



# **TITLE IX TABLETOP TRAINING**

FALL 2022



# TRAINING OVERVIEW

- Two fictional Title IX scenarios:
  - Scenario 1: Student Complainant, Employee Respondent
  - Scenario 2: Student Complainant, Student Respondent
- Question and Answer Session after each scenario

## SCENARIO I: BACKGROUND

- On the first day of the fall semester, a male faculty member named Professor X shares with students that he often holds office hours off-site at a local coffee shop and invites the whole class to join him whenever they are available.
- On September 3, student Jane Doe meets with Professor X during his office hours at the local coffee shop from 6 PM to 9 PM.
- At 9 PM, the local coffee shop closes, and they decide to continue their conversation. Professor X states that his car is in the parking lot and they can talk in his car.
- While sitting in the car, Jane shares with Professor X that she is experiencing problems at home. Jane shares with Professor X that she is worried this will negatively affect her grade in his class. Professor X proceeds to place his hand on her knee. Professor X states “I’m sure we can work something out.”

## SCENARIO 1: BACKGROUND

- On October 15, the class has their midterm exam. Jane does poorly on the exam and receives a failing grade.
- Professor X reaches out to Jane on October 16 and asks her to meet with him during his office hours at the local coffee shop to talk about extra credit opportunities.
- On October 17, Jane and Professor X meet again at the local coffee shop. Jane starts crying while talking about her grades and home issues.
- Professor X offers to drive Jane home, and they go to Professor X's car.
- As they are driving, Jane states, "I don't want to go home. Can we go get a drink instead? Something a little stronger than coffee." Professor X says, "Sure, there's a bar in my neighborhood."

## SCENARIO I: BACKGROUND

- At the bar, Professor X buys Jane several alcoholic beverages. Jane drinks two alcoholic beverages.
- After about an hour, Jane says she feels better and asks Professor X to drive her home.
- Before she gets out of the car, Jane says, “You’re so easy to talk to. Thank you so much for listening to me.” Professor X gives Jane a hug and says, “You’re such a sweet person. I feel like we have a real connection. I’m always here for you. Here’s my number, text me anytime day or night.”
- Jane goes into her house and sends Professor X a text message that says, “Thank you again for everything, I really appreciate you.” Professor X responds via text and says, “You know I’m always here for you day or night.”
- Jane sends him a white heart emoji in response. Professor X responds, “Just remember that have to keep this between us. We could both get in a lot of trouble because people may not understand.”

## SCENARIO I: BACKGROUND

- On October 18, Jane sends Professor X a text saying, “I was so upset yesterday that I forgot to talk to you about my midterm grade. Can I meet you today and talk about it?” Professor X responds and says, “Sure, let’s grab a bite to eat.” Professor X and Jane make plans to meet for lunch at a local restaurant.
- At lunch, Jane tells Professor X that she may need to withdraw from his class because of how poorly she did on the midterm exam. Professor X urges her not to withdraw from his class and says, “We can work something out with extra credit. You don’t need to worry about your grade in my class.”
- Professor X tells Jane he will create a makeup midterm exam for her. Professor X asks Jane to let him know when she is ready to take the exam.

## SCENARIO I: BACKGROUND

- On October 25, Jane texts Professor X and tells him that she is ready to take the makeup exam. Professor X responds via text, gives her his address, and lets her know she can come to his apartment that evening to take the makeup exam.
- Professor X and Jane sit at his kitchen table and he administers her exam. After she finishes the exam, Professor X tells Jane that she received an A on the exam.
- They sit on his couch and have a few glasses of wine. Professor X and Jane proceed to engage in a sexual encounter. Jane spends the night at Professor X's apartment.

## SCENARIO I: BACKGROUND

- Jane texts Professor X a couple of days later and asks when her grade for the makeup exam will show up on Canvas. Professor X texts back and says, “I don’t know, when are we going to see each other again? 😊”
- Jane feels uncomfortable and stops responding to his text messages.
- Over the next week, Professor X sends several text messages that say things like: “I can’t stop thinking about you,” “When can I see you again?” “Let’s go grab dinner?” and a red heart emoji.
  - *Based on the information you have heard so far, what assumptions have you made about the participants?*
  - *What assumptions have you made about the situation?*
  - *Can you identify any implicit biases you have made about the participants or the case?*

## SCENARIO I: STAGE I

- On November 1, Jane comes into the Dean of Students Office to share that she is uncomfortable with the text messages she has been receiving. Jane meets with the Deputy Title IX Coordinator and files a formal Title IX Complaint against Professor X alleging sexual harassment and stalking.
  - *Is Informal Resolution an option in this Title IX Case?*
  - *Would a temporary removal of the professor be appropriate? Why or why not?*
  - *Should a sexual assault allegation be added to the complaint based on the information that alcohol was involved on the night of the sexual encounter?*

