



HEARING PANEL RESOLUTION
INVESTIGATIVE REPORT

Brewerv. Tower

Investigator: Heidi Shearer

CASE OVERVIEW

PARTIES

1. Michelle Brewer, MU Student
2. Jacob Tower, MU Student

WITNESSES

1. Breanna Lewis, Friend of Brewer
2. Jasper Abreo, Friend and Roommate of Tower
3. Jaslene Napay, Friend of Brewer
4. Siobhan Hughes, Girlfriend of Abreo and Party Attendee
5. Rebecca Lawrence, Party Attendee
6. Zach Stewart, Party Attendee

HISTORY OF THE CASE

On January 15, 2024, Michelle Brewer made an initial report to the Office of Institutional Equity (OIE). The report contained information alleging behaviors by Jacob Tower that may constitute Sexual Assault (Rape) in violation of University policy.

On January 19, Brewer submitted a formal complaint to OIE.

On January 30, I sent Brewer and Tower a Notice of Allegations letter describing the allegations against Tower.

On

January 30, 2024

x OI Sent Notices of Allegations² and No Contact Directives³ to Brewer and Tower

June 24, 2024

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POTENTIAL POLICY VIOLATIONS

I delivered a Notice of Allegation (NOA) to Jacob Tower

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

MICHELLE BREWER, MU STUDENT

I first met with Michelle Brewer on Monday, January 15, 2024, over Zoom. During our meeting, she described an incident implicating one of the University's Nondiscrimination Policies. On January 19, 2024, Brewer submitted a Formal Complaint along with a detailed statement alleging that on January 12, 2024, student Jacob Tower engaged in Sexual Assault (holding and/or Rape) with her at Kappa Zou's fraternity house located at 155 Main Street. She reported that she was unable to recall all the events of the night due to her level of incapacitation. Below is a summary of the information collected during the course of the investigation.

Brewer reported that she and Tower met during the Spring semester of their freshman year and became friends. She stated,

We first met in March (2023). We had some classes together, but we never really talked much. But then I joined the Chemistry Club in the fall semester and that's where I started talking to him. We then started hanging out more.

When asked how often they hung out together, she said, "Besides Chemistry Club meetings, we would hang out maybe once a week or once every two weeks. A smaller group of us liked to do different things together, like karaoke or just hang out at Jacob's roommate's place. It was just kind of whatever."

Brewer then began to describe what occurred on the night of the incident. She recalled that on the night of the incident, she and Tower were at Kappa Zou's fraternity house located at 155 Main Street. She reported that she was unable to recall all the events of the night due to her level of incapacitation.

It didn't seem like more than normal. I can usually drink a lot, but it was different this time. I didn't have as much to eat as normal. I don't know if that was different or maybe it was that I drank a lot pretty quickly because I kept losing I had those tequila shots before leaving Breanna's I have never blacked out or forgotten a night though. That's what is so weird about this.

I asked what she had to eat that day, and she said, "I had a bagel for breakfast and a salad for a late lunch. I didn't really eat much for dinner; I just had some chips with cheese dip and salsa at Breanna's. There's wasn't food at the party."

Brewer was then asked to describe what she felt when she began feeling sick. She stated,

I first noticed that the room seemed weird, like it was moving, but I knew I wasn't [moving]. I felt off kind [of] dizzy. Then I started to feel nauseous. That's when I went to sit down in the living room. It's right off the dining area, which is where the ping table was.

She was then asked to describe what happened while she was sitting down in the living room. She recalled,

That's where I really get confused. I remember sitting and Snapchatting, and at another point, I remember standing and talking to people. I don't really remember what we were talking about, but I remember we were laughing. The next thing I remember is being in Jacob's room, but I have no idea how I got there. It's like I was just there, on his bed, and he was on top of me.

Brewer stated that she recalls talking to Tower at the party and remembers that he was part of the group she was talking with in the living room. When asked who else was in the group she was talking with, she stated, "I remember it was Jacob and Breanna who were all talking and laughing." I asked whether she told anyone that she felt sick, and she replied, "I don't remember if I did. I think people could probably tell though."

When asked why she thought others would be able to tell, she said

I just felt so weird and since I can't remember parts of the night, I'm sure it was obvious to others. I felt unsteady. I was able to walk around somewhat okay; like, I didn't need help to stand up. I just felt odd.

When asked how many people were at the party, Brewer stated,

Not a lot, maybe a total of six or seven, but not everyone was there the whole time. I also didn't know them all. It was a mixed group. That's one reason I brought Breanna. I really only knew Jacob and his roommate, Jasper (Abreo).

