

Jeopardy Title IX Training

Harassment

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Professor: Are you applying for the RA position?

Student: I am thinking about it.

Professor: I could help you with that if you'd like (placing hand on student's thigh).

Student: No thanks.

What is Quid Pro Quo Harassment?

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Sam and Lila have been dating (not exclusively) for 2 months. Sam spends 3-4 nights a week in Lila's dorm room. One night, Sam comes to Lila's dorm after he has been drinking. Lila is asleep. He gets into bed, starts kissing Lila's neck and touching her buttocks. Lila wakes up and tells him to stop. Sam loudly yells "FINE" in her face and pushes Lila out of the bed.

What is fondling or dating violence?

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Michael verbally and in graphic detail threatens to sexually assault Ann unless she starts responding to his text messages. Ann begins skipping her algebra class (which Michael is in) and is scared to walk across campus alone for fear of running into him.

What is severe and pervasive sexual harassment?

(note: a threat can have a pervasive effect even if the conduct is not pervasive)

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Noah meets Maya at an on-campus party. They both are intoxicated and begin to make out in someone else's room. Noah initiated the kissing. Maya has her hands-on Noah's shoulders and is kissing Noah back. Before Maya can react, Noah slides his hand under Maya's skirt and digitally penetrates Maya's vagina through her underwear.

What is rape or sexual assault with an object?

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Jordan and Micah met on tinder. They exchanged photos and agreed to meet for coffee. After their date, Jordan emails Micah asking for a "dick pic." Micah reluctantly emails the photo. Jordan tells Micah that unless Micah performs oral sex on him, Jordan is going to send the picture to Jordan's parents. Micah says no and tells him to stop emailing him. Jordan repeats the threat 5 times per day for 3 days. Micah is so distressed he misses a week of class.

What is severe and pervasive sexual harassment or stalking?

Jurisdiction

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Complainant alleged that Respondent sexually assaulted her in her dorm room. Respondent is a student athlete from another school who was on campus for an athletic competition. Respondent met Complainant at a party held in the dorm room of a mutual friend.

No jurisdiction. (Because the school has no control over the respondent.)

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Complainant alleged that the Respondent grabbed her buttocks while she was in line at an on-campus basketball game. Complainant is a local high school student who is a fan of the team.

No jurisdiction. (Because the complainant is not someone participating or attempting to participate in an educational program or activity. She is a spectator.)

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Complainant alleged that the Respondent privately sent pornographic images to them through the zoom chat tool while they were participating in an on-line class virtually. Complainant was not sure whether the teacher or other students could see the images.

Jurisdiction.

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Multiple Complainants, who are students who work in food services, allege that Respondents, who are contracted employees who work in the dining halls, have been making inappropriate comments and gestures to them while they are working.

Jurisdiction.

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Complainant alleged that the Respondent sexually assaulted her while they were in Italy for study abroad program. When they returned to campus two weeks later, Complainant alleged that the Respondent texted her repeatedly on her cell phone, threatening to tell the Complainant's boyfriend that the Complainant slept with him if she reported it.

No jurisdiction.

Sexual Assault did not occur in the United States.

Text messaging appears to be on private cell phones and not on the school's network. (no substantial control)

Miscellaneous

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A referral to counseling or EAP

What is a supportive measure?

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An alternative method to resolve a complaint of sexual harassment that does not include an investigation or hearing.

What is informal resolution?

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A person who may assist parties during an investigation or informal resolution, and who must participate in a formal grievance hearing.

Who is an advisor?

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A written, signed document by the Title IX Coordinator alleging sexual harassment by a respondent against a complainant.

What is a formal complaint?

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An option when the Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint.

What is a permissive dismissal?

Investigations

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The official notice and starting point for each investigation.

What is a Notice of Investigation and Allegations?

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Evidence that may not be used without a parties' prior, written consent.

What is medical treatment or information?

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Evidence that may not be considered unless offered to establish that someone other than the respondent is responsible, or as prior behavior w/respondent to prove consent.

What is a complainant's prior sexual behavior or sexual predisposition?

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Must be included in the investigation report.

What is a "summary of relevant evidence"?

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The number of times parties may review the evidence collected during the investigation.

What is two?

Hearings

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An option for conducting live hearings.

What is virtual or video-conference?

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Decision makers must make and explain these determinations for each question asked.

What are relevance determinations?

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The weight that a decision maker may apply to a party's statements from an investigation and the hearing when the party refuses to answer a question on cross-examination.

What is none?

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Includes the findings of fact and determination regarding responsibility as to each allegation.

What is the Notice of Determination?

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The effect of a party's unilateral attempt to introduce new evidence that was not shared with the investigator during the investigation?

What is a stay of the hearing and return to the investigator?