

ODHE Title IX Trainings – Spring 2021 Fact Scenario for Basic and Advanced Title IX Coordinator and Investigator Sessions

These materials are completely fictionalized and were developed by Bricker & Eckler for use in Title IX trainings. Any resemblance to any individual, situation, or case is purely coincidental. These materials have intentionally omitted details to allow for discussion during the training, and it is therefore not recommended that these materials be used as a guide for best practices at your institution.

**OFFICE OF RESIDENTIAL LIFE
CORONA COLLEGE
Referral Memo**

To: Title IX Coordinator
From: Mary Smith (RA for Thompson Point, 5th Floor, East)
Re: Possible Title IX Report
Date: February 4, 2021

This reporting Resident Advisor, Mary Smith, observed Corona College student Wendy Watson in the 5th Floor East shower room of Thompson Point at approximately 2:00 a.m. on February 4, 2021. Wendy appeared to be tearful and was sitting on the floor, alone, between two shower stalls. When asked whether she was okay, Wendy reported that she “can’t take the abuse anymore” and needs to get away from “him.” I asked Wendy if she was willing to speak to me in private, after which we moved to her room to talk.

During the conversation in Wendy’s room, Wendy said that her ex-boyfriend is abusive and manipulative. She said that they broke up recently and that he made threats to harm himself that really scared her. She was initially reluctant to identify her ex-boyfriend, but later identified him as fellow Corona College student Cody Craft. Cody also lives in Thompson Point, but he’s on the other side of the building, on 7th Floor, West.

I didn’t want to pry into the details of her relationship, but I knew that this might be a dating violence situation so I am reporting it to Title IX. I told Wendy that I was required to make a report to Title IX, which made her even more upset, but she said that she understood. I gave Wendy one of the Title IX pamphlets that includes the number for the local domestic violence hotline and shelter.

If you have any questions, please let me know.

CORONA COLLEGE TITLE IX MEMO

To: Title IX Coordinator
From: Deputy Title IX Coordinator
Date: February 7, 2021

I met with student Wendy Watson this afternoon, per your request. Wendy and I reviewed the list of supportive measures that's included in the Title IX Policy and I noted the following requests:

- She would like assistance in scheduling a counseling appointment
- She is interested in a room change but feels very strongly that she should not have to be the one to move. She wants Cody to have to move and said that he can move into his fraternity house and still be around his friends. Wendy said that if she moves rooms, she will no longer have the support of her roommate and close friends who understand the issues in her relationship with Cody.
- She wants a No Contact Order

Wendy and I then discussed the Title IX process in detail. I pulled out a copy of the Policy and we went through it together. I specifically went through the definitions of Title IX dating violence and Title IX stalking, based on the RA's report to Title IX. I told Wendy that she could decide how much information to share with me, but that I need more details in order to determine whether her report met the definitions of Title IX misconduct. I also explained that even if the Title IX definitions do not apply to her circumstances, there may be other offices on campus that can address the situation.

Wendy then relayed the following details:

- Wendy and Cody Craft dated for approximately 8 months. During their relationship, they both professed their love to one another, however Wendy reported that Cody sometimes said very destructive things to her. By way of example, Wendy described a fight between the two of them a couple of months ago. Wendy reported that during the fight, Cody accused her of being emotionally manipulative. I asked Wendy if she knew what Cody meant by that and she reported that Cody often accuses her of flirting with other men to make Cody jealous. He says that she does this when she feels like Cody isn't paying enough attention to her. Wendy said that she does not do this, and does not know why Cody would say this to her.
- Wendy said that Cody can sometimes be "controlling" and "clingy." When asked to explain this further, Wendy said that Cody recently "begged" her to stay in one night and watch movies with him instead of going out with her friends. Wendy explained that she had really been looking forward to going out with her friends that night and was upset when Cody asked her to hang out with him in his room instead. She said that when she initially resisted, Cody became moody and stopped responding to her texts. Wendy said that Cody does this whenever he

“doesn’t get his way.” More specifically, Wendy said that Cody uses the “silent treatment” to “punish” her when she does not do what he wants. She said that he knows she is a sensitive person and he “abuses” her by “withdrawing his attention” when he wants to “control her behavior.”

