

West Virginia University

Title IX Sexual Harassment A New Era

AGENDA

- Title IX Scope
- Title IX Sexual Harassment, Board of Governor's Governance Rule, 1.6 and other Codes of Conduct
- Jurisdiction
- Institutional Response
- Investigations
- Hearings
- Appeals
- Informal Resolution
- Confidentiality
- Impartiality
- Scenario Discussions

New Regulations

Informally released on May 6, 2020

Published in the Federal Register on May 19, 2020

Effective August 14, 2020

- Does not apply retroactively; only on actual reports filed after August 14, 2020
- Requires that Title IX Coordinators, investigators, decision-makers, appellate offices, and facilitators of informal resolutions be training annually, and that the training is published on the institution's website.

TITLE IX

“ No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

20 U.S.C. § 1681

34 C.F.R. 106



Who does Title IX apply to?

- Educational institutions, including colleges and universities, that receive federal financial assistance such as Title IV funding
- WVU is required to implement policies and procedures that protect individuals from Title IX sexual harassment that occurs in their educational programs and/or activities *in the United States*.

TITLE IX SEXUAL HARASSMENT

- Defined in WVU's BOGG Rule 1.6 as the following conduct that occurs *on the basis of sex*:
 - Quid pro quo harassment
 - Hostile environment harassment
 - Sexual assault
 - Dating & Domestic violence
 - Stalking



When an employee conditions the provision of an aid, benefit, or service of another's participation in *unwelcome* sexual conduct.

Quid Pro Quo

Unwelcome conduct (on the basis of sex) determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

Hostile Environment

Examples of Possible Hostile Environment Sexual Harassment

- unsolicited, deliberate, or repeated touching, sexual flirtation, advances or propositions which are not welcomed and/or desired;
- unwelcome jokes, stories, comments, innuendos, or other sexually oriented statements which are specifically designed to embarrass or humiliate through their sexual subject matter content;
- unwelcome sexual communication such as graphic or degrading comments about one's gender related to personal appearance;
- unwelcome display of sexually explicit materials, objects, or pictures in an individual's place of work or study, such as viewing material on computers or other electronic devices where others can see.

(Subjective offensiveness alone is not enough to create a hostile environment.)

Is it a hostile environment?

- From a reasonable person's perspective consider the following
 - The type of misconduct
 - The frequency of the misconduct
 - Where the misconduct occurred
 - The roles of the relationship between the individuals
 - Is the speech protected under the First Amendment?

(Subjective offensiveness alone is not enough to create a hostile environment.)

Sexual intercourse or contact that occurs without consent.

Sexual Contact: any (i) intentional touching, either directly, through clothing, or with an object, of the breasts, buttocks, anus or any part of the sex organs of another person; or (ii) intentional touching of any part of another person's body or the actor's sex organs

Sexual Intercourse: anal, oral, or vaginal penetration, however slight, by an inanimate object or another's body part.

Sexual Assault

(Rape, Sodomy, Sexual Assault with an Object, Fondling, and Incest)

Agreement, approval, or permission to some act or purpose given knowingly, willingly, and voluntarily by a competent person.

Silence, by itself cannot constitute consent.

Consent to one sexual act does not constitute consent to a different sexual act.

Previous consent cannot imply consent to future sexual acts.

Consent is required regardless of the parties' relationship status or sexual history.

Consent

A person is less than sixteen year's old;
Mentally incapacitated;
Physically unable to resist; or
Is so intoxicated as to be incapacitated* (i.e., unable to knowingly and intentionally make decisions for him or herself).

**Intoxication from alcohol or drug use, alone, does not bar Consent.*

Incapacitation negates consent when the alleged perpetrator knows, or a reasonable person, under the circumstances, should know that the alleged victim is incapacitated.

Incapacity to Consent

Physical force that overcomes such earnest resistance as might reasonably be expected under the circumstances;

OR

Threat or intimidation, expressed or implied, placing a person in fear of immediate death or bodily injury to himself or herself or another person or in fear that he or she or another person will be kidnapped;

OR

Threat or intimidation, express or implied, that the aggressor will retaliate or cause damage to the victim's reputation if the victim does not give into the aggressor's sexual advances.

Forcible Compulsion

Any act violence

Committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and

Where the existence of such a relationship is determined based on a consideration of the length, type, and frequency of interactions between the persons involved in the relationship.

