**Scenario #2**

Mark and Robert

Mark and Robert met as students at their community college because they are both in the Mortuary Sciences program. As members of the same program of study, they have had at least three classes together and would frequently flirt with one another. At the present time, Mark and Robert are in 2 classes together. Mark reported to the Title IX Coordinator that he was raped by Robert about 2 weeks ago, after they left class. He also tells you that Robert continues to text him, even though he hasn’t responded to them texts.

In his initial interview, Mark reported that Robert had offered him a ride home after class. After accepting the ride, Robert suggested the two stop off for a bite to eat before heading home. Mark said he agreed. Mark recounted their stop at Arby’s and then told you that Robert dropped him off in front of his apartment building. Mark invited Robert in and the “two of them began making out.” Mark said that Robert ask him if he wanted to smoke some marijuana and produced a joint. They smoked the joint and that was the last thing Mark remembered. Mark told you he woke up around 4 am in his underwear. His pants were on the floor and Robert was lying next to him. He tells you that he knew he had been raped. He was so terrified that he locked himself in the bathroom until he was sure Robert had woken up and left. When pressed, he continues to report not remembering anything about the assault. There were no witnesses to the rape.

Mark tells you that he was afraid to see Robert again, but knew he would have to finish his classes and get good grades. Mark has attended all of his classes and reports attempting to “stay away from Robert.” He tells you he has not told anyone of the rape and he does not want to report it to the police because he is concerned that it will become public that he is gay. Mark tells you that since the rape, he has been receiving text messages from Robert. He hasn’t responded to the texts and doesn’t want to talk with Robert anymore. He provides you with screenshots of three text messages. The messages read:

*“Mark, buddy, u no we had fun. We were both fkd up. If ur not interested in dating me, we can just be cool about the sex? Txt me.”*

*“Mark. Seriously? Don’t be a pussy. U wanted it like I did. I know u did.”*

*“txt me plz. I really like hanging with you.*

In your interview with Robert, he confirms that he and Mark are friends and that they have had a number of classes together because they are in the same program. He confirms that they went out to Arby’s after class one night and that he drove Mark home. He says that Mark invited him in and they began making out. He denies that he offered Mark a joint and says they did not smoke marijuana. He said that their making out led to them having consensual sex. He is adamant that the sex was consensual. He said that Mark took his own clothes off and that he took his clothes off. When asked, he could not recall who initiated sex and was not able to provide any information as to whether either of them hesitated or tried to stop things. He said that after they had sex, they fell asleep. He said that when he woke up, Mark was not in the room. He waited for about 10 minutes and then he got up, got dressed, and left. He said he did not know where Mark had gone.

When asked about the text messages, Robert admits that he sent those texts—and a few others. He said he wanted to know why Mark was avoiding him. He said he really liked Mark and thought he liked him back.

You know you have to do a follow-up interview with Mark. How do you approach the interview? How do you determine who is credible in this situation?