## SCENARIO 1: STAGE 2

- Both parties are notified of the formal complaint and are provided with their respective supportive measures packets.
- Two Title IX Investigators are assigned to investigate the formal complaint.
- The investigators uncover that Professor X made similar overtures via text message to two other female students enrolled in his class this semester. One of the other female students subsequently withdrew from the class.
  - *Are any interim measures appropriate based on this new information?*

## SCENARIO 1: STAGE 3

- The Title IX Coordinator and Deputy Title IX Coordinator determine that based on this information, the professor should be removed from the classroom while the investigation is ongoing. Professor X chooses to challenge the removal.
  - *Considering the allegations, would you uphold or overturn the temporary removal of Professor X while the investigation is ongoing?*
  - *Would he be removed from just this class or from all classes he is teaching?*
  - *Are there any additional interim measures that you would impose?*
  - *What supportive measures are appropriate to provide to the complainant(s)?*
  - *What supportive measures are appropriate to provide to the respondent?*

## SCENARIO I: STAGE 4

- The investigators reach out to students enrolled in Professor X's other classes this semester and uncover information indicating that similar incidents occurred in other classes he is teaching.
  - *How far back does this investigation need to go?*
  - *At what point do new allegations become separate Title IX cases?*

## SCENARIO 1: STAGE 5

- The investigators submit the final Investigation Report and the Live Hearing is scheduled. Both the complainant and respondent are assigned a college-provided Live Hearing Advisor.
  - *As Live Hearing Advisors, what questions would you want to ask each party during cross-examination?*

## SCENARIO I: STAGE 6

- During the Live Hearing, the respondent's advisor asks the complainant whether she has ever had a sexual encounter with any of her other professors.
  - *Is this question admissible?*
  - *As Live Hearing Officers, what questions would you want to ask the complainant or respondent?*
- *Reminder: Both parties and their advisors can request pre-hearing meetings with the Live Hearing Officers to discuss relevancy.*

## SCENARIO 1: STAGE 7

- Based on the information presented, what decision would you make if you were the Live Hearing Officer?
- What is the rationale for your decision?

## SCENARIO I: STAGE 8

- The respondent files an appeal stating that the complainant's advisor was a former colleague with whom he did not get along. The respondent alleges that this biased the outcome.
  - *Is this a valid reason for appeal?*
  - *As the appellate officer, what question would you ask to establish if a bias existed?*
  - *As the appellate officer, would a determination that bias existed be sufficient to overturn the Live Hearing Officer's determination in the case?*

## SCENARIO I: STAGE 9

- The Appellate Officer upholds the Live Hearing Officer's decision in the case.
  - *Is this the end of the case?*
  - *Does the respondent have any additional recourse?*

QUESTION & ANSWER SESSION

**Questions about Scenario I?**

## SCENARIO 2: BACKGROUND

- Paul and Keaton meet during New Student Orientation. They establish that they have similar interests in eSports and play the same video games.
- Paul and Keaton exchange cell phone numbers and follow each other on Twitch.
- Paul and Keaton chat occasionally online and see each other around campus during the first few weeks of the semester.

## SCENARIO 2: STAGE I

- Around midterms, Paul notices that Keaton is following him to and from his classes and out to the parking lot while he is walking to his car.
- Keaton joins Paul's Twitch stream and watches his video game live stream every weekend.
- This makes Paul uncomfortable and he comes into the Dean of Students Office to report the behavior.
- Paul declines to file an incident report or complaint and DOS advises him to block Keaton on social media.
- Paul blocks Keaton on all social media including Twitch and Discord, and also blocks Keaton's cell phone number.

## SCENARIO 2: STAGE 2

- A few days later, Keaton shows up at the restaurant where Paul works and requests to sit in his section.
- Paul lets his manager know that he is uncomfortable, and the manager assigns another server to wait on Keaton.
- Keaton is angry that Paul will not speak with him and begins messaging him on Canvas. Keaton sends Paul 20 messages saying things like:
  - “lol why won’t you talk to me?”
  - “I thought we were friends, bro.”
  - “What happened? You’re being so weird.”
  - “Seriously what the \*@!%?! What is your problem?”
  - “Don’t ignore me.”
  - “I won’t let you ignore me.”

## SCENARIO 2: STAGE 3

- The next day, Paul calls the Dean of Students Office and asks to speak with the Title IX Coordinator.
- Paul states that he doesn't want Keaton to get in trouble, he just wants the behavior and messages to stop.
- Paul chooses to file a formal Title IX Complaint and states that he wants to go through the Informal Resolution Process.
- Paul signs the *Voluntary Consent to Informal Resolution Process* form.

## SCENARIO 2: STAGE 4

- After meeting with the Title IX Coordinator, Keaton also agrees to go through the Informal Resolution Process.
- The Title IX Coordinator assigns the case to an Informal Resolution Facilitator.
  - *As the Informal Resolution Facilitator, would interim measures be appropriate?*
  - *Would any supportive measures be appropriate?*
  - *What are some appropriate terms for the Informal Resolution Agreement?*

QUESTION & ANSWER SESSION

**Questions about Scenario 2?**