

Level 2 Title IX Training: Informal Resolution Officer Training Scenario for Hypotheticals and Practice

Disclaimer: The following scenario is not based on any actual cases we have handled or of which we are aware. Any similarities to actual cases are coincidental.

The scenario below is for use for background and context for hypotheticals we will address today and practice for attempting to reach a mutually agreement path forward for the Complainant and Respondent.

Complainant's report and formal complaint

Complaint Corey Custer showed up at the Title IX office in person to report an allegation of sexual assault. Corey spoke with the Title IX Coordinator directly and told the Coordinator that, last Saturday night, Corey's friend and fellow student, Rory Roster, sexually assaulted Corey. Corey explained that they had been at a small gathering in a mutual friend's dorm room. Corey and Rory both live in the same dorm room as the mutual friend, Felix, and on the same floor.

In their friend's dorm room, Corey stated that they were all drinking alcohol. Corey stated that, it had been a stressful week in school and Corey drank a little more than they normally drank. Corey stated that they usually drank every weekend, about one or two beers, which only left Corey a little buzzed. Corey explained that they had never had hard liquor before Saturday night. Corey stated that Felix had a bottle of Captain Morgan's rum and that Corey consumed three shots of Captain's Morgan before also drinking two beers. Corey did not remember how much Rory drank, but knew that Rory had had some Captain Morgan's and some beers. Corey stated that Rory usually only just drinks beer as well, but didn't know if Rory had had liquor before or not. Corey disclosed that they also take prescription medication for depression.

Corey explained that they met Rory only a couple of weeks earlier at the First-Year Bash, a campus welcome event for first years on campus. Corey knew Rory was a first year like Corey because their dorm, Hector Hall, was a first-year only dorm. Corey stated that they and Rory became fast friends because they are also in two courses together and pursuing the same major.

Corey stated that they had hung out with Rory a lot during the day since First-Year Bash and had spent many evenings in Felix's room drinking. Prior to last Saturday night, Corey stated that they and Rory had kissed a few times while watching television together. Last Saturday night, Corey stated that after they had finished drinking, they doesn't remember how it started, but at some point while still in Felix's room, Corey and Rory started kissing. Corey stated that they remembered Felix saying something about feeling like a third wheel. Corey stated that the next thing they remember is being back in Corey's dorm room. Corey stated that they don't remember walking to the room, which is down the hall from Felix's, but assumes they probably did.

Corey stated that they woke up the next morning and Rory was still in their bed. Corey stated that they asked Rory what happened and Rory laughed. Corey stated that they realized that they

had hickies all over their neck and other bruises that they didn't remember receiving. Corey stated that they were sore in their genital area and knew something had happened with Rory. Corey stated that they were really concerned because they didn't remember any of what happened. Corey asked Rory to leave and stated that Rory seemed confused. Corey stated that so far, Corey has been able to avoid Rory and has not been responding to Rory's text messages asking if everything was okay.

Corey told the Title IX Coordinator that they believed it they were unconscious when Rory sexually assaulted them. Corey requested and signed a formal complaint against Rory.

Respondent's response

Upon receiving notice from the Title IX Coordinator of Corey's formal complaint, Rory showed up at the Title IX Office in person. The Title IX Coordinator shared Corey's allegations with Rory. Rory expressed shock and began crying. Rory stated that they also did not remember the night. Rory stated they did not know what was going on but would not have voluntarily engaged in a sexual encounter with Corey. Rory asked the Title IX Coordinator if they could file a complaint against Corey. Rory explained that Corey was very flirty with Rory before Rory stopped remembering the night. Rory stated that they didn't usually drink liquor and had had some beers earlier in the night before going to Felix's room. Rory stated that they were uncomfortable with Corey's flirting. Rory stated that they have no recollection of kissing Corey. Rory stated that they woke up in Corey's room and Rory was really confused. Rory stated that they remembered Corey saying that Rory should go back to their own room and Rory gathered up their things and went back to their room. Rory stated that they texted Corey to see if everything was okay because Rory did not remember the night. Prior to Corey's report, Rory did not believe that they had engaged in anything sexual, but that Rory had just passed out in Corey's room because it was closer to Felix's.

Additional information gathered by the Title IX Coordinator in initial discussions with the parties

Corey and Rory live in the same dorm on the same floor. Corey's room is at the end of the hall near the stairs. Rory lives in the room closes to the elevator and Corey has to pass Rory's room to get to the elevator. They live on the 4th floor. Corey stated that they are now trying to take the stairs all the time to avoid Rory.

Corey and Rory have two courses and one lab together. Both are majoring in Zoology and plan to go to veterinary school. The first course they are in is a general first-year chemistry class with approximately four hundred students that meets twice a week. They are also in lab together, which is a much smaller group of twenty-five students that meets twice a week right after the larger lecture. The second course they are in together is a zoology exploratory course for first-years that meets once a week and contains only twenty students. Both Corey and Rory are pre-veterinary students majoring in Zoology. Both Corey and Rory are adamant about staying in

Zoology. There is only one lecture section of chemistry that fits within Rory's schedule, but Rory is open to changing labs to another group.

As supportive measures, the Title IX Coordinator put a no-contact order in place between Corey and Rory. Rory agreed to move temporarily to another residence hall. Corey and Rory had not had class since the incident, but this will also be an issue for them.