Dating Violence

A felony or misdemeanor crime of violence committed by:

a current or former spouse or intimate partner of the victim;

a person with who the victim shares a child in common;

a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or,

by any other person against an adult or youth victim who is protected from the person's acts under the domestic or family violence laws of the jurisdiction in which the crime of the violence occurred.

Domestic Violence

Is the behavior of a person:

Engaging in a course of conduct

Directed at a specific person

That would cause a reasonable person

To fear for his or her safety or the safety of others; or,
suffer substantial emotional distress.

Stalking

Title IX and the University prohibit retaliation or any action that was intended to or has the effect of taking adverse action against an individual's living, learning, or working environment that a reasonable person would find it intimidating or hostile because of something that an individual did to future this Rule (BOG 1.6) including but not limited to filing a complaint or being a witness in or supporter of or against a complaint. This could include interfering with the reporting or the investigation of prohibited behavior, such as tampering with or destroying relevant evidence, or intimidating, threatening or attempting to influence, in any way, the testimony or information of a reporter, complainant, or witness.

Retaliation

TITLE IX JURISDICTION

In order for Title IX to apply, the alleged conduct must have occurred in a University program or activity *in the United States*. There must be a nexus between conduct and the University's program or activity.



What about off campus sexual harassment?

- ✓ Did the harassment occur as part of the institution's educational program or activity?
- ✓ Did the harassment occur on property owned or controlled by the University or a recognized student organization?

YES. Title IX Applies.

What about off campus sexual harassment?

- ✓ Did the sexual harassment occur at an off campus apartment or location not controlled by the institution or a recognized organization?
- ✓ Did the sexual harassment occur in another country?
 - No, Title IX does NOT apply.

*While Title IX may not apply to incidents that occur off campus or in another country, WVU's Board of Governor's Governance Rule 1.6, Student Codes of Conduct, and employee and faculty handbooks **STILL** apply.*

The institution is still required to remedy any on-campus effects the misconduct might have caused.

SEXUAL HARASSMENT

Title IX Sexual Harassment

- Sexual harassment
- Sexual assault
- Dating violence
- Domestic violence
- Stalking

*occurs within Title IX
Jurisdiction*

Non-Title IX Sexual Harassment

- Sexual harassment
- Sexual assault
- Dating violence
- Domestic violence
- Stalking

*not covered by Title IX
jurisdiction*

And, all other BOG 1.6 violations

Institutional Responses to Sexual Harassment

AVOIDING DELIBERATE INDIFFERENCE



Deliberate Indifference

- An institution is deliberately indifferent if its response to Title IX sexual harassment is clearly unreasonable in light of the know circumstances.
- An institution must take action when there is actual knowledge or a formal complaint.

Actual Knowledge

- Notice of Title IX sexual harassment or allegations of Title IX sexual harassment to the University's Title IX Coordinator or any official of the University who has the authority to institute corrective measures on behalf of the institution.

When do we reach out to the alleged victim?

- After the institution has actual knowledge or is “on notice,” the Title IX Coordinator or designee must:
 - respond promptly to the reported victim;
 - explain the grievance process, including how to file a formal complaint;
 - offer supportive measures regardless of whether the reported victim desires to file a formal complaint; and,
 - determine if the reported victim wishes to file a formal complaint.

Supportive Measures

- Non-disciplinary and non-punitive
- Individualized
- Offered as appropriate and reasonably available
- Without fee or charge
- Available to both parties regardless of whether or not a formal complaint is filed

Supportive Measures should be designed to restore or preserve equal access to the institution's programs and activities without unreasonably burdening the other party. This includes measures intended to protect the safety of all parties and/or the campus community.

Supportive Measures Examples

- Counseling
- Extensions of deadlines or other course related adjustments
- Modifications to class or work schedules
- Campus escort services
- No Contact Orders
- Changes in work and housing locations
- Leaves of absence
- Increased security or monitoring of certain campus areas

Interim Measures (Interim Removals)

- May still be implemented if (and only if)
 - An emergency removal process that includes an individualized safety and risk analysis that determines if there is an immediate threat to the **physical** health or safety to campus community members *arising from the allegations of sexual harassment* is implemented
 - The purpose is to protect the physical health and safety of impacted individuals and not to penalize a respondent while the grievance process is pending.
 - Students must given immediate notice and an opportunity to challenge the decision of removal or other punitive actions.
 - Employees may still be placed on administrative leave during the grievance proceedings.

