
Case Study:

This case study is adapted from materials originally prepared by Kristen Arneson, Corporate Counsel, Norwest Corporation, Minneapolis, Minnesota

The Phone Call

It's been a busy day. As the Title IX Coordinator for a large school district, you've hardly been able to take a break. It's been one crisis after another. Finally, now at 4 O'clock, you sit down at your desk to get some paper work done and the phone rings. Karl Rove, Principal at one of the high schools calls to tell you one of his female 10th graders, Monica Lewinski, reported to him that her classmate, Bill Clinton, is giving her a hard time. Karl tells you that:

- ☎ Monica and Bill had a consensual relationship.
- ☎ Monica ended the relationship with Bill; and
- ☎ Bill and Monica are in the same chemistry class and Bill is frequently coming on to her. On Monday, Monica reported that Bill had also been appearing at her car every day after school to ask if he could buy her a soda at "Tommy's", the local dive the kids hang out at. Monica states that she has received numerous hang-up phone calls that she assumes are from Bill.

Karl goes on to say that after Monica reported this incident, Karl contacted Jesse Ventura, Bill's dean, and asked him to instruct Bill to have no further contact with Monica. A short time later, Bill transferred to a different chemistry class from Monica; it was thought that the issue was resolved. Karl just wants to give you a "heads up" that this has occurred in case any further problems arise.

Three months later

Karl has made an appointment to meet with you regarding his recent conversation with Monica:

"Monica appeared in my office shortly after arriving at school this morning, appearing very nervous and unhappy. After quite a bit of delay, she told me that Bill showed up for a Friday night birthday party she and her friends had scheduled. While Monica was away from the table she and her friends were sitting at, Bill arrived and told her friends that they were back together. When she returned to the table, Bill put his arm around her and tried to hold her hand, which upset her.

"Monica also told me that she had recently posted for a job at the same Pizza Place that Bill began working at a few months ago.

"This afternoon when school got out, Monica called the Pizza Place to check on the status of the job because she hadn't heard back after her second interview. She was unable to reach anyone that could give her information. "In questioning Monica further, she indicated that Bill tells sexual jokes at school. I told Monica that I needed time to think about this and now I'm looking to you for help to resolve the situation."

QUESTIONS

Using your harassment policy, answer these questions:

- Q** Does the policy require an investigation? What tells you so?
- Q** If you need to investigate, how would you prepare for it? Create an investigation outline: be sure to list all the people you would interview and in what order
- Q** Explain your outline – why are you interviewing those people and in that order?

Monica & Bill

In your follow-up investigative discussion with Karl, Monica's principal tells you:

- ◆ That Monica is a very friendly and a well-liked high school girl who has lots of friends at school.
- ◆ She is known to enjoy socializing with several different groups of people.
- ◆ Karl also says that, in his opinion, Monica may lead her male classmates on, perhaps without knowing it.
- ◆ Karl says Bill is a "super" student, a high school football player, and is planning on becoming a physician. He has a great deal of physical strength and a very outgoing personality. Bill can be very persistent in pursuing getting A's.
- ◆ Karl also states that he overhears Bill frequently sharing his sexual exploits with his male classmates. He pretends he doesn't hear them.

QUESTIONS

- Q** What do you tell Karl about the investigation, his participation and his contact with Maria and/or Bill?
- Q** What additional information, if any, do you want to get from Karl?
- Q** What facts did Karl tell you that appear to be most important to the investigation? What "facts" did Karl tell you that would cause you to question his perceptions?
- Q** After your discussion with Karl, whom do you meet with next?
- Q** What additional discussion, if any, should occur with Karl?

Monica's Interview

Next, you interview Monica. When she arrives at your office she appears to be a young, energetic woman who is friendly and obviously upset.

When she sits down, you tell her that Karl, her principal, has brought his concerns to you and that an investigation is warranted. You tell her that you will be doing a series of interviews to gather facts. You confirm with her that your role is to be objective and impartial. Before you continue, Monica asks you what Karl said:

- ◆ What should you tell her?
- ◆ Would you ask Monica a set of prepared questions; would you ask her to "tell you her story", or a combination of these?
- ◆ If you prepare questions, list at least seven of them.

