

Title IX Hearing Panelist Training 2026

Part 1

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Training Components

Part 1

- Definitions
 - Key Terms
 - Title IX-Based Sexual Misconduct
 - Non-Title IX-Based Sexual Misconduct
- Sexual Misconduct Policy and Procedure
- Employee Role
- Scenarios

Part 2

- Live Hearings Panelists
 - Roles
 - Responsibilities
 - Hearing Process
- Scenarios



Plan for Today

Part 1: Policy and Processes

- Introductions
- TIX & UST Policy Basics
- Definitions
 - Key Terms
 - Title IX-Based Sexual Misconduct
 - Non-Title IX-Based Sexual Misconduct
- Sexual Misconduct Policy and Procedure
- Scenarios





Introductions



Name



Your role at St. Thomas



The next road trip you plan to take



Go to **on-the-road** snack/drink



Must listen to podcast



Role of Title IX, ADA, & EO Coordinator

- Primary role - assure compliance with the following policies:
 - Sexual Misconduct
 - Pregnant and Parenting Students
 - Nondiscrimination and Anti-Harassment
 - Workplace Conduct
 - Disability Resources – grievances and appeals
- Respond to reports in collaboration with:
 - Human Resources
 - Dean of Students Office
 - Public Safety
- Programming and Training
 - Human Resources
 - CWB

Federal Title IX Law & University of St. Thomas Sexual Misconduct Policy



Title IX Basics

Title IX of the Educational Amendments of 1972

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance"

TIX was designed in 1972 to initially address inequities in admissions, residence life, academic opportunities and extracurricular activities (such as athletics)

Title IX Basics

- 1972 → Title IX becomes law and addresses sex-based discrimination
- 2011 → Title IX expands to include sexual assault, sexual harassment, dating and domestic violence, and stalking
- 2020 → Regulation changes on the way schools respond to incidents (St. Thomas follows these)
- 2025 → Newest Minnesota guidance modifies processes definitions

Stalking

Repeated and unwanted communication, gift-giving, or following someone - causing emotional distress

Harassment

Quid pro quo, unwelcome sexual comments, misgendering, jokes, hostile work environment

Assault

Non-consensual or forced touching, kissing, penetration

Sex Discrimination

Discriminated based on sex stereotypes, gender identity, sexual orientation, sex characteristics, pregnancy

Sexual Misconduct Policy

MN State Statute 135A.15
(changes as of August 1, 2025)

Exploitation

Catch-all- recording and sharing sexual content or watching a sexual act without consent, exposing or streaking

Dissemination of sexual images or Deepfake(AI) sexual images

Stalking, harassment or assault with someone in a domestic or dating relationship

Dating & Domestic Violence

Title IX Compliance Requirements

If Title IX-related conduct is impacting a student's ability to participate in an educational program or activity, as an institution receiving federal funding, must respond to...

Stop the misconduct

Prevent further recurrence of misconduct

Remedy the effects of misconduct and offer **support**

Determine **response** and **resolution** process

Ensure no **Retaliation**

Key Terms



Key Terms



- Reporting Party/Complainant
 - is an individual who experiences conduct that they believe is or that may be sexual misconduct prohibited by this policy.
- Responding Party/Respondent
 - is an individual who is reported to have engaged in conduct that the reporter believes is or may be sexual misconduct prohibited by this policy.
- Confidential Resources
 - are individuals who provide confidential assistance and support
 - Confidential Resources are not required to notify the Title IX Coordinator or law enforcement about sexual misconduct so long as the allegations do not involve the physical or sexual abuse of a child or vulnerable adult or an imminent threat to the life of any person.
 - Confidential Resources at UST:
 - counselors in CWB
 - health care providers in CWB
 - clergy, or other ministers of any religion (e.g. campus chaplains), in limited circumstances



Key Terms

- Formal Complaint
 - In matters involving Title IX-based sexual misconduct, a Formal Complaint must be filed to participate in either the Alternative Resolution or the Formal Process.
 - In matters involving non-Title IX-based sexual misconduct, a Formal Complaint must only be filed if the Reporting Party wishes to utilize the Formal Process (*student/student only*).
- Supportive Measures
 - are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available without fee or charge to the Reporting Party or Responding Party designed to
 1. restore or preserve equal access to the University's education programs or activities without unreasonably burdening the other party,
 2. protect the safety of all parties or the University's educational environment, or
 3. deter sexual harassment.

