

## Mock Hearing Scenario

Training Program Session Date & Time: Friday, August 7<sup>th</sup> from 3:30 – 4:30pm

Casting:

Decision-Maker: Judge Michael T. Jamison

Complainant (Grace): Leslie Symonds

Complainant's Advisor: Kenneth M. Chackes

Respondent (Ted): Michael Dorwart

Respondent's Advisor: James W. Reeves

Grace and Ted are juniors and have been dating for six months. Ted is Grace's first serious boyfriend, and Grace's friends and roommate, Macy, have started to distance themselves from Grace because Grace only spends time with Ted. Either Grace and Ted go to her room immediately to spend time alone, or Grace brings Ted to girls nights and even group projects for class. In the rare event that Grace is not with Ted, she is texting Ted. When her friends make fun of her for taking her phone to the bathroom at sorority house meetings or to the gym, Grace casually says that Ted gets upset, paranoid, and even jealous if she does not respond to him right away.

When they're together, Ted likes to "play" on Grace's phone. This often leads to him reading her texts, checking up on her Instagram DMs, and even declining invitations to hang out with friends on Grace's behalf-without her permission. While Ted's jealousy frustrates Grace at times, she tells herself that what may be seen as "possessive" to her friends is really Ted's way of showing affection.

Last month, Grace and Ted went to a party together. While Ted went to grab a drink, Grace ran into one of her friends from high school who was visiting campus for the weekend, Mark. Grace and Mark were talking and laughing when Ted returned. Although Grace did her best to introduce Ted to Mark, Ted appeared to be in bad mood and wanted to leave the party. Both Grace and Ted had been drinking since 7:00 pm and left the party at 10:30 pm.

Grace and Ted went back to Grace's apartment. Ted admits that he was upset that Grace was standing so close to Mark. Grace tries to comfort Ted by showing him affection—holding his head, running her fingers through his hair, and kissing him. Ted responds to Grace and wants to have sex, but Grace says was too tired. Ted forces Grace onto the couch, takes off her clothes, and has sex with her. Grace states that Ted told her that she owed him this because she was talking with Mark at the party without his permission.

Grace tells Macy and her other friends about Ted's behavior, asking if this is normal when you have a serious boyfriend. Grace's friends recommend she reach out to the school's counseling services to talk about Ted's behavior. Macy is alarmed and reports the incident to the Title IX Coordinator.

The Title IX Coordinator contacts Grace a week after the incident and informs her of the report, offers supportive measures, and explains the formal complaint process. At first, Grace does not want to file a formal complaint against Ted, who is still her boyfriend.

Ted becomes increasingly possessive. Two weeks after the party, Ted becomes angry with Grace for going to a young male professor's office hours alone to talk about an upcoming paper. Ted takes Grace's phone and throws it at the wall, grabs Grace by the neck, and then locks her in her room as he leaves her apartment. Macy hears Grace crying in her bedroom and opens the door. Ted and Grace break up.

Macy accompanies Grace to the Title IX Coordinator's office to file a formal complaint alleging sexual harassment under Title IX. No prior reports or complaints alleging similar incidents involving Ted have been filed with the Title IX Coordinator.

Ted is notified of the Title IX complaint and threatens to harm Grace if she continues with the Title IX investigation. She has seen him standing outside of her apartment building at night twice since filing the formal complaint. Ted lives on a different side of campus.

Grace proceeds with the Title IX process. As the Title IX investigators interview Grace's friends, they find that Ted has been known to be possessive of his past girlfriends. The Title IX investigators include the references to other alleged instances of dating violence in the investigation report.

Fifty days after filing the formal complaint, Ted and Grace are attending the live hearing.

**Issues: Dating violence, "severe, pervasive, and objectively offensive," retaliation, Title IX Coordinator's role**