

CASE STUDY #2: Managing Advisor/Family Members Expectations/Role in the Process and Threats of Legal Action

Your investigator has submitted to you, the Title IX Coordinator, a completed report detailing investigation of sexual assault that allegedly occurred on your campus and was perpetrated by one student against another. The investigator reports to you that throughout the investigation the Complainant, who is over the age of 18, regularly refused to answer any questions. When they did, they only seemed to echo exactly what their mother, who sat in on every interview with the Complainant and did most of the talking, had just said. The Complainant's mother has also contacted the President, the Dean of Students, the entire Cabinet, and members of your Board to share details of the alleged assault and to advocate for the immediate removal of the Respondent, threatening to go the press and to take legal action should the institution not respond to her liking immediately. To date, the Complainant has provided very little information directly. It is hard to tell if the Complainant actually wants to participate in the resolution process or is only doing so to please their parents.

On the other hand, the Respondent has fully complied with the process and has participated in interviews, provided evidence, and recommended witnesses. Additionally, the Respondent has utilized the services of their own advisor, a local hotshot attorney known for his robust use of media and bullying tactics to advocate for their clients. However, this attorney has little knowledge of Title IX and the process most universities and colleges use for resolution of Title IX complaints. The advisor, who is openly conducting a separate investigation of all allegations, has requested full copies of all evidence while simultaneously requesting extensions of time to review the requested information prior to interviews or submission of any written response. The advisor has also made direct requests to reschedule meetings and hearings, sometimes for weeks at a time, in order to accommodate his busy schedule and repeatedly violates the institution's policy on advisors by speaking for the Respondent at all times, using abrasive and offensive language to threaten administrators, witnesses, and the Complainant.

One day before the hearing, the Complainant comes forward and confidentially reports that they no longer want their mother to serve as their advisor and need help finding a different advisor. The Complainant also reports that they have not shared this information with their mother.

Discussion Questions:

- 1) What are the issues?
- 2) Given your institutional context (and the new Title IX regs), what would you need to consider if you were managing this case?
- 3) Who are the stakeholders involved and what needs to be communicated to them?
- 4) What are your next steps?