

## Jessica/Ella/Professor Xi Scenario

On Monday morning, Jessica, a Freshman music major at BYZ State Univ., makes a report about an incident from the weekend. Here is her statement from the initial interview:

*On Friday night, I was invited by my roommate, Ella, to a “party” off-campus. I didn’t plan on drinking so I drove my car. It turned out to be Professor Xi’s house. I was actually kind of shocked that a professor would have students to a party. Ella knows Professor Xi very well. She talks about him all the time and is actually a paid student worker in the music department and works with him on doing set-ups for recitals and concerts on campus. There was some sort of jungle juice people were passing around in a canteen-like canister. I had one sip, but it tasted terrible. I was pretty uncomfortable being there. It wasn’t really a “party,” but more of like a gathering of music majors, about 6 students or so. Some of the students there were much older than me and I didn’t know any of their names. I overheard some of them talking about graduating next month. I didn’t want to be rude and just leave though, because I am supposed to have Professor Xi for class next semester. With all of his connections to the music industry, everyone tries to be in Professor Xi’s good graces. The guy was nominated for a Grammy for God’s sake!*

*So, I’m sitting on a couch chatting with a guy, I think his name was Andy?, Randy?, and I realize Ella is gone. I get up and go outside, thinking she went to smoke a cigarette. I walk out of the back door from the kitchen onto this sort of patio area. There is a little grouping of furniture and there I see Ella and Professor Xi sitting very close to one another smoking. But it doesn’t look like a cigarette, it looks like a joint that they are passing back and forth. I kind of froze, not knowing what to do. I turned away and went back into the house.*

*It must have been about twenty or thirty minutes later and they both came back into the house. Ella’s clothes looked all disheveled. I told her I was ready to go and had to really convince her to leave. She was acting kind of weird. I assumed she was buzzed from the weed and probably had some to drink, too. I drove us back to our residence hall.*

*Once we were back into our room, I asked her what had happened. She wouldn’t say exactly. I know she plans on going on a trip with Professor Xi and some other students to see the symphony in a few weeks. This whole situation just creeps me out. I have heard rumors about Professor Xi preferring some of the younger female students, but I never believed it until this weekend. I mean, Ella isn’t even 18 yet and Professor Xi is like 40! And, if it’s true that he has relations with some girls, do they get better grades then? The whole thing is shady and not right. Ella is thinking that she is in love with this guy. I’m pretty sure they had some form of sex that night. Maybe not sex-sex, but something happened between them.*

BYZ State’s Title IX office contacts Ella. Ella agrees to come in to speak with someone. Here is her statement:

*I invited Jessica to go to a music major function and now I wish to hell I hadn't. I can't believe she told you anything. I hate her! This situation is none of her business and none of your's either.* [She storms out of the office.]

BYZ State has a typical consensual relations policy and no employee union. Professor Xi is a newly tenured professor and has no prior record of any disciplinary events. Professor Xi is interviewed and denies the party, saying he had a few students over for games and food. He denies providing alcohol to students, providing illicit drugs to students, and having inappropriate relations with students. Professor Xi states that he has Asperger's Syndrome and thinks the school is trying to get rid of him because of his disability. He states: *I know I'm socially awkward, but that doesn't mean I did anything wrong. I was just trying to be cordial with my students. Ella is one of my very special students and I am mentoring her.*

BYZ State then receives another report from Jessica. Jessica states that Professor Xi cornered her in a hallway in the music building and threatened her. He said that she will never work in the music industry if she keeps running her mouth and spreading lies. Jessica has asked for a no-contact order. BYZ State agrees to put a mutual no-contact order into place between Professor Xi and Jessica.

A few days later, Professor Xi contacts the Title IX office and states that Jessica violated the no-contact order. He states that she stormed into his office and demanded him to "tell the truth," said that "he was hurting Ella," and was a "child-molesting creep." He also states that Jessica had posted similar language on her Facebook account and he feels defamed. He stated several other music majors saw the posts and probably think badly of him now.

The next day, Ella contacts the Title IX office. She states that she is worried for Professor Xi. She says she really cares for him and doesn't want him to lose his job. She states that if he is fired, she will leave school. She states that nothing non-consensual occurred. She will not confirm or deny any sexual contact with Professor Xi.

BYZ State investigators have not had any luck identifying any other witnesses to the events.

Follow up questions:

1. How should the campus Title IX office proceed from here? Human resources? Is Title VII implicated here?
2. How should issues related to the consensual relations policy be handled?
3. What are the implications of Professor Xi's disability in this scenario?
4. How should the violation of the no-contact order be handled? Who should manage the no-contact order?
5. Are there potential issues of retaliation? If so, how should any instances of retaliation be handled?