

**ASU**<sup>TM</sup>

**ARKANSAS STATE UNIVERSITY**

**S Y S T E M**



# **ASU System Title IX Summer Workshop 2025**

**August 7, 2025  
ASU System Office  
Little Rock**

# Discussion Topics

- 10:00 - 10:30 - General Discussion of Title IX Issues & Trends
- 10:30 - 11:00 - Plans for Title IX Policy Changes
- 11:00 - 12:00 - Student Mental Health Trends and Title IX Intersection
- 12:00 - 12:30 - Lunch Together
- 12:30 - 12:45 - Title IX Caselaw Update
- 12:45 - 2:00 - Case Studies and Hypotheticals



# General Discussion

## Title IX Issues & Trends





# Plans for Policy Changes





# Student Mental Health Title IX Intersection





# Title IX Caselaw Update



# ***John Doe v. Franklin & Marshall College***

## **Factual Summary – Part 1**

- Spring semester 2022
- Plaintiff was a baseball player at F&M
- On a baseball team trip out-of-state, plaintiff allegedly engaged in nonconsensual sexual contact with a minor
- Police in that jurisdiction arrested plaintiff



## Student Discipline Process

- F&M told plaintiff he could return to campus but encouraged him not to, arranged online courses for remainder of semester
- F&M charged plaintiff with student conduct violations
- Plaintiff's criminal defense lawyer advised F&M plaintiff would not participate in student discipline proceedings, requested stay until after resolution of criminal proceedings
- F&M denied the stay, held proceedings in absentia, found plaintiff responsible, suspended him for 2 years
- Criminal charges dropped days after student misconduct finding, plaintiff appealed
- F&M denied appeal
- Process took about 2 months

## Factual Summary – Part 2

- Spring semester 2022
- Plaintiff's business professor starts sending plaintiff inappropriate emails through a personal account
- Plaintiff's father reports the professor's behavior to F&M
- F&M reassigned plaintiff to complete semester under a different faculty member
- Plaintiff declined to participate in F&M's Title IX investigation

## Faculty Professional Standards Process

- Professor granted medical leave for about 6-1/2 months (into fall 2022)
- Professor placed on administrative leave pending resolution of faculty professional standards process
- March 2023, professor notified of termination, effective June 30, 2024

## Title IX Claims

- Claim 1: Sex discrimination in student discipline matter
  - Alleged anti-male pressure from federal government and student body
  - Alleged F&M made statements embracing male stereotypes
  - Alleged procedural irregularities in disciplinary process
  - Alleged more favorable treatment to female student who was arrested
  - Alleged F&M treated him more severely in disciplinary process than it treated female professor in professional standards process

## Title IX Claims

- Claim 2: Deliberate indifference in handling plaintiff's report of sexual harassment by professor
  - Court noted F&M responded to report from plaintiff's father and requested additional information the day the report was received
  - Title IX Coordinator follow up with plaintiff and requested a meeting within 48 hours of receiving report
  - Plaintiff did not file a formal complaint and declined to participate in Title IX process/investigation
  - F&M transferred plaintiff out of professor's class within days of report
  - Title IX Coordinator advised plaintiff to block professor's personal email (he chose not to)
  - Although disciplinary proceedings were delayed, professor has no teaching duties during interim

## Summar Judgment Denied on Breach of Contract Claims

- Claim 1: Failure to provide “fair and equitable process” in student misconduct process, as guaranteed by student handbook
- Claim 2: Failure to follow Title IX procedure
  - Upon receiving report, Title IX Coordinator promptly contacted plaintiff, as required by policy, but Title IX Coordinator did not explain the formal complaint process to plaintiff in that contact



# Case Studies & Hypotheticals



# Hypothetical 1

Hannah and Anthony are in the third of four semesters of a cohort program with 23 total students. They have participated in a close-knit study group with four of their peers – Marisa, Jennifer, Mickayla, and Jonathan – since the first month of the program. As an especially difficult mid-term approaches, the group reserves a study room in the college library and spends hours quizzing each other over course material. During a final crunch session, Jonathan brings out a bottle vodka and convinces the others make a drinking game out of their studies.



After the study session breaks up, Anthony offers to drive Hannah home. Both students are a little buzzed and generally feeling good. They get into Anthony's car and begin to make out, which they have done a few times before.

The next day, Hannah no-shows the mid-term. Obviously concerned for Hannah, members of the study group start sending messages on their group text to find out what's going on, and Hannah removes herself from the group chat. Mickayla and Marisa go to Hannah's apartment and find her in tears and visibly shaking. After several hours, Hannah discloses to her friends that after some light and consensual making out, Anthony sexually assaulted her.

Hannah receives a zero on the mid-term and ceases attending classes.

Knowing that Marisa is especially close to Hannah, trusted cohort advisor Dr. Whitmore reaches out to Marisa to inquire about Hannah, who hasn't been answering Dr. Whitmore's calls or emails. Marisa, who has been anguished over what to do about her friend, reveals Hannah's story to Dr. Whitmore. Marisa asks for advice about how to help her friend but also asks Dr. Whitmore not to reveal Hannah's story or where she heard it to anyone else. Dr. Whitmore responds that she is a mandatory reporter and is obligated to report this to the campus Title IX Coordinator.

Upon receiving Dr. Whitmore's report, you reach out to Hannah by phone and email, as required in the Title IX procedure. At first, Hannah won't take your calls or respond to your emails. The next day, however, Hannah calls you back. She's furious that someone has betrayed her trust, and she demands to know who reported this incident to you, but she won't talk to you otherwise.

A few days later, Hannah calls again and wants to know more about the Title IX process. She also wants to know where she can turn for help and emotional support, what she can do to keep from failing out of school, and how she can make sure Anthony is held to account for what he did to her.