Monica tells you that:

- ◆ She and Bill had been going together; after three months she broke it off. Bill then started appearing at her car each day after school asking her to go to Tommy's for a soda. She also has received numerous hang-up telephone calls at home. Twice Bill showed up at her house late at night. On one occasion he tried to enter, and she had to call a family member for assistance to keep him out.
- ◆ Monica told you she felt Bill's behavior had changed somewhat after she initially brought her concerns to Karl.
- ◆ Monica said that she recently attended a Friday night birthday party with classmates Barack Obama, Sarah Palin and Michele Bachmann. She said that she had no idea that Bill was going to be there or that he knew she would be there as well. She believes that Bill showed up because Barack told him she would be there with her new boyfriend. She said while she was away from the table, Bill showed up and told her co-workers they were back together, and everything was fine. When Monica returned to the table, Bill approached her, tried to put his arm around her, tried to hold her hand and kept asking her to dance with him. Monica said she was very upset, that she waited for her boyfriend to arrive, and then they left without saying good-bye to the group.

- ◆ Monica also tells you that she has been interested in a position at the Pizza Place. She said that she recently posted for a position there and that she already had a preliminary interview with the assistant manager and a second interview with the manager before the birthday party incident. She has not received any further information about the position despite several phone calls to the manager.
- ◆ Monica states that Sarah Palin and Michele Bachmann also have heard Bill tell jokes of a sexual nature.

Monica appears to be a bright and articulate, woman, committed to her education, and she appears to be telling the truth.

QUESTIONS

- Q** What follow-up questions would you ask Monica?
- Q** How do you inform Monica about the process and her involvement?
- Q** Who else do you want to speak to and in what order?

Bill's Interview

You next interview Bill. Like Monica, he's an attractive and bright young man. You tell him that you are investigating some issues that were brought to your attention involving Monica. Bill immediately becomes irritated and demands to know who said what about him.

- ◆ How do you respond to Bill?
- ◆ Do you reveal your sources?

Bill demands to know if you've spoken with his friends and who else knows about this.

- ◆ How do you respond to him?

You then confirm the following with Bill:

- ◆ That he and Monica had been going together;
- ◆ Bill states that they agreed to "see other people for a while;" and
- ◆ He admitted to asking Monica out even after their agreement.

Bill asks to have his family lawyer with him during the interview, or his parents, or at the very least one of his classmates, or he wants to tape-record the interview:

- ◆ How do you respond to him?

He then relates the following to you:

- ◆ After Jesse Ventura, his dean, confronted him about asking Monica to go out after school, he immediately stopped the behavior.
- ◆ Bill tells you that he attended a birthday party organized by Barack. He said Monica made a pass at him that made him uncomfortable and he left.
- ◆ Bill states that he feels Monica is unstable and that she does not have the mental stability to have a job.
- ◆ He also tells you that he has a new girlfriend, is very happy and is not interested in Monica in the slightest.

QUESTIONS

- Q** What questions do you need to ask Bill?
 - Q** At the end of the interview, Bill again asks who else knows about this. How do you respond?
 - Q** He asks whom else you are going to talk to. What do you say?
 - Q** How do you explain the process and his responsibilities to the process?
 - Q** What if Bill says nothing, refuses to participate in your “witch hunt” and walks out? How would you respond?
- Bill leaves the meeting and immediately calls Monica, demanding to know why she is trying to ruin his life. Monica calls you in tears. What do you say? What actions do you take?
- Q** What additional actions, if any, would you take to ensure Monica’s safety?

Sarah and Michele's Interviews

You now interview Sarah and Michele.

- ◆ Prepare an interview outline for both women's interviews.

They both indicate that they have heard Bill tell sexual jokes, but they also state they have heard Monica tell an occasional sexual joke. They confirm that Monica did talk about her relationship with Bill when things were going well. That it was clear that Monica was very upset when Bill pursued her after she ended the relationship, although she was not very direct in telling Bill why she stopped seeing him or that she did not want to get back together.

They told you that they have overheard many male classmates talking about weekend activities, which occasionally included a discussion of sexual exploits, but that it was not on a routine basis. They both confirmed that they did not tell Bill about the birthday party gathering and that they did not know Monica's new boyfriend was going to attend.

Michele said she did not see anything occur between Monica and Bill at happy hour, but she did notice that Monica left early and that she appeared to be upset and unhappy.

Sarah said that she saw Bill casually put his arm around Monica and that Monica then walked away from him to get some more snacks.

QUESTIONS

- Q** What additional information, if any, do you wish to get from Sarah and Michele?
- Q** Who do you interview next?
- Q** Is there anything in these interviews that requires additional attention?

