnight**
 - d. What time did she leave your room? **Around 1:30am, possibly 2am. I don't know exactly when.**
 - e. Please describe what you and Whitaker did in your residence hall room that night. **I let her in and sat at my desk. She sat on my bed, at which point I offered her some of the vodka I had. She said yes, so I poured us both shots. I asked if she wanted another one, and when she said yes, I poured her a second shot and then another for myself. We talked about our current relationships for a bit, and then I moved to the bed to sit next to her. We talked and she poured some more shots for herself. I moved closer to her on the bed, and we continued talking. Then, she put her hand on my thigh. She didn't say anything. From there we began to kiss and the intimate contact started.**
- d. While Whitaker was in your room that night, did the two of you sit on your bed together? (If so, see additional questions below.) **Yes**
- a. What did you talk about while on your bed? **We caught up with each other on classes and the way the semester was going. We talked about our current relationships. She told me she had started dating a guy she met online. I told her I wasn't sure if it was a good thing that I got back together with my ex, and she told me there were things that she disliked in her partner. We started talking about sex, and wanting to have sex with each other again, even if we both knew it was something we shouldn't do.**
 - b. How long were you sitting by each other on your bed? **30 minutes to an hour**
 - c. During that time, did you notice any physical signs that Whitaker was intoxicated, such as slurred speech or unsteadiness? Conversely, did you observe any indicators that she was not intoxicated? Please explain. **I noticed no signs of intoxication. She was perfectly coherent and moving completely unhindered throughout.**
 - e. Prior to January 26, did you engage in any sexual activity with Whitaker? If so, please describe. **Yes, we had engaged in sexual activity about a dozen times before then. Particularly last semester, usually in my dorm, occasionally in hers. It was mostly oral and vaginal sex. Additionally, one time over Thanksgiving break we had sex.**

- f. On January 26-27, did you:
- a. Consume alcohol or other drugs? If so, please describe. **We consumed alcohol, and she was taking hits from her vape. I asked to take a hit and began to cough, at which point she patted my leg and said "Oh, honey," before taking it back from me. No other drugs were present.**
 - b. Observe Whitaker consume any alcohol or other drugs while in your room that night, or did you otherwise become aware that she had done so on those days? If so, please explain. **While in my [room] she took the two shots I offered her, and then poured one or two more on her own. Additionally, she took hits off her vape throughout the night.**
 - c. Pour any alcoholic drinks and provide them to Whitaker for her to consume? If so, please explain. **Yes. I gave her the two shots at the start of the night.**
 - d. Express, verbally or non-verbally, to Whitaker that she should consume alcohol, and/or did you talk to Whitaker about alcohol? If so, please explain. **I offered her two shots and she drank them. I did not tell her that she "should" consume alcohol. At one point, I asked if she was happy with her relationship, and she told me she would need another shot before answering the question.**
 - g. To your knowledge, did Whitaker fall asleep at any point while in your room that night? If so, please describe. **No, she did not. She was perfectly awake and conscious the entire time I she was with me, and I walked her home at the end of the night.**
 - h. Please describe your account of any/all sexual contact with Whitaker on January 27, 2026. **After kissing, we took off our respective clothes and threw them on the floor, and I was laying on top of her while kissing. From there, I began to kiss her body including her cheeks, neck, chest, stomach, and legs before initiating oral sex. That was how things had progressed in our relationship in the past. From there she told me it was my turn, and I laid down on the bed for her to begin performing oral sex on me. She did so for a short amount of time before telling me she wanted to have sex. She laid back down as I inserted my penis into her vagina and began having sex. After doing this for an amount of time I became tired and asked her if she wanted to be on top. She said yes and sat on top of me. We did that for a while, and then she told me she was tired, so she went down on all fours on my bed and I got behind her, and we had sex in that position. Then she laid back down on her back, and I ejaculated on her stomach. I got a towel to help clean up, and then we laid in my bed for a while and talked.**
 - i. While in your room on January 26-27, did you:
 - a. Touch Whitaker's arm, neck, or upper chest above her breasts? **Yes**
 - i. If so, what did Whitaker do in response, verbally or non-verbally, that indicated she consented to that specific activity? **She already**

had her hand on my thigh, and I responded by putting my arm around her shoulders. Later in the evening after kissing for a while, after having already removed our clothing, I began to kiss down her neck, chest, and eventually began oral sex.