Key Terms



- Title IX-Based Sexual Misconduct
 - is sexual misconduct as defined under federal Title IX regulations.
 - Such as: sexual harassment, sexual assault, dating violence, domestic violence, and stalking
- Non Title IX-Based Sexual Misconduct
 - is any misconduct described in Section IV of this policy that is not Title IX-based sexual misconduct.



Title IX vs. Non Title IX Example

Title IX-Based Sexual Harassment

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- An employee of St. Thomas conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (sometimes referred to as “quid pro quo” harassment);
- Unwelcome conduct determined by a reasonable person to be so **severe, pervasive, and objectively offensive** that it effectively denies a person equal access to the University's education program or activity

Non Title IX-Based Sexual Harassment

Sexual harassment is conduct that has all of the following elements:

- The conduct is unwelcome.
- The conduct is based on gender, sex or sexual orientation.
- The conduct unreasonably interferes with, denies or limits someone's ability to participate in or benefit from St. Thomas employment, education programs and/or activities.

Sexual harassment includes both verbal and/or physical conduct. Sexual harassment can be between people of the same gender or between people of different genders. Whether conduct constitutes sexual harassment under this policy will be determined based on the facts and circumstances. **A single incident of conduct may constitute harassment depending on the facts and circumstances.** In many cases, however, a finding of harassment will require a pattern of unwelcome conduct.



Key Terms

Process is generally Complainant decision

- Alternative Resolution Process is used when/if:
 - A voluntary, structured process designed to be used when a Complainant does not wish to follow the Formal Process.
 - When a Respondent accepts responsibility and sanctions.
 - When the Title IX Coordinator determines that the nature of the Report or Formal Complaint does not necessitate the initiation of the Formal Process
 - In other appropriate circumstances as determined by the Title IX Coordinator.
- Formal Process is used when:
 - A Reporting Party files a Formal Complaint and requests that St. Thomas investigate and adjudicate allegations of sexual misconduct using the Formal Process
 - St. Thomas determines that use of the Formal Process is necessary based on the totality of the circumstances as described in Section IV.D and the Title IX Coordinator signs a Formal Complaint
 - or either the Reporting Party or the Responding Party requests or the Title IX Coordinator determines that the Alternative Resolution Process end and the Formal Process be used.



Additional Policy Notes

- **Amnesty to drug & alcohol policies** – remove barriers for reporting
- Protected - **non-retaliation** for those who report in good-faith and for those who participate in a process.
- **Academic Freedom** is protected for teaching faculty – they can teach about content that may be sexual in nature and address content that falls under Title IX – but they cannot act or behave in a way that may fall under our policy.
- **Offers support resources on and off-campus.**
- Includes **Title IX conduct** and **Non-Title IX conduct**

Employee Role





Your Role as an Employee



- Know the policy
- Understand confidentiality (you are not confidential, but you are private)
- Be prepared for a disclosure and be honest about your obligation to report
- Information should always be treated with privacy and respect
- Know how and where to report
- Be aware of resources so you can talk with a student about them



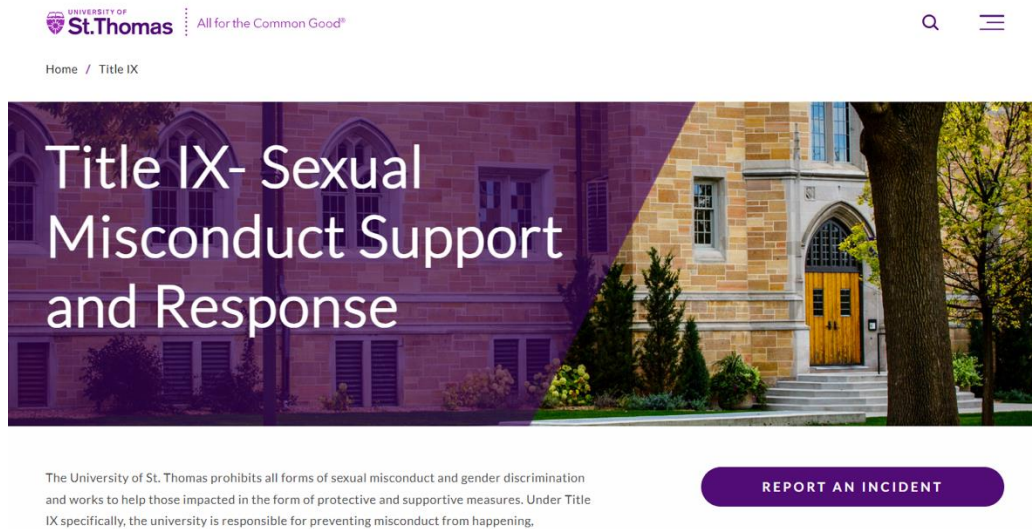
On-Campus Support Resources

- Center for Well-Being
 - CAPS is confidential
- Title IX Coordinator
- Public Safety
- All faculty and staff are expected to be trained and should know how to report.