Formal Complaint

- Is a document (including an electronic submission) filed by a complainant with a signature or signed by the Title IX Coordinator alleging Title IX sexual harassment in WVU's education program and requesting initiating of Title IX resolution/grievance procedures.

Formal complaint signed by a reported victim

- The complainant must be a current member of the campus community or attempting to participate in an institution's education program or activity at the time of the Formal Complaint.
- Third-parties may not file formal complaints on the behalf of another.

Formal complaint signed by the Title IX Coordinator

- Must consider the reported victim's wishes and must be a "reasonable" decision "in light of the known circumstances."
- Must take into account whether or not the alleged misconduct was that of an employee, part of a pattern of behavior by a respondent, egregious or violent in nature, or other similar factors.

Formal Complaint

- There *must* be a formal complaint to trigger an institution's grievance process that includes the following
 - Options for an informal resolution
 - An investigation
 - A live hearing
 - Rights to appeal

Dismissal of a Formal Complaint

- May occur upon receipt, after an initial interview with the reported victim, or during an investigation, but before a hearing
- Must be provided simultaneously in writing to both parties
- May be appealed by either party

Mandatory dismissal of a formal complaint under Title IX

- The complainant is not currently participating or attempting to participate in an educational program activity
- The formal complaint alleges misconduct outside the scope of an educational program or activity
- The misconduct occurred abroad
- The alleged misconduct, even if proved, does not constitute Title IX Sexual Harassment

Discretionary dismissal of a formal complaint under Title IX

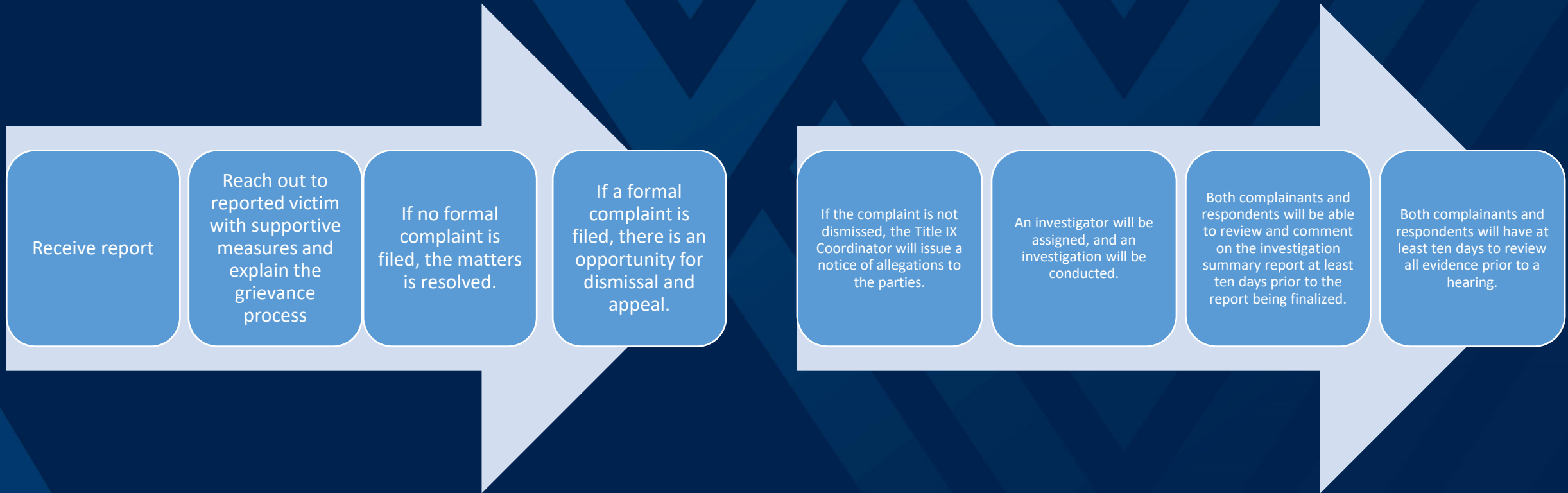
- The complainant requests in writing to withdraw the formal complaint
- The respondent is no longer enrolled in or employed by the institution
- Specific circumstances prevent the institution from gathering evidence sufficient to reach a determination

A note about the dismissal of a formal complaint....