- Wendy said that she and Cody decided to end their relationship in late January. She said that they had a big fight over whether she could come with him to a party at his fraternity house. According to Wendy, Cody told her that it was a members-only event and that girlfriends were not allowed. Wendy said that she was fine with this and planned to stay in and start working a research paper she had been putting off. Wendy said that around midnight that night, she was scrolling through Instagram and saw pictures of three freshman women from her dorm at the ABC house, which is Cody’s fraternity. Wendy called Cody and confronted him about other women being at the event. Cody lied and said that they weren’t at the house, even when Wendy told him about the Instagram posts. Wendy reported that the fight was one of the their worst fights ever and that Cody called her “psychotic,” accused *her* of being jealous and controlling, told her she was “worthless,” referred to her as a “bitch,” and said that he never really loved her.
- Wendy said that the morning after their fight, Cody came to her room so they could have a discussion about their relationship. They agreed that they should end things but remain friends. Wendy said they had a very open and honest conversation about things, during which Cody acknowledged that he had been “emotionally abusive” during their relationship. After this discussion, the two of them continued to text one another over the course of several days.
- On February 3, 2021, Cody texted Wendy and said that they should meet for dinner and “catch-up.” Wendy was reluctant to agree because she said it felt like a date and she didn’t want to confuse things in their relationship. Wendy told Cody that she felt this way and that they should continue talking over text, but avoid anything that might feel like a date. Wendy said that Cody initially accepted this but that his demeanor changed as the day went on. She said that later that evening, around 7:00 or 8:00 p.m., he began sending her messages in which he “threatened self-harm.” I asked Wendy what she meant by “threatened self-harm” and she showed me three text messages wherein Cody made the following statements:
 - “I honestly don’t know how I’m going to get through this year without you.”
 - “How can you expect me to just act like everything is okay? Things are not okay. I miss you and feel depressed every time I think about the break-up.”
 - “Some days I can’t stand the thought of getting out of bed. I just want to hide in bed forever.”

- Wendy became very upset when she received these messages because she felt like he was trying to “coerce” her into continuing the relationship, or at least having dinner with him when she did not want to do so. Wendy said that she eventually stopped responding to Cody’s messages that evening but spent the night concerned about his well-being. She and her roommate, Rachel Rex, split several bottles of wine that night which caused Wendy to feel “very buzzed.” This feeling, along with her concern for Cody, led Wendy to the shower room around 2:00 a.m., where she went to be by herself. She said that she was sitting on the floor of the shower room crying to herself when her RA, Mary Smith came into the room and saw her. She said that Mary asked her why she was upset and that she reported Cody’s abuse. Mary then explained that she was required to report this matter to the University, which led to Wendy’s meeting with the Title IX office.
- Wendy reported that Cody has never been physically violent with her, meaning that he’s never hit her, pushed her, pulled her, or physically forced her to do something against her will. She said that he’s never threatened to do any of those things either. Wendy said that Cody prefers to play “mind games in order to control her.” At this point in the meeting, I pulled out our policy language and went through the definition of “Dating Violence” with Wendy. She confirmed that Cody has never:
 - Recklessly caused bodily injury
 - Attempted to cause bodily injury, or
 - Caused her to feel fear of immediate, physical harm through threat of force.
- Wendy believes that Cody may someday be physically violent because of his tendency to be “emotionally abusive.”
- Wendy said that she is interested in filing a Formal Complaint against Cody but is unsure of how to do so and is concerned that he will lie about the things that happened in their relationship.

I concluded the meeting by telling Wendy that you will be back in the office tomorrow and can meet with her later this week to discuss the issue of filing a Formal Complaint.

Corona College Email

To: Title IX Coordinator
From: Cody Craft
Date: February 16, 2021

Hi, my name is Cody Craft and I'm not sure how to make a report to this office, but I need to report that two students, Rachel Rex and Rebecca Rex, have been harassing me and stalking me in recent weeks. They are twin sisters and are friends with my ex-girlfriend, Wendy Watson. I think they may be acting this way because they were told to do so by Wendy. I recently received a No Contact Order from the University and have tried to keep my distance from Wendy, but she's allowed to send her friends to follow me and harass me?

Wendy Watson is my ex-girlfriend and I believe she may have recently filed a complaint against me for private disagreements in our relationship. I don't think she should be able to that because I didn't do anything wrong and I never "abused" her. I haven't received notice of her complaint but I've been told that I might get kicked out of school over it. First, can you tell me whether this is true and whether I need to get a lawyer?

