Hypotheticals
ACSA
The Uniform Complaint Survival Guide
February 7, 2020

Hypo # 1 – Max for President

Max is a junior in high school and running for ASB President for his senior year. In his campaign, Max makes a five minute video which he posts on YouTube, with links available through his Instagram feed.

In the video, Max is depicted as a “James Bond” type of character, in the possession of imitation firearms (super soaker water guns) and performs a rescue operation of hostages. The individuals that are holding the hostages are depicted in stereotypical terrorist clothing, including army fatigues and wearing keffiyehs, possessing imitation firearms (also water guns), and appear to be of Middle Eastern descent. The hostage is a Caucasian male. Max “takes out” the hostage takers by shooting them and then rescues the hostage.

The video ends with the line: “You are safe with Max! Max for ASB President!” The video was posted at 10 p.m. on a school night by Max. The post was deleted after an hour after Max received numerous complaints by friends from school. Through the investigation as the Student Services Director, you find out that the students depicted as the hostage takers voluntarily participated in the video. Max is disqualified from running for his ASB position due to the inappropriate nature of the video. A parent of one of Max’s classmates, files a Uniform Complaint, alleging bullying by Max.

Max’s parents also file a complaint because Max was disqualified from the election.

How do you handle this case?

Are there grounds for a Uniform Complaint?

Is there a discriminatory act here?

How would you handle the investigation?

How do you handle both complaints?

Who investigates?

What steps would you follow with each complaint?
Hypo # 2 – Mean Girls

Madison (Maddy) has complained to her parents that multiple high school girls, that “used to be her friends” are being “mean to her.” When her parents have pushed for more information, she has refused to tell them anything more. Believing their daughter, Maddy’s parents file a complaint against an employee, naming the school site Principals from both the high school and middle school. They allege that their daughter has been bullied and harassed by four girls over the last year. In their complaint, the parents state that they had notified both Principals about their complaints and “nothing had been done.”

As part of the investigation as the Student Services Director, you interview Maddy and her parents. Maddy provides you with details of three girls named in the complaint as doing the following: pouring chips on her during lunch this school year; sending her “harassing messages” through Snapchat and direct messages in Instagram last school year and this school year; following her home from school and calling her names while one of the three girls threw sticks at her this school year; making fun of her because of the new clothes she was wearing last school year and this year; making fun of her and a friend in class and during breaks last school year and this year; and sending text messages through another male classmate’s phone saying they were going to “take her down.”

In the interview, Maddy shares with you that she has trouble eating and she doesn’t like how she looks. As part of the investigation, you talk with a teacher from the middle school that informs you that she believes that Maddy was treated terribly by these three girls last year and she thinks the Principal “should have known.” Maddy’s parents email you images of the Snapchat and Instagram messages which contain explicit language stating that “Maddy is a dog” and “Maddy thinks she’s all that with her spoiled clothes.”

What are your next steps in the investigation?

Who do you interview?

Do you collect statements?

Should this be treated as a Uniform Complaint?

What is your response timeline here for making findings?

If you interview the “mean girls”, do their parents have to be notified?

If the middle school Principal had knowledge of these actions and didn’t intervene, what should you do?
**Hypo # 3 – The Fight**

Jasmine, formerly Cole, is a transgender student who recently graduated from middle school as an 8th grader. It is summer time. Jasmine gets into an altercation at a party with Trenton, who will be a senior next year. Trenton’s father is a school board member. Jasmine directly confronts Trenton and says, “You are a punk and you talked too much crap about my sister, you shouldn’t have called her a bitch and a skank on SnapChat.” Trenton says, “Your sister should always stop trying to protect your tranny ass, you can take care of yourself.” Jasmine proceeds to hit Trenton repeatedly, causing his left eye to swell to the point of requiring an emergency room visit.

Trenton’s parents file a complaint with the District in the summer for the following school year saying that Jasmine should not be allowed to attend the high school. Jasmine is a star football player and a French horn player. The football coach is not accepting that Jasmine will not play on the team. The music teacher wants Jasmine to be in the marching band. Trenton’s parents have successfully obtained a restraining order against Jasmine, requiring that Jasmine stay 100 feet away from Trenton at all times for one year. There is no mention in the restraining order about school.

Jasmine’s parents file a Uniform Complaint alleging that if she is not permitted to enroll in the high school, the District will be discriminating against her and mention potential Title IX issues.

You are the Student Services Director. How do you handle this?

How do you deal with the board member issue?

Is this a valid Uniform Complaint?

Do you have discrimination?

What do you do with the restraining order?

Should you implement a safety plan?

Who is the victim here?
**Hypo #4 – Friday Night**

After a Friday night football game, a group of football players are at a party. The party is located at the home of a female student whose parents are out of town.

Jose went to the house party with two non-football playing friends directly from the high school after the varsity game ended.

During the party, members of the varsity football team, including star varsity quarterback, Brad, corner Jose and two of his non-football playing friends in the backyard. Brad and his varsity teammates called Jose anti-gay slurs. The varsity players also used racial slurs directed at Jose and his friends.

During the investigation of this matter, you learn that on the way to the party, Brad and his friends stopped at a former student’s dorm at the nearby college and had several drinks prior to arriving at the house party.

Jose misses classes and football practice all week the following week and as a result does not get to play in the JV homecoming game that following Friday.

Jose misses practice but not class the week after homecoming and the JV head coach cuts him from the team without explanation, simply telling Jose via text message that he missed too many practices. The coach did not contact Jose’s parents or the Principal prior to texting Jose.

The coach is a walk-on coach.

You are the Assistant Superintendent of Human Resources. Jose’s mom comes into your office during the basketball season, several months later, and hands you an unsigned/anonymous letter that she wrote the week of the homecoming game detailing the incident at the party in an effort to explain why Jose was missing school and practice. The letter is handwritten on binder paper and is dated the Wednesday of homecoming week. Jose’s mom tells you that she handed the letter to both the varsity head coach/beloved history teacher and the JV head coach during PE athletics the Wednesday before the homecoming game.

The next thing Jose’s mom heard was that Jose was cut and never heard anything more from the coaches or site administration about football.

Is this a Title IX issue?

How do you respond to the mom?

What issues do you see need to be addressed by the investigation?

Do you think you need to provide the mom with a written response to any investigation?

What steps can be taken to help Jose?
THANK YOU!

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