- Supportive measures are still offered.
- The dismissal can be appealed by a complainant or a respondent.
- If appropriate, the misconduct will still be investigated and addressed under another process.

One policy, two procedures

Title IX Sexual Harassment



One policy, two procedures

Title IX Sexual Harassment

- A hearing during which each party will have an advisor responsible for questioning
- A decision will be rendered by the adjudicator
- The decision is appealable

An informal resolution is possible at any stage of the process, so long as it is requested in writing and the parties agree.

One policy, two procedures

All other Board of Governor's Governance Rule 1.6 misconduct

Receive the report.

Reach out to the reported victim and offer supportive measures and explain the resolution process.

Transfer the information to Student Conduct or Employee Relations for resolution as appropriate

One policy, two procedures

All other Board of Governor's Governance Rule 1.6 misconduct

- An investigator will be assigned, and an investigation will be conducted.
- In some student cases, a hearing may still be held.
- An outcome will be determined and issued to the parties as before.

An informal resolution is possible at any stage of the process, so long as it is requested in writing and the parties agree.

INVESTIGATIONS

A fair and impartial process conducted by the institution to collect evidence (inculpatory and exculpatory) sufficient for a decision maker to determine whether the misconduct occurred.



Investigation Overview

- Trained investigator(s)
- Fair and impartial (evidence gathering, not fact finding)
- Written Notice of Allegations (Amended as needed)
- Ensure investigation participants have advanced written notice of interviews
- Understand the burden of evidence collection belongs to the institutions
- Do not access medical, mental health, or other privileged materials without voluntary written consent
- Understand that parties are not restricted in discussing the allegations
- Ensure that both parties have the right to present witnesses (even experts) and evidence
- Ensure that both parties have at least ten days to review and respond to any evidence prior to a finalized report
- Ensure that both parties have at least ten days to review and respond to final investigation report prior to a hearing.

Notice of the allegations

- Come from the Title IX Coordinator and includes the following
 - Allegations (who, what, where, when, and how)
 - A statement that the respondent is presumed not responsible until a determination is made
 - A statement that notifies the parties that they have the right to an advisor (and how to obtain one)
 - Notice that the parties have the right to inspect and review evidence prior to the finalization of the investigation report and the investigation report prior to a hearing
 - A statement prohibiting false allegations
 - Statement informing the parties are not restricted in discussing the investigation
 - A statement cautioning against retaliatory behaviors

Investigation Considerations

- Investigations must be conducted in a reasonably prompt time frame.
- Prior to interviews review the formal complaint, the notice of allegations, and any information provided thus far. *(Does the Notice of Allegations need amended?)*
- Identify relevant policy elements and required procedures.

Notice of Interview(s)

- Comes from the Investigator
 - Directly to the participant and if relevant, the advisor
- Includes the date, location (format), and purpose of the interview
- Allows enough time for the participant to prepare for the interview

General Interview Guidelines

- Be mindful of tone and role (Calm, professional, and that of a neutral fact gatherer)
- Build rapport
- Review Title IX (or non-Title IX) Student Rights form
- Review Title IX (or non-Title IX) Acknowledgement of Process Form
- Anticipate questions and be prepared with answers
- Record the interview
- Explore informal resolution options

Helpful Interview Tips

- Acknowledge stress and discomfort the participant may be feeling or is exhibiting
- Ask open-ended questions
- Avoid leading or suggestive questions
- Allow narratives to flow and time for participants to gather their thoughts and respond
- Follow up on responses to learn who, what when, where, how, and why
- Ask about inconsistencies
- Be aware of verbal and nonverbal cues
- Ask for supporting documentation and evidence
- Encourage participants to ask questions if they don't understand
- Remain impartial and unbiased
- Offer breaks

Question Suggestions

- Tell me more about what happened
- Walk me through what you remember
- What happened next?
- You said that { }, can you tell me more? Or What did you mean?
- Help me understand { }
- What do you remember about (smelling, seeing, hearing, ect..)?
- What did you think when { }?
- How did you react when { }?
- Summarize participant statements and ask them to clarify or expand. Ask them if they think you understand.