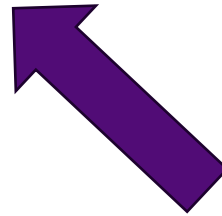
How the University Responds to a Report



<https://www.stthomas.edu/title-ix/>



Go to **One.StThomas**
search "Title IX"



Where to Report



Title IX- Sexual Misconduct Support and Response

The University of St. Thomas prohibits all forms of sexual misconduct and gender discrimination and works to help those impacted in the form of protective and supportive measures. Under Title IX specifically, the university is responsible for preventing misconduct from happening.

REPORT AN INCIDENT

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Go to **One.StThomas**
search "Title IX"

Concerns about someone?



Tell Someone is an **online reporting tool** for **everyone** to report concerns about:

- Health or well-being
- Safety or threats of harm
- Discrimination, bias, or harassment



St.Thomas

A **new** reporting tool for **faculty, staff & students**

Help keep St. Thomas safe and supportive.



Title IX Coordinator Response

to serve as a neutral facilitator of the process/policy

- Responds to all reports
- May call you for more info on report before reaching out to student
- Allow party to re-share the experience – but that is not required.
 - ask clarifying questions.
- Together determine next steps with **safety and support** as priorities
- Discuss resolution options (formal or alternative)
- Consider and develops supportive & safety measures
 - Academic accommodations
 - No contact order
 - Referral to on / off campus resources
 - Center for Well-Being, Priest, Clergy, victim's advocate, police

Complainant Led Response



SANE is a Form of Support

- Sexual Assault Nurse Examiners (SANEs) are specially trained registered nurses who receive education in comprehensive care of sexual assault survivors. They:
 - Evaluate and treat survivors in a holistic way
 - Understand the acute and long-term consequences of sexual violence victimization
 - Provide evaluation of risk and treatment for injuries due to the assault
 - Understand the medical and legal consequences of appropriate history gathering, sample collection and chain of evidence
 - Provide follow up resources and connect survivors with the follow up care they need



Sept 1, 2025-May 31, 2026

3 SANE exams were performed

6 other students sought care here for SA, most had assaults that were >10 days



Sexual misconduct is happening to students at St. Thomas

82 reports were made academic year 25-26 (Sept 1-May 31)

All impacted students were provided resources for supportive and safety measures and options for resolution
(through the TIX Coordinator, when a name was provided)

- **6 no contact or trespass orders**
- **8 students received academic accommodations**
 - i.e., modified assignments, altered exam or homework submission deadlines, change in small group assignment, move to a different section, or end-of-semester incompletes.
- **0 incidents went to a formal hearing for resolution**
- **2 incidents followed an alternative resolution process** with outcomes that both parties mutually agreed upon



Scenario

Scenario: Supporting a Student Employee in Distress



A student employee named Alex, who works in your department, contacts their supervisor, Jordan, a full-time staff member, and says they cannot make it to work today. Alex sounds anxious and overwhelmed and mentions they are struggling academically, feeling highly anxious, and not sleeping well.

Concerned, Jordan asks what's been going on. Alex opens up, explaining they are dealing with a bad breakup. For the past few weeks, Alex's ex has been texting constantly and waiting outside Alex's classes to talk, even though Alex has repeatedly asked the ex to stop contacting them. The situation has been affecting Alex's mental health, academic performance, and ability to work.

Jordan is unsure how to handle the situation appropriately, balancing the role of a supportive supervisor with the need to recognize any potential reporting responsibilities and to provide the student with appropriate resources.

Scenario Discussion Questions



1. Understanding the Scope of the Problem:

- What immediate concerns should Jordan have regarding Alex's well-being and safety?
- How can Jordan assess whether Alex is facing harassment or stalking behavior under campus policies and Title IX?

2. Identifying Appropriate Support Resources:

- What campus resources should Jordan recommend to Alex for both emotional support and addressing potential harassment?
- How can Jordan help connect Alex with these resources while respecting their autonomy and privacy?

3. Navigating Reporting Responsibilities:

- What are Jordan's responsibilities as a college employee under Title IX and the institution's policies when learning of potential harassment?
- Should Jordan report this incident to the Title IX Coordinator or other campus authorities, and if so, what should they communicate to Alex about this process?

