

Hypothetical for Title IX Investigators' Training

The Title IX Coordinator asked you to conduct a Title IX investigator for the High School District. The **Complainant is a 9th grade student** and the **Respondent is a 10th grade student**. They know each other from attending the high school, and they both receive pull-out speech services in a small group setting. You reviewed the **Notice of Allegations** sent to the parties, and the summary states:

On or about August 21, 2020, Respondent tutored Complainant after school in the library. Respondent put a hand on Complainant's knee, made comments about sexual acts, and then touched Complainant's groin area. When Complainant moved away, Respondent moved towards Complainant. Complainant immediately left the library.

The Title IX Coordinator provided you with **Complainant's allegations** from the formal complaint:

1. During the 2020-21 school year, Respondent and Complainant were friendly during speech sessions, and Complainant felt like Respondent flirted by looking and smiling at Complainant a lot. Respondent often waited for Complainant after speech so they could walk back to towards their classrooms.
2. On August 17, 2020, Respondent asked for Complainant's Snap, and Complainant provided it to Respondent. Later that day, Respondent sent Complainant a message saying, "You slay." Complainant responded, "You extra."
3. Complainant struggled in algebra. Respondent heard Complainant complain about math and offered to tutor Complainant after school in the library. Complainant said yes. Respondent helped Complainant with math homework in the library on August 20th for about 20 minutes. They decided to meet again on August 21st because there was a quiz scheduled for August 24th.
4. On August 21, 2020, Complainant and Respondent went to the library after school. The library was empty, and the librarian was working on the computer. Respondent chose a table far away from the librarian. After they sat down and started looking at a review sheet, Respondent said that algebra was "messed-up." Complainant agreed and laughed. Respondent placed a hand on Complainant's right knee and said they should "smash." When Complainant looked confused, Respondent's hand quickly moved up Complainant's leg, and Respondent's hand grabbed Complainant's groin area on the outside of Complainant's jean shorts. Respondent said, "You know, *smash*." Complainant moved away from Respondent by shuffling the chair away, but Respondent leaned towards Complainant and kept a hand on Complainant's upper inner thigh. Respondent said, "You'll like it, I promise." Complainant stood up, faltered while moving the chair, and quickly left without taking the review sheet. Complainant walked home.
5. Complainant failed the algebra quiz on August 24, 2020, and was absent due to illness for the next 4 days. While Complainant was home sick, Complainant's parents asked what was wrong, but Complainant did not want to talk about it.
6. Complainant told a friend, Riley, on August 31, 2020, that Respondent was shady. Riley asked questions, but Complainant refused to answer, even though Complainant seemed upset.

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7. On September 28, 2020, Complainant saw Respondent standing really close to Riley. That night Complainant told Complainant's parents more about what happened on August 21, 2020, in the library. Complainant's parents called the Principal, and the Principal put them in touch with the Title IX Coordinator. On October 1, 2020, Complainant and Complainant's parents met with the Title IX Coordinator and filed a formal Title IX complaint.

The Title IX Coordinator provided you with **Respondent's** voluntary **Written Response** after Respondent received the Notice of Allegations:

- A. I met Complainant at the beginning of the school year during our speech services. I smiled at Complainant maybe once. One time after speech, I walked with Complainant back towards our classrooms.
- B. I was friendly with Complainant, but not flirty. Complainant is like a younger sibling to me.
- C. I asked for Complainant's Snap and sent a message the same day saying, "You slay," because Complainant did well in speech. Complainant responded, "You extra."
- D. I touched Complainant's knee in the library because Complainant was bouncing it up and down, which shook the table. I must have used my left hand.
- E. I did not purposefully touch Complainant's lap or crotch, but that might have happened on accident. I doubt the librarian saw anything because I chose a table far away from the librarian so we could talk about math.
- F. I whispered in Complainant's ear because the librarian was walking around, but I don't remember what I said. It was probably about math.
- G. Complainant did not move Complainant's chair away from me during our tutoring session.
- H. Complainant did not leave in a rush, and I don't remember seeing whether Complainant left the review sheet in the library.
- I. Complainant is making this up.

The Title IX Coordinator also informed you that the Librarian was in the library after school on August 21, 2020, when Complainant and Respondent were there.