Avoid

- Accusations
- Leading or suggestive questions
- Asking “multiple choice questions”
- Interrupting participants
- Using legal or policy jargon
- Filling silence
- Becoming emotional
- Agreeing or disagreeing
- Making blaming statements or asking blaming questions

Interview documentation

- Capture the date, time, location (and format) of the interview; the status or role of the participant(s); and the participant's name, phone, email, and address.
- Capture interview procedure (forms reviewed, instructions, and information provided)
- Note refusals and inconsistencies
- Type interview summaries as soon is reasonable
- Use quotation marks for verbatim responses

Off the record statements

- Even if you turn off the recording, nothing in an interview setting is “off the record.” Direct the student or participant to confidential resources.

Recording

- Discourage participants from recording; they will be provided the ability to inspect and review all relevant evidence later in the process.

Types of Evidence

- Inculpatory
 - Evidence that supports that the respondent may have engaged in misconduct.
- Exculpatory
 - Evidence that supports that the respondent did not engage in misconduct.

All relevant evidence must be included in the investigation report except for privileged information such as medical or other treatment records and information protected by “Rape Shield” laws (information regarding a complainant’s prior sexual behaviors UNLESS it proves that the misconduct was committed by someone other than the respondent or indicates possible consent because of prior sexual behaviors WITH THE RESPONDANT.)

Evidence considerations

- Complainants and respondents have the same rights to present evidence, including “expert testimony.”
- The burden of collecting evidence is that of the investigator and not the parties.
- Investigators will collect all evidence that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient [West Virginia University] does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

After the investigation...

Title IX Sexual Harassment

- Investigator will prepare an “Investigation Summary”
- Complainants and respondents will have a minimum of ten days to review and inspect all relevant evidence
- The Investigator will prepare a Final Investigation report
- Complainants and respondents will have a minimum of ten days prior to the hearing to review and inspect all evidence
- A hearing

All other BOG 1.6 violations

- Investigator will prepare an investigation report and submit to Student Conduct or Employee Relations
- Employee Relations will issue a Determination of Factual Findings
 - Complainants and respondents will have five business days to respond
 - A Notice of Outcome that details whether or not the policy has been violated will be issued. The matter is resolved.
- Student conduct will determine if there will be a policy violation charge
 - The matter will be resolved via an agreed resolution or a hearing

HEARINGS

A “live” meeting designed to allow the decision-maker to hear testimony and receive non-testimonial evidence to determine by the preponderance of the evidence standard whether or not the policy has been violated.



Hearing Overview

- May be conducted virtually so long as the decision-makers, the parties (and their advisors) can simultaneously see and hear the party or witness speaking.
- Complainants and respondents can request to be located in separate rooms so long as they can hear and observe each other in real-time.
- Must be recorded or transcribed.

Advisors

- Parties have the right to select an advisor of their choosing
- Can be, but not required to be, an attorney
- If a party does not have an advisor, the institution, must provide one for the purpose of questioning the other party and witnesses
- May not be disruptive
- Must be permitted to ask (directly, orally, and in real time) all relevant questions and follow up questions, even those that challenges credibility

Hearing Requirements

- Decision-maker must independently evaluate questions for relevance; questions about past sexual conduct are generally not permitted.
- Party's advisors must be allowed to conduct live questioning of other party and witness.
- Any rules implemented by the institution **must** apply to both parties.

Relevance

- Apply the ordinary meaning of relevance *(the quality or state of being closely connected or appropriate)*
- Evidence and questions are relevant if they support that something is more or less likely to have occurred than it would be without the evidence or question
- Questions about past sexual conduct are generally not considered relevant in a hearing

Role of the Decision Maker

- Oversees the hearing
- Ensures the hearing follows policies and procedures and is in compliance with applicable laws and regulations
- Makes relevancy determinations at the hearing
- Make determination of responsibility
 - Independent determination
 - Cannot give deference to an investigation report
- Prepares written determination and issues the written determination simultaneously to the parties

Decision-maker's determination

- Must consider all the admissible testimony and non-testimonial evidence
- Evaluate evidence for relevance, weight, and credibility
- Analyze and resolve facts under Title IX and/or BOG 1.6 using the preponderance of the evidence standard

