



80'S MOVIES:

The "Best Decade of Movies" or a
"Nightmare of Title IX Violations"?

May 20, 2026

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T9M 80'S MOVIES TITLE IX WEBINAR

AGENDA



- I. Analyzing Consent
- II. Revenge of the Nerds (1984)
- III. The Breakfast Club (1985)
- IV. Assessing Incapacitation
- V. Sixteen Candles (1984)
- VI. Q&A

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Analyzing Consent



Consent Under a Title IX Lens

Example Policy Definition:

Consent is affirmative, conscious, voluntary and revocable. Consent to sexual activity requires of each person an affirmative, conscious, and voluntary agreement to engage in sexual activity.



Questions to Ask During a Consent Analysis

- ? How was consent communicated?
- ? What words, if any, were exchanged regarding willingness to engage?
- ? What physical cues or body language did each party observe?
- ? What specifically was consensual v. non-consensual?
- ? When and how did things escalate?
- ? Were there any pauses, check-ins, or conversations during the encounter?



Challenges Discussing Consent

- ✓ Non-verbal consent
- ✓ Understanding escalation
- ✓ Ongoing consensual relationships
- ✓ Incapacitation



Revenge of the Nerds (1984)



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Revenge of the Nerds – Characters



Stan – Popular fraternity football player

Betty – Popular sorority cheerleader (Stan's Girlfriend)

Lewis – “Nerd”



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Revenge of the Nerds – Title IX Scenario

- + Lewis, dressed as Darth Vader, and Betty go to the bounce house to engage in sexual activity.
- + *After* the sexual activity, Lewis takes the Darth Vader mask off. Betty realizes it is not her boyfriend, Stan.
- + Betty says, "You're that nerd," and asks "how he got so good at that."
- + Betty asks Lewis to meet her after the pep rally that evening.



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Revenge of the Nerds – Consent Analysis

- ? What questions would you want to ask in the Complainant interview to analyze consent? Respondent interview?
- ? Does the evidence that suggests Betty “enjoyed” the sexual activity impact the analysis?
- ? Would you take into consideration that they kissed and became a couple at the pep rally later that evening?
- ? What actions could Lewis have taken to obtain consent?



Revenge of the Nerds – Consent Key Takeaways

-  Misrepresentation of an individual’s identity would result in consent under false pretenses
-  Consent to one act does not imply consent to another, past or future



The Breakfast Club (1985)



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The Breakfast Club – Characters



Claire – Popular, rich, good student

Bender – “Bad boy,” outsider



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The Breakfast Club – Title IX Scenario

- + Bender crawls under Claire's desk to hide from the principal.
- + Claire is wearing a skirt and Bender sees Claire's underwear.
- + Bender puts his head between Claire's knees. Claire kicks Bender.
- + When the principal leaves, Bender gets up and Claire calls him an "asshole." Bender says, "Sue me."
- + Bender and Claire consensually kiss at the end of the movie.



Questions to Ask During a Consent Analysis

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The Breakfast Club – Consent Analysis

- ? What evidence would you rely upon to analyze consent?
- ? How would you weigh the fact that Claire did not say anything to the principal when it was happening?
- ? Do you take into consideration that they have consensual kissing before they leave school after the desk incident?
- ? How could Bender have obtained consent?



The Breakfast Club – Consent Key Takeaways

-  Ask questions about what was communicated through words and actions before sexual activity
-  Consent to one act does not imply consent to another, past or future
-  Consider power imbalances when evaluating affirmative consent



Assessing Incapacitation



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Consent – Incapacitation

Example Policy Definition:

A person is incapacitated if they are:

- Asleep or nonconscious;
- Unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
- Unable to communicate due to a mental or physical condition.

Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking, using drugs, or taking medication.



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Questions to Ask to Assess Incapacitation

- ? Had either party consumed alcohol or drugs? How much, over what period?
- ? Was the Complainant able to walk, speak clearly, remember events, consider birth control, or make decisions?
- ? Who observed the parties before, during, or after — and what did they notice about their condition?



Sixteen Candles (1984)





Sixteen Candles – Characters



Ted – “Geek”

Ted’s Two Friends

Caroline – “Prom Queen”



Sixteen Candles – Title IX Scenario

- + Ted pulls up to his house where his two friends meet him with an unconscious, obviously drunk, Caroline.
- + Ted gets in the backseat with Caroline to make it appear as if they participated in some kind of sexual activity.
- + Friends take photographs of Ted and Caroline while Caroline is unconscious.



Questions to Ask to Assess Incapacitation

- ? Had either party consumed alcohol or drugs? How much, over what period?
- ? Was the Complainant able to walk, speak clearly, remember events, consider birth control, or make decisions?
- ? Who observed the parties before, during, or after — and what did they notice about their condition?



Sixteen Candles – Incapacitation Assessment

- ? What other evidence does the investigator need to collect to determine incapacitation?
- ? Caroline wakes up briefly. How does this fit into an incapacitation analysis?
- ? Should the investigator take into consideration that Caroline and Ted consensually kiss at the end of the movie?





Sixteen Candles - Assessing Incapacitation Key Takeaways



Incapacitation is a high bar – Evidence collection is key



Evaluate Complainant's decision-making abilities



Evaluate Respondent's knowledge of incapacitation



Respondent's own intoxication cannot be used as a defense for consent.



QUESTIONS?