I then asked follow-

Thanksgiving Break (late November 2023). We were on the same trip together. We both had been drinking a lot and hooked up. That's the last time we hadn't hung out again until the party at Kappa Zeta (January 12, 2024).

I asked whether they had communicated with each other since the Thanksgiving Break trip. She stated, "Yes. We mostly send Snaps to each other."

Brewer was asked to describe how their prior sexual interactions differed from the night of the reported incident. She stated,

I remember the details of every other time we've had sex and I can't remember the details of this night. I must have been too drunk. I passed out and only remember little parts of what happened. I remember wanting to say something but not being able to. And then I just remember waking up the next morning. It feels so shocking, and when he was acting like everything was normal to him, I just don't feel like it was. I don't understand how it could be. I mean, I didn't even remember spilling my drink, but apparently that happened.

When asked what drink she spilled, she explained that Tom told her the next morning via text that she had spilled beer on her shirt while they were talking in the living room. She added, "I apparently spilled it on my shirt, and they were laughing. I remember the cop and Breanna laughing at something, but I didn't know that was why." She stated she checked her shirt the next day and could see the stain and

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JACOB TOWER, MU STUDENT

I met with Jacob Tower and his support person on February 20, 2024, over Zoom. Below is a summary of the information collected during the course of the investigation.

Tower stated that he was at the party the night of January 12, 2024. He stated it was at his fraternity house (Kappa Zou) and he was there for the entire party, which started around 7:00 p.m. and ended around midnight. He said that he lives with one other roommate, Jasper Abo, who was also at the party that night.

When asked how he knows the Complainant, Michelle Brewer, Tower replied,

We met in Chemistry Club last year (March 2023). I would say that we're friends and we hang out pretty regularly. We are... I guess you would say... sort [of] like, friends with benefits. We've hooked up on a few different occasions, like just random times and then over Thanksgiving break (late November 2023). That was the last time we had sex before this night.

We had sex then and it felt the same as this time. This is the first time she hasn't remembered though. That's still so weird because it seemed like she was into it.

I asked who usually initiates sex, and Tower replied, "Both of us do. Maybe me more than her, but we both have."

I asked how frequently he and Brewer communicate with each other. Tower replied, "Pretty regularly. We talk at Chemistry Club and then mostly talk through Snapchat." When asked if they have had regular communication since the Thanksgiving Break trip, he stated, "Yeah, it's been pretty regular." I asked whether they talked about having sex again (after Thanksgiving Break), and he answered "No, not really."
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When asked how much alcohol Brew consumed at her apartment, Lewis replied, "I'm pretty sure we each had like three shots before they got there. Two shots of tequila and one of vodka. Lewis stated they drank the shots of alcohol within about 20-25 minutes and left shortly before 10:00 p.m. I asked Lewis if she noticed whether Brew appeared intoxicated at this point, and she responded, "No, she was fine when we left. She ordered the Uber and was chatty like normal. She was fine."

Lewis continued by describing what occurred once they arrived at the party. She stated,

I don't really know what to say. Nothing really stuck out about the party. It was just very typical. I did see Michelle spill her drink when she was getting up to go to the bathroom. It's like she got up and was talking and holding her drink. Then, it tipped and spilled on her shirt. That's about it though.

to ask what happened because she woke up without clothes on or something, and she didn't remember anything. She said that he told her they had sexemcout 8g9 (h)-0t7 (e)-6 ()JT

next to Tower, Abreostated, "She was just kind of standing right by him in the kitchen, which is in between the dining area and living room. I think she had her hand on his arm or something. That's really all I remember." When asked if he saw Tower and Brewerkiss, he stated, "No."

Abreosaid that he never saw Brewer leave. He stated that he and his girlfriend went to his bedroom around 11:00 p.m.

When asked when he heard about what is being alleged to have occurred, he stated, "I heard about it when Jacob got that letter. He was shocked." In response to whether Tower talked to him about what occurred before getting the Notice from our Office, he said, "Not really. He did mention the text conversation between him and Michelle because he thought it was kind [of] strange at the time. But, he didn't say anything more until he got that letter." I asked if Tower usually talks about things like that with him, and Abreoreplied, "No, not usually. I mean, he told me about the time Tower was on Thanksgiving Break, but he doesn't usually talk about his sex life." In response to whether Tower has shared more details with him now, Abreostated,

He's worried about what may happen and feels bad that she thinks these things about

enough to know that it's not really my thing. I like to smoke weed and just chill and talk

LIST OF EXHIBITS

Exhibit #	Description of Exhibit	Page #
1	Brewer Formal Complaint	1
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5	Screenshots of Text Messages between Brewer and Tower. Provided by Brewer	17
6	Screenshots of Text Messages between Lewis and Brewer. Provided by Lewis	18