In addition to accepting several supportive measures you have coordinated for Hannah, Hannah also wants to file a formal complaint. Once she writes out and signs her complaint, you send out a Notice of Allegations to Anthony and her, as required by the Title IX (Sexual Harassment Discrimination) Grievance Procedure.

Upon receiving the Notice of Allegations, Anthony wants to come in and meet with you immediately. He insists that everything he and Hannah did together was consensual. He's furious and says that Hannah has been spreading lies about him and turning all their friends against him. He says that he's now being harassed and ostracized by the rest of his study group and other students in the cohort.

As the investigation progresses, Anthony continues to complain about ostracization and harassment from his peers. He also claims that Dr. Whitmore is grading him harder than the rest of the class and harder than she did before he was accused of sexual assault. He believes Dr. Whitmore is trying to force him out of the program by failing him and wants to know what he can do about it.

Hannah drops out of school.

# Hypothetical 2

Alex



Chance



Alex and Chance are freshmen students at ASU System University. They met as friends of friends in the Student Lounge on campus. They do not have any classes together and had not corresponded before meeting each other about a month into their fall semester.

Alex attended the required Freshman First-Year Studies Title IX presentation. During the presentation, they were very active and participated by answering questions, nodding, and engaging with the speakers.

After the presentation, Alex stopped one of the presenters, who was a Deputy Title IX Coordinator, and discussed an experience they had the previous night.

The Deputy TIX Coordinator immediately submitted an incident report and encouraged Alex to report the incident to the university police. The police did not submit a timely warning based on the information they were provided.

According to Alex, on Tuesday afternoon, Alex and Chance met through a mutual friend with others. They hung out in the Student Lounge on campus. They later went to a residence hall's common room to play Just Dance 4. After that, they went to one of the friends in the group's house and created a *cuddle puddle*. They hung out there for a while in the *cuddle puddle* where Alex and Chance were next to each other, and started communicating. The group then headed back to campus and hung out with one friend from the group. Alex assumed Chance was gay based on their conversations. Alex then invited Chance to their dorm to meet their cat.



After about 30 minutes, Alex stated that Chance got really touchy-feely with them and would not stop. Alex stated that Chance began to fondle them and did not stop when Alex asked him to. Alex then stated that Chance forced them to perform oral sex on him, and while doing so, Alex bit Chance, and Chance stated he liked pain and was into biting.

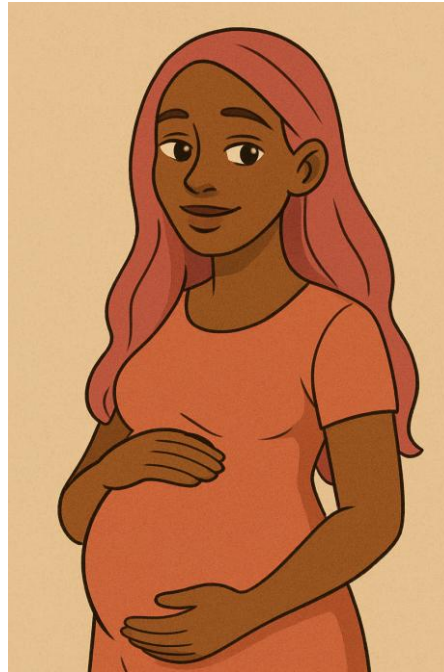
Chance spent the night with Alex, and they went to breakfast the next morning.

# Hypothetical 3

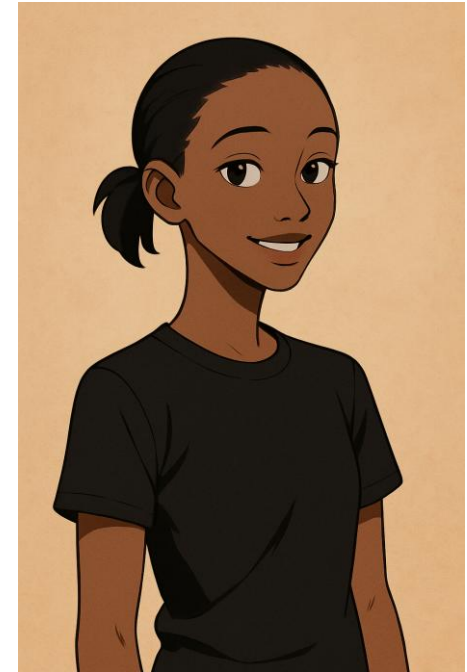
Jay



Ray



Shay



Jay is an athlete at ASU System University, and Ray is a sophomore Nursing student. They met about a year ago through Ray's cousin, who was Jay's teammate. They began a sexual relationship shortly after meeting. Shay is Ray's roommate and began dating Jay shortly after she arrived at the university.

Ray received a text message from her roommate, Shay, one Sunday afternoon, stating that Jay was trying to have sex with her and that he was consistently trying to pull off her clothes. She expressed to him that she did not want to have sex, but he insisted on trying to do so.

Ray visited the Title IX Office on Monday to report the incident and stated she knew it was true because Jay had previously exhibited similar behaviors toward her.

After speaking with Ray, the Title IX Coordinator encouraged Ray to contact Shay to discuss the situation in the Title IX Coordinator's office.

Shay expressed a desire to file a formal complaint but opted against a formal investigation, instead requesting an informal resolution.

Ray filed a formal complaint against Jay, who denied the accusations against him. Consequently, the case proceeded to a formal investigation.

The investigative report highlighted numerous inconsistencies in Ray's interviews, and they were noted in Ray's credibility statement. Ray requested an informal resolution just before the case was scheduled for a hearing.