


COORDINATORS MODULE • CHOOSE YOUR OWN COURSE

Dismissals

This Choose Your Own Course presents a complex Title IX case with multiple opportunities for you to decide how to proceed. Read each segment, then consider the multiple choice options. The following page will reveal our answers. Here are the symbols we used:

 *Best approach of the available choices*

 *This approach may not violate the regulations, but isn't the best option*

 *This approach violates the regulations*



Choose Your Own Course





A Respondent accused of dating violence and stalking voluntarily withdraws from your community college after finalization of the investigative report but before the hearing. The lawyer hired by his family makes clear that if the school continues with the process and reaches an adverse determination, it should expect litigation. The Complainant is happy that Respondent is gone and hopeful that the hearing will be canceled so that they won't have to testify.

Should You

- A. Move forward with the hearing in the interests of reaching a clear determination as to whether the Respondent is responsible for dating violence and stalking;
- B. Dismiss the case on the grounds that the Respondent no longer attends the school;
- C. Dismiss the case and bar the Respondent from re-admission due to his withdrawal in the midst of an investigatory process; or
- D. Dismiss the case, but inform the parties in writing that if and when Respondent wishes to return to the institution, the case may be re-opened for resolution?

See answers on next page

Should You

-  Move forward with the hearing in the interests of reaching a clear determination as to whether the Respondent is responsible for dating violence and stalking;
-  Dismiss the case on the grounds that the Respondent no longer attends the school;
-  Dismiss the case and bar the Respondent from re-admission due to his withdrawal in the midst of an investigatory process; or
-  D. Dismiss the case, but inform the parties in writing that if and when Respondent wishes to return to the institution, the case may be re-opened for resolution?



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You dismiss the case without further action, but reserve the right to address the allegations again should the Respondent ever apply for re-admission. Two years later, the Respondent does apply for re-admission. By that time, the Complainant has finished their certification program and is no longer at the school. The Respondent is in good academic and financial standing and has no disciplinary record other than the Title IX allegations that were not adjudicated due to his prior withdrawal.

Should You

- A. Grant readmission without further analysis because the Complainant no longer is at the institution;
- B. Deny admission on the grounds that the Respondent withdrew from school previously in order to circumvent the disciplinary process;
- C. Re-engage the grievance process and proceed to a hearing and finding on responsibility, then address the admissions application in light of the finding; or
- D. Carefully determine whether to re-engage the grievance process taking into account such factors as the former Complainant's willingness to participate in the process, the nature of the original allegations, the Respondent's explanation for withdrawal and re-application, and any risk to the school community?

See answers on next page

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D.

Carefully determine whether to re-engage the grievance process taking into account such factors as the former Complainant's willingness to participate in the process, the nature of the original allegations, the Respondent's explanation for withdrawal and re-application, and any risk to the school community?