- b. Lay your head in Whitaker' lap? **Yes.**
 - i. If so, what did Whitaker do in response, verbally or non-verbally, that indicated she consented to that specific activity? **She ran her fingers through my hair when I put my head in her lap.**
- c. Grab Whitaker and kiss her? **No. I never grabbed her. I did kiss her.**
 - i. If so, what did Whitaker do in response, verbally or non-verbally, that indicated she consented to that specific activity? **I never grabbed her. I kissed her and she was kissing me back.**
- d. Kiss Whitaker on her lips or cheek? (If so, see additional questions below.) **Yes**
 - i. Who initiated the kissing? **Myself**
 - ii. If so, what did Whitaker do in response, verbally or non-verbally, that indicated she consented to that specific activity? **We began leaning in while talking, at which point I kissed her on the cheek. I apologized for my drunkenness and she told me "No, its okay" before facing me, at which point I kissed her on the lips.**
 - iii. Did Whitaker kiss you in return? Please describe. **Yes. She put one arm around me and one [hand] on my cheek and kissed me.**
- e. Push Whitaker down on your bed and position yourself on top of her? (If so, see additional questions below.) **No. I never pushed her or used any force.**
 - i. If so, what did Whitaker do in response, verbally or non-verbally, that indicated she consented to that specific activity? **She began to lean back and put both of her arms around my back.**
- j. On January 26-27, did you:
 - a. Insert your penis into Whitaker' vagina? (If so, see additional questions below.) **Yes.**
 - i. What was she doing when you initiated this contact? **She was laying down under me, already having removed her clothes after having performed oral sex on me.**

- ii. What conversation did you and Whitaker have about engaging in this activity? **We had discussed sexual dissatisfaction with our partners, and the possibility of having sex just that once.**
 - iii. Please describe the verbal and/or nonverbal consent that you received from Whitaker regarding insertion of your penis into her vagina. **She had told me she no longer wanted to perform oral sex, and said she wanted to have intercourse.**
 - b. Insert your finger(s) into Whitaker's vagina? (If so, see additional questions below.)
 - i. What was she doing when you initiated this contact? **She was laying down, naked, as I was performing oral sex on her.**
 - ii. Did you discuss this sexual activity with Whitaker prior to inserting your finger(s) into her vagina? **I had not, as I was already performing oral sex, and she was pushing my head toward her body.**
 - c. Grab Whitaker's breasts? (If so, see additional question below.) **Yes**
 - i. What did Whitaker do in response, verbally or non-verbally, that indicated she consented to this specific activity? **She was on top of me, having sex with me.**
- k. During your interactions on January 26-27:
 - a. Did Whitaker try to get up from your bed and/or leave your room at any time? If so, please explain. **No, she did not.**
 - b. Did Whitaker ask you to get off of her at any time? If so, please explain. **No, never.**
- l. Did you and Whitaker communicate with each other after the sexual activity, either on January 27 or any time thereafter? If so, please describe those communications. **We laid in my bed and began discussing what had just occurred. She told me she missed having sex with me, and that I was a better lover than her current partner. We agreed that what had happened was a mistake since we were both with other people. I helped her find her clothes, as they had been thrown on the floor, and then walked her home.**

During the walk we held hands and would continue to kiss. We also talked further, agreeing that the night's events would be our guilty secret, and that if either of us felt overwhelming guilt or anxiety we would be able to freely talk to each other about it as friends. When we got to the lobby of her residence hall, and I gave her one last kiss, telling her I was afraid the night would be over and I [wouldn't] have a chance to be with her again. She told me she was too, but it was okay because we would be able to continue to communicate with one another.

The next morning, we texted each other over Snapchat, reiterating that it was a mistake and that it would be okay, and that we could continue talking to each other about it if necessary. On the evening of January 27, saying that her friends had convinced her that we shouldn't talk to each other anymore that she would block me on social media. I agreed, and apologized for things happening how they did, and told her I wished we could still be friends. I blocked her on social media after that and we haven't spoken since.

- m. What did you do after Whitaker left your residence hall room? I offered to walk her home, and she accepted. I walked her back to her residence hall, and then I walked back home and went to sleep.**

On **May 2, 2026**, I met with Caldwell and his Support Person to ask follow-up questions. At the outset of the meeting, Caldwell stated that he would respond only in writing. I shared information obtained from witnesses and Whitaker. When I relayed that Whitaker did not recall walking with Caldwell from his room to her residence hall, Caldwell's Support Person asked whether anyone had checked "security tape." I explained that residence hall security footage is retained for approximately 30 days and was no longer available because the investigation began after the retention period had expired.