Written determination elements

- Specifically identifies the allegations as Title IX Sexual Harassment
- Includes the procedural actions beginning from the formal complaint
- States findings of fact that support the determination
- Applies BOG 1.6 policy definitions to the facts
- Includes the rationale for each finding of responsibility for each allegation
- States any disciplinary sanctions and remedies
- Contains information regarding the grounds for appeal and the process for doing so

Remedies

- Designed to restore or preserve equal access to the institution's education program or activity and is provided to the complainant
- May be a continuation of or the same as supportive measures, but they may also burden the respondent or be disciplinary in nature
- The nature and specifics of the remedy need not be disclosed; just that the institution is providing remedies to the complainant
- Records maintained for at least seven years

Sanctions

- Will be determined based on the nature of the violation and in consideration of aggravating and mitigating factors
- May have educational, punitive, and protective elements
- Records maintained for at least seven years

APPEALS

An equal opportunity for complainants and respondents to appeal or challenge a decision to dismiss, or the outcome of a hearing on limited specified grounds



Appeals

- Are granted **ONLY** in the following circumstances
 - Procedural irregularity that affected the outcome or decision
 - New evidence, that was not *reasonably* previously available that could affect the outcome or a decision
 - The Title IX Coordinator, Investigator(s), or Decision-maker had a conflict of interest or a bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome or decision

Third-parties may not file an appeal on behalf of a complainant or respondent.

Appeal Process Requirements

- Both parties must be noticed, in writing, when an appeal is filed
- Appeal procedures apply equally to both parties
- The decision-maker for the appeal may not be the same person who made the decision that is being appealed, the Title IX Coordinator, or the investigator
- The appeal decision-maker must be free from bias, conflicts of interest, and trained
- Both parties have a reasonable opportunity to submit a written statement in support of or challenging the appeal outcome
- Appeal decisions must be written, describe the results, and the rationale for the result
- The appeal decision-maker must issue a written decision simultaneously to both parties

INFORMAL RESOLUTIONS

A voluntary process, requested in writing, that resolves formal complaints in a way other than a hearing that is agreed upon by both parties



Informal resolutions

- A formal complaint must have first been filed.
- The parties must voluntarily agree to participate in writing.
- The parties must be informed in writing how the process will work and the possible consequences for participating which includes information about how the records will be maintained or could be shared.
- The parties must be allowed to withdraw from an informal resolution up until it is finalized.

Informal resolutions may not be implemented to resolve allegations that an employee engaged in Title IX sexual harassment of a student.

CONFIDENTIALITY

Information about Title IX Sexual Harassment resolutions should be kept confidential by the institution. Only people with a ***reasonable need to know*** should have information regarding the report and the resolution.



Confidentiality

- All records generated through the Title IX Sexual Harassment grievance process (and all other BOG 1.6 resolutions) are subject to consideration under FERPA.
- Institutions are prohibited to restrict complainant's and respondent's ability to discuss the allegations under investigation or to present evidence.
- Public institutions must be mindful of the First Amendment and the parties' rights to speak about a case.
- Retaliation, intimidation, and witness manipulation are prohibited and should be addressed by the institution.

IMPARTIALITY

Complainants and respondents have the right to an impartial process before unbiased officials.



Impartiality

- Title IX Coordinator, investigators, decision-makers, appellate officers, and facilitators of informal resolution processes **MUST** be impartial.
 - Conflict of interest
 - Bias either for or against complaints and respondents generally or specifically

Impartiality

- Do not pass judgment on the allegations or information presented
- Make decisions based on individualized facts
- Do not “believe” one party over another
- Do not jump to conclusions absent a full investigation and a review of all the relevant facts and evidence
- Avoid stereotypes
- Treat both parties equally and with neutrality

Bias

- *May be present when decisions could be influenced by the characteristics or identities of the parties rather than the facts.*
- Is not indicated by the number of responsible/non-responsible outcomes; the Title IX Coordinator signing a formal complaint; and/or, the prior professional experience of a person serving in a Title IX role.

Examination of the facts of a situation is needed to determine if a reasonable person would believe that bias exists.

Conflict of Interest

- The Title IX Coordinator may *not* serve as an appeal officer or a decision-maker.
- The investigator may *not* serve as an appeal officer or a decision-maker.
- The investigator may serve as an informal resolution facilitator; although, that will not be the case at WVU.

What would you do?

