

COORDINATORS MODULE • SMALL GROUP DISCUSSION

No Contact Orders

Kayla & Trevin

Kayla and Trevin are both undergraduate students in their second year at Compliance University. Compliance University is a public liberal arts institution with an undergraduate population of approximately 3,000 students. Kayla and Trevin met their first year, and they are two of thirty students in Compliance University's relatively small theatre major. Kayla and Trevin often spend the majority of each week in the University's theatre building, working on sets and perfecting their acting roles for various performances.

Kayla and Trevin began dating a few weeks into their first year and were more or less a happy couple for over a year. The couple would attend parties at off-campus houses and apartments every once in a while, and Kayla had a reputation for getting aggressive and belligerent if she drank too much. Trevin blew off this behavior because he enjoyed spending time with Kayla and their friends and the unpleasant incidents were relatively rare.

One night in the fall of their second year, Kayla attended a fraternity party held off-campus in a fraternity member's house. Trevin could not attend as he needed to finish the set for an upcoming performance. Trevin was working diligently on the set in the theatre building when Kayla entered the building using her student ID card around 11:00pm. Trevin was surprised to see Kayla, and he recalls that she was stumbling and smelled of alcohol. Nevertheless, Trevin and Kayla began kissing and touching each other with their clothes on. Kayla then expressed an interest in having sex with Trevin on the stage because "we're only young once."

After that, Kayla's and Trevin's versions of events differ.

Trevin alleges that he told Kayla he did not feel comfortable going any further in the theatre building where anyone with an ID might come in at any moment. Kayla became upset, asking "don't you want me?" and "are you ashamed of people seeing us together?" Despite Trevin's continued protests, Kayla persisted in fondling him, ultimately unzipping his pants and attempting to perform oral sex on him. When Trevin

said, “Kayla, I mean it – stop! This is gross, and I don’t want you anywhere near me right now,” Kayla stood up and slapped him across the face as hard as she could.

Kayla alleges that Trevin consented to all their sexual activity, and she does not recall slapping him.

Since that night in the theatre building, Kayla and Trevin have broken up. Trevin has come to you as the Title IX Coordinator with the above information and is unsure at this time if he wants to file a Formal Complaint against Kayla. He tells you that Kayla has been acting erratically and tries to contact him at least once a day, sometimes berating him and other times threatening to harm herself if they stay broken up. He also mentions that he has suffered bouts of insomnia and depression since that night, which have made him consider getting back together with Kayla just so she’ll stop bothering him.

Based on the facts above, your small group should answer the following questions about implementing a mutual no-contact order.

Questions

1. What provisions would you include in the mutual no-contact order to ensure its fair implementation? What additional actions might be appropriate at this time?
2. Do you have any concerns about implementing a mutual no-contact order in a situation where the Complainant does not wish to file a Formal Complaint against the Respondent?
3. How would you ensure the mutual no-contact order is not disciplinary, punitive, or unreasonably burdensome to either the Complainant or Respondent?
4. How can the mutual no-contact order be designed to restore or preserve equal access to an education program or activity given the small academic program both parties are in?
5. Is it possible for the mutual no-contact order to be maintained as a confidential supportive measure given the nature of the small academic program both parties are involved in?