Title IX Hypothetical – Part 3

Principal Perkins interviews John Roe. He says that, yes, he was making out with Jane in the photography lab. He says that, yes, he did put his hands down her pants and may have put his fingers into her. He says that he thought she was ok with what they were doing, and he stopped when her phone rang because he thought she needed to answer it. He says that later that night he got a text message from her asking whether they were boyfriend and girlfriend now. He says that he told her no, and that she got very angry.

Principal Perkins asks John to show him the texts between Jane and him. The texts showed:

Jane: So we official now?
John: don’t think so
Jane: Y not?
John: Ur not really my type
Jane: Seemed like your type in the photo lab
John: Ya, well, ur cute but not that cute

The principal tells John that she will investigate this issue further, and that in the meantime, he should leave Jane alone and not talk to her.

The principal asks a custodian and a coach who were in the photography lab area at the time Jane and John were there. They say did not notice anything out of the ordinary that afternoon. Principal Perkins does not take any notes about these interviews. The principal also reviews the security camera footage from that afternoon. There is no video of the photography room or the labs. The video shows John and Jane in the hallway near the photography room, but they appear to be walking together calmly both times they appear on camera.

The next day, Jane’s parents call Principal Perkins. They are very upset and angry, and they demand that John be expelled. They say that they are planning to contact the police about what happened. The principal says that it could be difficult for Jane if they go through with a police report and investigation.

A few days later, the principal gets a call from the police. They say that they are investigating this matter and would like the principal to stop the internal investigation for now until they can do their criminal investigation. They also want copies of any notes that Principal Perkins has related to this investigation. Finally, they want to stop by later that day to interview John at school.

Is there anything the principal should have done differently?

**Written notification** Consider other people to interview. Take notes about interviews. No discouragement of police contact. Make copy of texts.

What should the principal do next?

How should the principal respond to the police?

Coordinate investigation, not agree to delay. Explain limitations to share information under FERPA. Notify parents about police desire to interview John at school. Request that police interview John off campus.