4. Maintaining Professional Boundaries and Confidentiality:

- How can Jordan maintain professional boundaries while showing empathy and support for Alex?
- What are the confidentiality limits in this situation, and how should Jordan communicate these to Alex?

5. Supporting Alex at Work:

- What reasonable accommodations might Jordan consider to support Alex's well-being and ability to continue working while dealing with this situation?
- How can Jordan help Alex feel safe and supported in the workplace without making assumptions or decisions on Alex's behalf?

6. Reflecting on Personal Bias and Best Practices:

- What personal biases might affect Jordan's response, and how can they ensure these do not interfere with supporting Alex appropriately?
- What are the best practices for balancing support, confidentiality, and safety when handling sensitive situations like this with student employees?

Questions?



Tomorrow

Part 2:

The Live Hearing

- Your Role in the TIX hearing process
- Q&A



Formal Hearing Training University of St. Thomas Part 2

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Plan for Today

Part 2:

The Live Hearing

- Your Role in the TIX hearing process
- Q&A



A Title IX Resolution Process Must...

- Treat Complainants and Respondents equitably and with dignity
- Describe the range of supportive measures available
- Include a presumption that Respondent is not responsible for until determination is reached at conclusion of resolution process
- State the standard of evidence (preponderance)
- Include reasonably prompt time frames for the conclusion of the resolution process
- Provide an objective review of all relevant evidence
- Describe the range of possible disciplinary sanctions and remedies
- **Train Coordinators, Investigators, Decision-Makers, and Informal Resolution Facilitators on processes and ensure they are free of conflicts of interest and bias**



Resolution Processes

**Supportive Measures
Alternative Resolution
Formal Process**

Support Measures

Per Policy:

1. Restore or preserve equal access to the University's education programs or activities without unreasonably burdening the other party.
2. Protect the safety of all parties or the University's educational environment.
3. Deter sexual harassment.

➤ Emotional Support (CWB and External Options)

➤ Academic Support

➤ No Contact Directives/Trespass Orders

➤ Other

Alternative Resolution Process

Goal: Designed to eliminate the conduct at issue, prevent it from recurring, and address its effects.

The Alternative Resolution Process is a voluntary, structured process designed to be used when:

- Complainant does not wish to follow the Formal Process and
- Respondent accepts responsibility and sanctions and
- Title IX Coordinator determines that the nature of the Report or Formal Complaint does not necessitate the initiation of the Formal Process.

However:

- For Title IX-based sexual misconduct, the Alternative Resolution Process may not be initiated unless a Formal Complaint has been filed but remains an option for the parties at any point up until a determination regarding responsibility has been made.
- For non-Title IX-based sexual misconduct, the Alternative Resolution Process may be initiated without filing a Formal Complaint.
- Alternative Resolution Process may not be utilized for Title IX-based sexual misconduct when allegations involve an employee Respondent who has sexually harassed a student Complainant.

Formal Resolution Process

- 1. Intake and Review**
- 2. Notice of Allegations**
- 3. Investigation**
- 4. Hearing**
- 5. Written Determination**
- 6. Appeals Process**

Parties Involved

- Complainant / Reporting Party (making the report/filing a complaint)
- Respondent / Responding Party (responding to the complaint)
- Title IX Coordinator
- Title IX Investigator
- Hearing Panelists (including a hearing chair)
- Support Advisors / Hearing Advisors
- Office of General Counsel (legal and process consult)
- DOS/HR (consults on sanctions, precedence)
- Witnesses (if warranted)

Hearing Panelists & Chair

* Composed of two St. Thomas employees and a chair. *

Responsibilities:

- Collectively reviews the investigative report, hears the case, oversees and facilitates the Title IX hearing
- Supervises the conduct of the involved parties and their advisors (hearing chair)
- Determines the relevance of evidence and questions presented during the hearing (hearing chair)
- Determines whether there is responsibility for a policy violation based on the preponderance of the evidence (more likely than not)
- Drafts and issues the written determination regarding responsibility (led by hearing chair)
- Issues sanctions when appropriate (consults OGC, TIX, DOS)

Advisor

Responsibilities:

- Supports their party by accompanying them during interviews, meetings, and the hearing
- Provides information regarding the Title IX process and resources available (assuming they are familiar with UST policies and process)
- Reviews the investigative report and all evidence, as well as helps their party craft a response
- Participates in the hearing and conducts cross-examination (this is their only role in the hearing)



Right to an Advisor

- Support Advisor / Hearing Advisor
- St. Thomas must provide an Advisor for a live hearing if a Party does not have one present
- St. Thomas cannot limit the choice or presence of an advisor for either party
- Parties have the option to include the Advisor in any meeting or investigative interviews (can be an attorney)