I informed Caldwell that records¹⁰ had been obtained from Housing that show student ID card access activity. The records showed Caldwell's card being used to access a bathroom and then his room at 1:19 a.m. on January 27. At 1:28 a.m., Caldwell's card was used at a Tiger Hall exterior door. Caldwell confirmed that he met Whitaker at that entrance and swiped his card so they could enter the building together. Caldwell and his Support Person confirmed that there was no dispute that Whitaker came to his room that night. Records further showed Caldwell's card being used to enter his room at 1:30 a.m. I also explained that Whitaker's card was next used to enter her residence hall at 4:12 a.m. and her room at 4:21 a.m. Records showed Caldwell's card being used to re-enter his residence hall at 4:27 a.m., with no additional swipes until later that day.

Next, I asked Caldwell about the whiskey bottle that was present that evening, including how much alcohol remained in it and whether he still possessed it. Caldwell stated that he no longer had the bottle and described it as a large bottle of whiskey. He explained, "I can't imagine there was a whole lot left, as I had started drinking much earlier in the evening, in the afternoon, really. So, I don't know precisely how much was in it."

Caldwell further stated that once he moved onto the bed, Whitaker was positioned between him and the desk where the bottle was located, which made it impossible for him to pour additional shots for her and prevented him from knowing how much she may have consumed on her own. He stated, "Once I was on the bed, she was in between me and the desk. It was impossible for me to pour her any shots."

According to Caldwell, when he woke up the next morning, the bottle was either empty or nearly empty. He explained, "I remember waking up and the bottle was completely empty or almost empty. I remember waking up and it was a lot more empty, and I don't know when that got drank."

¹⁰ Exhibit 7: (Housing Card Swipe Records – January 27, 2026).

On June 25, 2026, I sent Caldwell a draft of the investigative report for the ten-day review period. Whitaker did not provide a written response to the draft investigative report.

WITNESS INTERVIEWS

WITNESS 1: SOPHIA BENNETT, FRIEND OF EMMA WHITAKER

On April 22, 2026, I interviewed Sophia Bennett, a friend of Complainant Emma Whitaker. Bennett stated that she had known Whitaker since she was a kid, and that they both later attended the same university. Bennett reported that she had never met Ethan Caldwell personally but had heard about him from Whitaker during their prior interactions.

When asked whether Whitaker told her about the alleged incident, Bennett stated, “Yeah, I was the first person she told about the incident. I was told before the roommate.” Bennett recalled that Whitaker initially told her, “I have something to tell you. I am really scared about it.” Bennett explained that Whitaker did not provide extensive details but stated that she had been concerned about text messages Caldwell sent to Whitaker, went to check on him, and that “He pushed himself on to me.”

Bennett further stated that Whitaker appeared very concerned about how the incident would affect her relationship with her boyfriend, Lucas Mercer. According to Bennett, Whitaker told her, “I don’t want Lucas to think I have been cheating on him.” Bennett emphasized that the conversation occurred through text messages and that Whitaker did not provide many additional details at that time.

Bennett also stated that, based on her knowledge of Whitaker, she believed Whitaker was genuinely concerned about Caldwell’s wellbeing prior to the incident. Bennett also explained that Caldwell had resumed a relationship with his ex-girlfriend and that Whitaker later began dating her current boyfriend, Lucas Mercer.

When asked whether she had anything else to share, Bennett stated that she believed it was plausible that Caldwell could have physically overpowered Whitaker, as he was “not necessarily gentle.” She explained that Whitaker had previously described Caldwell as physically strong and recalled Whitaker saying, “He manipulated me. He pushed himself on me.” Bennett stated, “I can see that.”

When asked about her comment that Caldwell was “not necessarily gentle,” Bennett clarified that she was referring to prior sexual encounters Whitaker had described to her. Bennett recalled that, when Whitaker first discussed Caldwell, Whitaker said, “Oh my god, I just hooked up with this guy. He was strong enough to pick me up.” Bennett further recalled that Whitaker described Caldwell as “rough” and “aggressive.” Bennett could not recall exactly when Whitaker shared those descriptions but believed it was early in Whitaker and Caldwell’s interactions.

WITNESS 2: NAT HARPER, FRIEND OF EMMA WHITAKER

On April 30, 2026, I interviewed Nat Harper, who identified herself as Emma Whitaker’s close friend. Harper stated that she did not know Ethan Caldwell personally but was familiar with him through Whitaker.