Barack's Interview

When you interview Barack, he indicates that he has had a long-term friendship with Bill, that he thinks Bill is a good kid and is one of the best friends he has ever had. Barack said that he believed Bill was forced to change chemistry classes after his relationship with Monica ended. He said he felt that Monica caused Bill to get a “bad mark” with classmates and teachers just because she wouldn’t tell Bill directly what her feelings were and therefore involved classmates in a private manner.

Barack tells you that he is aware of some sexual jokes being shared during lunch and between classes in the hallways, but he recalls Monica telling a sexual joke on occasion.

Barack admits that he is the person who invited Bill to the birthday party. He said he did not recall if he told Bill that Monica was attending or that her new boyfriend would be there too. Barack acknowledges that he saw Monica and Bill talking briefly but did not know what was said. He said he saw Monica leave a short time later with her boyfriend but that he did not meet or speak to either of them.

QUESTIONS

- Q** What additional information, if any, do you wish to get from Barack?

- Q** What needs to be discussed with Barack regarding any contact with Bill during the investigation?

Al's Interview

You decided to speak with the Pizza Place hiring manager, Al Franken, for the position that Monica applied for. Al explains:

"I ran into Bill at the movie theatre shortly after I interviewed Monica. I knew that Bill and Monica were classmates, so I asked Bill, 'confidentially, of course,' what he thinks about the kind of employee Monica would be. Bill said that she was obviously young and inexperienced and that she is either immature or mentally unstable. I admit that after this conversation with Bill I did not select Monica for the position. I had many other qualified candidates for the position and a candidate was selected though the selection decision has not yet been communicated to the candidates."

QUESTIONS

- Q** What do you tell Al about the investigation?
- Q** Do you take any interim action regarding the selection process? What?
- Q** What follow-up action, if any, would you take with Al?
- Q** Are there other individuals you would like to interview? Who?
- Q** What other sources of information might you use in this investigation process?

Facts of the Case

As a result of your investigation, you have gathered the following facts:

1. Monica and Bill had a consensual relationship that lasted approximately three months.
2. Monica terminated the relationship and Bill continued to ask her out.
3. Monica notified her principal, Karl, about problems with Bill at school in chemistry and after school.
4. Karl spoke to Bill's dean, Jesse Ventura, and the behavior improved. Bill was later transferred to a different chemistry class.
5. Classmate Barack arranged a Friday night birthday party with Monica, Sarah and Michele. He also invited Bill but did not tell Monica.
6. Barack and Bill are close friends.
7. Bill told jokes of a sexual nature. He also shared information about his sexual activities with male co-workers.
8. Other classmates, including Monica, occasionally told sexual jokes at school.
9. Monica applied for a position the same Pizza Place that Bill is now working in.
10. After Bill's comments to Al Franken, the hiring manager for the Pizza Place, Monica was not selected for the position. A qualified candidate was selected, but the selection decision has not been communicated to the candidates yet.
11. In reviewing Monica's student file, on a 5-point scale with 5 representing "outstanding" she was rated a "3" two years ago and a "4+" last year; she has strong friendships and is well liked.
12. Bill is rated a "5". He has received approximately five complaints from his teachers in the past year about "aggressive behavior."

What decision would you make on this situation?

- Is it sexual harassment?
- Why or why not?
- If so, on a scale of 1-5, with 5 being severe and/or pervasive harassment, what rating would you give it?
- What do you think should happen because of your conclusion?
 - ~ Regarding Bill?
 - ~ Regarding Monica's applying for a job at a Pizza Place?
 - ~ Regarding Barack?
 - ~ Regarding AI?
 - ~ Regarding.....

The Decision

A decision was made to issue a formal written warning to Bill based on the school's policy. Monica has just been notified that she was not selected for the position.

QUESTIONS

- Q** Do you agree with the decision? Why or why not?
- Q** You and Bill's dean meet with Bill to deliver the warning and wrap up the investigation. What do you say?
- Q** You then meet with Monica to describe the results of the investigation. What do you tell her?
- Q** Will you follow-up with anyone else interviewed in the investigation? What will you tell them?
- Q** What other actions might you contemplate?
- Q** Two days later, you get a call from Monica saying Bill called her at home. He told her that he received a warning; his job was on the line and that if he ended up getting fired, he'd make sure that she had to pay. How do you respond to Monica? What are your next steps?

It's time to write your formal report – please outline the information that will be included in the report and identify the location(s) that this report will be kept.