SCENARIO DISCUSSIONS



Jurisdiction

Jim and Pam are from the same hometown. Over the summer, Jim sexually assaulted Pam. Jim and Pam have had no contact since the assault.

Jurisdiction

River and Meadow “hook-up” several times over the summer and share intimate pictures with each other. When classes resume, Meadow no longer wants to spend time with River and said as much. Meadow discovers that some of the photos shared with River over the summer have been turned into memes and jokes and shared by an unknown Snapchat account. Many students have seen the pictures and filled out an online complaint form.

Jurisdiction

Lilly is a star student in Professor Marshall's department. While on a study abroad trip, Professor Marshall attempted to engage in a sexual relationship with Lilly. Lilly confided in a friend who reported the matter to the Title IX Office. Lilly doesn't want to participate in an investigation; she only wants to not have Professor Marshall for class anymore. Professor Marshall has agreed to allow Lilly to transfer out of one class and substitute another.

Jurisdiction

At an off-campus party at a Greek fraternity's house, Harry groped Sally's butt and breasts while dancing. Later that night Harry forcibly kissed Sally.

Jurisdiction

During a tailgate party a rival's stadium, Linda was heavily intoxicated. Gary attempted to engage in sexual activity with Linda.

Jurisdiction

Lucy and Ricky were on a travel abroad trip to Italy as part of an art course. One night, a group went out for dinner and drinks. Lucy was heavily intoxicated, and Ricky walked her back to her room. When Lucy woke up the next morning, Ricky's shoes were still in her room, and she had fragmented memories of Ricky engaging in intercourse while she was in and out of consciousness.

Quid Pro Quo

Laura is Luke's supervisor. Laura repeatedly asks Luke out for a date, but Luke declines. Luke has applied for a promotion, and Laura has once again asked Luke for a date and hinted that it will help him secure his promotion.

Sexual Harassment

Clark reported that Lex kept sending him emails that included dirty and vulgar jokes that sometimes included images of sexual activity. After a month of ignoring the inappropriate emails, Clark tells Lex to stop. Lex no longer sends Clark inappropriate emails, and he did not attempt to engage Clark in discussion about the emails.

Consent

Jack and Kate meet at a party through a mutual friend. While at the party, the two dance. Jack provides Kate with several jello shots and two or three cups of “jungle juice.” Jack and Kate do cocaine and smoke marijuana with their mutual friend. After a while, Kate becomes sick, and Jack helps her back to her room. When Kate wakes up the next morning, Jack is gone, but she has hazy memory fragments of him engaging in missionary style intercourse with her and forcing her to engage in oral sex on him.

Forcible Compulsion

Ross and Rachel have been friends for a long time. Rachel finally agreed to go on a date with Ross.

After a goodnight kiss, Ross pushes the issue and attempts engage in sexual activity with Rachel. At first Rachel refuses, however, after Ross begs and pleads, she eventually agrees to have sex with him even though she really didn't want to.

Claire and Jamie are at a party. Jamie invites Claire to his room, and she agrees to go. Once in his room, Jamie locks the door. Jamie begins kissing Claire. When Claire gets up and says she wants to leave, Jamie pushes her down on the bed and gets on top of her and begins kissing her again. Claire tries to stand up, and Jamie holds her down and tells her to relax or he will tell his fraternity brothers to ban her from future parties and events.

Domestic Violence

Mary is a housekeeper in an administrative office building. Her supervisors have noticed that Mary hasn't seemed herself and has expressed concern about being in the buildings by herself. One day while Mary is on lunch, her supervisors observes that Mary's husband has cornered her in the parking lot. While the supervisor can't hear what is said, he is clearly yelling at Mary and using his body to block her from leaving. Mary tries to slip past him, and he grabs her arm pulling her back in front of him. He then pushes Mary to the ground. The supervisor interrupts the situation, and Mary's husband flees.

Stalking

After a recent break-up two months ago, Tracy begins receiving multiple texts from Kelly begging to talk. Tracy ignores the messages, and then Kelly begins threatening Tracy. Once Tracy blocks Kelly from multiple social media platforms, Kelly starts using fake numbers and new profiles to try to communicate and threaten Tracy. Earlier this week, Tracy observed Kelly sitting in a car in the parking lot where Tracy parks. Yesterday, Tracy found an anonymous note on the windshield which said, "Watch your back."