

FROM POLICY AND PROCESS TO PRACTICE: CASE STUDIES AND HYPOS



A stack of binders is shown on the left side of the image. The top binder is light blue with a white label that reads 'POLICIES' in a dark blue serif font. Below it is a white binder with a tan label that reads 'PROCEDURE' in a dark blue serif font. A thick blue vertical bar is positioned to the right of the binders.

POLICIES

PROCEDURE

PROCEDURAL HYPOS

Formal Complaint does not rise to Title IX Sexual Harassment and/or Program or Activity

- Supportive Measures?**
- Informal Resolution offered?**
- Conduct assessed under other policies/procedures?**

Allegations do rise to Title IX Sexual Harassment and Program/Activity, but Complainant/Parent/Guardian does not want to proceed with a Formal Complaint

- Supportive Measures?
- Informal Resolution offered?
- Conduct assessment under other policies/procedures?
- Formal Complaint filed by Title IX Coordinator?

During investigation of a Formal Complaint, Complainant no longer wishes to go forward.

- Informal Resolution offered?
- Dismissed?
- What if the Respondent is an employee vs. a student?



SUBSTANTIVE HYPOS

Sally, a 1st grader, alleges that Tommy showed her his privates on the playground.

Sally's mother comes in during drop off and makes the complaint. Mom is given information on how to file a Formal Complaint and ultimately files one on behalf of Sally.

- Meet definition of Sexual Harassment?**
- Why/why not/need more info?**

Sam is a Junior at ICS High School. Ms. Smith observes that Sam has been spending a lot of time with his math teacher, Ms. Brown, outside of classroom time. Ms. Smith often observes Sam in Ms. Brown's classroom before the start of school, during lunch period, and also after school. Ms. Smith has heard rumors that Sam and Ms. Brown are in a relationship. Ms. Smith reports the information to the Title IX Coordinator. The Title IX Coordinator talks to Sam who says Ms. Brown is a family friend and there is nothing inappropriate going on. The Title IX Coordinator talks to Sam's friend, Alex, who says Sam and Ms. Brown have kissed according to Sam.

- Should the Title IX Coordinator file a Formal Complaint?
- Sexual Harassment?

Ralph complains to his teacher that he is being called names by his wrestling teammates. Ralph says they call him names like “pussy” and “faggot” because they think he is gay. They also tell him he has “man boobs” and make humping gestures towards him saying he likes to “do it” with boys. The Title IX Coordinator talks to Ralph who says this is happening about once a week during practices after school. Ralph files a Formal Complaint through the on-line reporting system.

- Meet definition of sexual harassment?
- Why or why not?

Using the previous hypo, assume that the name calling, and gestures occurred at a friend's house during a team sleepover and that the conduct alleged also includes the boys physically humping Ralph, but the behavior has never happened on school grounds.

- Dismissal of Formal Complaint? Why or why not?

Campbell reports to the Title IX Coordinator that her boyfriend, Ben, is threatening to kill her through text messages if she breaks up with him. She says that he has been abusive to her before by slapping her and locking her in his car until she agreed to stay with him one time when they went to dinner at Olive Garden. Campbell does not want to file a Formal Complaint but wants you to change him out of the English class that they are in together. She wants Ben kicked out of school but does not want him to know that it was because of her allegations.

- Meet definition of Sexual Harassment? Why or why not?
- Can you move Ben as a supportive measure?
- If Campbell does not want to file a Formal Complaint, but her mother files one on her behalf, investigate?

Tyler works maintenance at the school. He alleges that Charlotte, a kindergarten teacher, keeps hitting on him. He files a Formal Complaint that states that Charlotte has asked him on a date three times. Each time Tyler has turned her down and said he is not interested. Charlotte also routinely makes comments to him about how he is hot and has a “nice ass.”

Max is dual enrolled at ABC High School and DEF College. He files a Formal Complaint with your school district alleging that he was sexually assaulted by a DEF College student one after an event on campus. Title IX Coordinator does a follow up with Max, who states that the incident occurred at a house party off campus.



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Questions?

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