When asked what Whitaker told her about the incident, Harper explained that Whitaker said Caldwell had been texting her and she went to check on him because she was concerned about his well-being. Harper recalled that Whitaker later felt it had been a mistake to go to his room, stating, “She said he was texting her, and she wanted to make sure he was okay. She thought it was a mistake and she should not have gone over. She wanted to check on him.”

Harper further stated that Whitaker told her she and Caldwell were not in a relationship at the time and that, once she arrived, Whitaker felt Caldwell “knew what he was doing.” According to Harper, Whitaker felt pressured to continue drinking and was not in a clear state of mind. Harper recalled, “She felt coerced to be drinking more, and she wasn’t of sound mind.”

Harper stated that Whitaker later told her that she regretted the encounter and felt she had been pushed by Caldwell. When asked about the timing of the conversation, Harper could not recall exactly when it occurred, stating that it may have been several days after the incident rather than the next day.

Regarding Whitaker’s demeanor, Harper stated, “It was very bad. I could tell she felt very guilty.”

Harper explained that Whitaker expressed mixed feelings, telling her that she felt she had made a mistake but also felt “violated and coerced.” According to Harper, Whitaker was particularly concerned about the impact the situation could have on her relationship with her boyfriend. Harper also stated that Whitaker told her she had not been drinking in their room before going to Caldwell’s room, although Harper noted she was not present and could not independently verify that information.

When asked about the history between Whitaker and Caldwell, Harper stated that she believed they met on a dating app and described their prior relationship as primarily sexual. Harper recalled that Whitaker developed feelings for Caldwell, but that Caldwell did not reciprocate and instead resumed a relationship with his ex-girlfriend. According to Harper, “She (Whitaker) was really hurt by that.”

Harper further stated that Whitaker was attempting to remain friendly with Caldwell afterward but did not intend to continue a sexual relationship. At the conclusion of the interview, Harper emphasized the impact the incident had on Whitaker, stating, “She was feeling so awful. It has really affected her.”

Harper added that Whitaker’s boyfriend had been understanding and that the situation was affecting multiple aspects of Whitaker’s life, including her academics and overall well-being.

WITNESSES 3: LUCAS MERCER, BOYFRIEND OF EMMA WHITAKER

On May 7, 2026, I spoke with Lucas Mercer by phone. Mercer explained that he met Emma Whitaker through a dating app in mid-December 2026 and that they began dating on January 5, 2026.

When asked what Whitaker told him about the incident involving Whitaker and Caldwell, Mercer stated that Whitaker told him she went to Caldwell’s room because she was concerned about messages he had sent while intoxicated. Mercer recalled, “She went over to help her friend, and he fed her alcohol.”

Mercer further explained that Whitaker told him she believed she had been taken advantage of and that Caldwell had sent concerning messages that prompted her to check on him. According to Mercer, Whitaker said that Caldwell was visibly intoxicated when she arrived, that he laid his head in her lap, and

that she repeatedly told him she was in a relationship and that nothing was going to happen. Mercer recalled that Caldwell allegedly responded by saying something to the effect of, "They don't have to know."

Mercer stated that Whitaker told him Caldwell then "proceeded to force himself on her." He further recalled that Whitaker said she was confused, felt unable to stop what was happening, and believed she may have blacked out during the encounter. According to Mercer, Whitaker told him that, afterward, she dressed and left while feeling confused.

When asked about the timing of this disclosure, Mercer stated that Whitaker first told him about the incident on January 27 during an in-person conversation at his apartment. He explained that Whitaker had texted him earlier that day saying she needed to talk. Mercer recalled noticing that she seemed different throughout the day, stating, "I could see that there was something different, there was hesitation in her voice. Almost as if she was scared, and she had mentioned she was afraid to tell me what had happened."

Mercer confirmed that Whitaker told him during their conversation that she had been afraid to tell him about the incident. When asked if he had ever met Caldwell, Mercer stated that he had never formally met him. He recalled one occasion when he and Whitaker saw Caldwell in her residence hall, but there was no interaction between them.

Mercer stated that he did not possess any text messages or documentation related to the incident. At the conclusion of the interview, Mercer described the impact he observed the incident having on Whitaker. He stated, "Seeing how this has affected Emma... She was utterly terrified and completely pale."

Mercer also recalled that Whitaker had previously described Caldwell as physically strong and stated, "There is no way she could have fought him off if she was coherent enough to do so."

LIST OF EXHIBITS

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1	EW Formal Complaint 3.16.2026	1
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5	Text Messages between Whitaker and Bennett 1.27.2026, provided by Bennett	18
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