Second, I have been harassed and stalked by Rachel and Rebecca, who are both friends with Wendy. They saw me at a liquor store last Friday night and then followed me to my fraternity house where they invited themselves in, stayed for a party to keep an eye on me, and verbally accused me of "assaulting" Wendy (which is absolutely untrue). They were basically screaming about it at the party so that others could hear. Now everyone on campus thinks that I either raped or physically abused Wendy, which is not remotely true. Even Wendy will tell you that I never did either of those things.

Please let me know how to make the harassment and stalking stop. I never abused or assaulted Wendy and the fact that people on campus think I did has really affected my mental health. I haven't been sleeping well at night so it's hard for me to get myself up and moving for class every day. In fact, I've missed 3 classes this week and have fallen behind in my assignments. I also feel like everyone on campus is talking about me when I walk into a room, which is causing me a lot of anxiety and making me want to stay in my room.

Excerpts of Corona College's Title IX Policy

Types of Title IX Sexual Harassment:

a. Quid Pro Quo Sexual Harassment

“Quid pro quo sexual harassment” is conduct on the basis of sex where a College employee conditions the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct.

b. Unwelcome Conduct Sexual Harassment

“Unwelcome conduct sexual harassment” is conduct on the basis of sex that is unwelcome and determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity.

c. Sexual Assault

“Sexual assault” is conduct on the basis of sex that is defined as a forcible or non-forcible sex offense, or attempted forcible or non-forcible sex offense, as classified under the Uniform Crime Reporting system of the FBI. This includes six separate categories, each of which is considered a form of sexual assault:

- (i) *Rape* is defined as the carnal knowledge of a person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. Carnal knowledge is defined as the slightest penetration of the sexual organ of the female (vagina) by the sexual organ of the male (penis).
- (ii) *Sodomy* is defined as oral or anal sexual intercourse with another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- (iii) *Sexual Assault With An Object* is defined as the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the complainant.
- (iv) *Fondling* is defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the complainant, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- (v) *Incest* is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. In Ohio, Revised Code Section 3101.01(A) provides that individuals nearer of kin than second cousins may not marry.

(vi) *Statutory rape* is defined as sexual intercourse with a person who is under the statutory age of consent. In Ohio, Revised Code section 2907.02(A)(1)(b) provides that no person may have sex with a child under the age of thirteen. Ohio Revised Code Section 2907.04(A) provides that no person over the age of eighteen may have sex with a child under the age of sixteen.

d. Dating Violence

“Dating violence” is conduct on the basis of sex that consists of violence committed by a person who is or has been in a romantic or intimate relationship with the complainant. The existence of such a romantic or intimate relationship is determined by the length of the relationship, the type of relationship, and the frequency of interactions between the individuals involved in the relationship. Acts of violence may include, but are not limited to: recklessly causing bodily injury; attempts to cause bodily injury; and causing fear of immediate, physical harm through threat of force.

e. Domestic Violence

“Domestic violence” is conduct on the basis of sex that consists of a felony or misdemeanor crime of violence committed by:

- (a) A current or former spouse or intimate partner of the victim,
- (b) A person with whom the victim shares a child in common,
- (c) A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner,
- (d) A person similarly situated to a spouse of the victim under the domestic/family violence laws of the jurisdiction
- (e) Any other person against an adult or youth victim who is protected from that person’s acts under the domestic/family violence laws of the jurisdiction.

f. Stalking

“Stalking” is conduct on the basis of sex that consists of engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person’s safety or the safety of others; or (B) suffer substantial emotional distress.

For purposes of the definition of Stalking under this Policy:

- A “course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- A “reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

- “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking that is *not* based on sex, but otherwise meets the definition above, is addressed in the Student Code of Conduct and the Employee Handbook.

Excerpts of Corona College’s Student Conduct Policy

Inappropriate Community Behavior

Students are prohibited from engaging in behavior that endangers the health and safety of others, threatens or causes physical or severe emotional harm, or causes reasonable apprehension of physical or severe emotional harm. This includes acts of harassment that are intimidating, disturbing, or repetitive, such that any student’s educational advancement is affected.

Disrespect of Persons

The College expects students to support and preserve a campus environment conducive to studying, teaching, researching, and other activities that are central to the mission of Corona College. Corona recognizes that diversity of views, cultures, and experiences is critical to the College’s academic mission and therefore embraces the importance of Freedom of Expression and Academic Freedom (see Corona College’s Policies on Freedom of Expression and Academic Freedom). However, assaults on the dignity or value of an individual on our campus contradict to the values of Corona College.