



Dress Code Dilemma: Upholding Equality in Expression

DEFENDANT'S CONFIDENTIAL FACTS: Alex

Alex organized the protest against the dress code policy with the intention of sparking meaningful change and promoting gender equality within the school. The school does not know this, but Alex has had a friend from school identify as non-binary and has confided in Alex about the need for gender inclusivity within the school community. Alex's friend has faced instances of discrimination and marginalization due to their gender identity, contributing to Alex's desire to challenge the school's dress code policy. Alex's friend was afraid to challenge it themselves, so Alex took it upon themselves to do so.

Thus, Alex's actions were driven by a genuine belief in the importance of self-expression and inclusivity. News of the extended suspension and exclusion from the school's fashion show has had a significant emotional and academic toll on Alex. Alex was deeply invested in the fashion show and had spent considerable time and effort preparing for it, viewing it as an opportunity to showcase gender-neutral fashion.

Furthermore, Alex was going to use the media and photos from the school fashion show to enter a national fashion internship competition in hopes of winning a summer internship. One requirement of the competition is that a candidate's fashion ideas must have been featured on a runway, regardless of how big or small. Alex was hopeful they could secure the internship through this show but can consider that internship lost if they do not resecure their spot in the fashion show. Alex is prepared to apologize and meet the school's other requests on the condition that they update their policy and allow Alex to participate in the fashion show.

Alex's family is prepared to bring a legal claim for discrimination under Title IX, however, they understand litigation is expensive and think it will be unnecessary if the school agrees to change the policy. They are also concerned that Alex's deliberate decision to break the school policy would make this legal claim uncertain, especially since Alex's choice of clothing disrupted school learning environments. Nevertheless, Alex's family hopes the school will reduce the suspension, allow Alex to participate in the show, and update their policy so that Alex's friend has freedom of expression under the policy. It is unknown whether Principal Thompson has the authority to update the policy; Alex's family should likely explore this option. In exchange, Alex should be prepared to take accountability in the form of an apology, an NDA, or even community service. Alex's family should have other creative solutions to ensure Alex's chances in the competition are not compromised and to ensure the school changes its policy.