Intake and Review

- Title IX Coordinator reviews report / complaint
- Does the report fall under Title IX or another policy
- Conversations with Reporting Party and/or Complainant
- Information-giving stage
- Supportive measures

Notice of Allegations

- Title IX Coordinator notifies parties of allegations that may constitute Title IX and communicates rights and options under the process
- Conversations with Responding Party
- Supportive measures
- Always presumes the Respondent is not responsible
- Preparation for the investigation stage

Investigation

- External Title IX Investigator takes the lead on information-gathering
- Interviewing parties (and witnesses)
- Gathering and reviewing evidence
- Drafting investigation report
- Title IX Coordinator is campus contact

This step may require the most time during resolution process

Hearing

- Decision-making stage of resolution process
- The hearing is facilitated by a hearing panel
- Pre-hearing meeting
- Live hearing (very scripted, recorded)
 - Hearing Panel Questions (Chair)
 - Cross-examination allowed by both parties' advisors
 - Determination Regarding Responsibility
 - Sanctions Determination (*if applicable*)

Determination of Responsibility

Following the conclusion of the hearing, the hearing panel will deliberate and make a determination regarding responsibility on the basis of the preponderance of the evidence. Such determination will be made upon consideration of the relevant evidence.

Panel will issue written determination to include:

- Allegations
- Findings of fact support and conclusion
- Rationale regarding responsibility and sanctions
- Procedure for appeal

Appeal

- Allowed for the following reasons:
 - Procedural irregularity
 - New evidence not available during the investigation
 - Conflict of interest or bias by Title IX Coordinator, Investigator, or Decision-Maker(s)
 - Decision violated academic freedom



Important Policy Definitions Requiring Further Discussion

CONSENT

Consent is **clear conduct or words** that indicate a person **freely agrees** to engage in a sexual act at the time of the act...

Consent is **not effective if a person knows, or reasonably should know**, that the other person is incapacitated, regardless of the reason for incapacitation.

- Consent is **freely giving with “yes”** through words or conduct, not the absence of ‘no.’
- Consent to one type of sexual activity does not imply consent to other
- Past consent does not equal future consent
- Consent can be withdrawn at any time
- Consent is not effective when
 - **force, threat, or coercion** is used
 - there is **silence, non-communication, failure to resist, the absence of “no”**

INCAPACITATION

Incapacitation is the inability to understand the facts, nature or extent of a sexual situation.

- Do they know the “**who, what, when, where, why or how**” of the sexual situation?
- Are they asleep, unconscious, or seemingly unaware of what is happening around them?

Questions?





**Extra Slides for Further Clarity
if needed**



Complainant

Alleged to be the victim of conduct that may fall within the sexual misconduct policy

Respondent

The alleged perpetrator of conduct that that may fall within the sexual misconduct policy

Witnesses

Individuals that are identified in the investigation process as having information that may support or refute allegations of sexual misconduct



Title IX Coordinator

Responsibilities:

- Ensures compliance with federal, state, and local law, as well as other school policies
- Receives reports of sexual misconduct
- Creates, reviews, and implements policy and procedures
- Facilitates and oversees resolution process including hearings, informal resolution processes, and appeals
- Creates/monitors training of Title IX staff and campus community



Title IX Investigator (external)

TIX Coordinator is the point of contact

Responsibilities:

- Collects evidence and interviews the Parties and Witnesses
- Provides all evidence to the Parties and their Advisors for inspection and review
- Creates an investigative report that fairly summarizes relevant evidence
- Sends the investigative report to the Complainant, Respondent, Advisors, and Decision-Maker



Title IX Decision-Makers

Hearing Panelists & Hearing Chair

Responsibilities:

- Collectively reviews the investigative report hears the case Oversees and facilitates the Title IX hearing
- Supervises the conduct of the involved parties and their advisors (hearing chair)
- Determines the relevance of evidence and questions presented during the hearing (hearing chair)
- Determines whether there is responsibility for a policy violation based on the preponderance of the evidence (more likely than not)
- Drafts and issues the written determination regarding responsibility (led by hearing chair)
- Issues sanctions when appropriate (consults OGC, TIX, DOS)



Advisor

Responsibilities:

- Supports their party by accompanying them during interviews, meetings, and the hearing
- Provides information regarding the Title IX process and resources available (assuming they are familiar with UST policies and process)
- Reviews the investigative report and all evidence, as well as helps their party craft a response
- Participates in the hearing and conducts cross-examination (this is their only role in the hearing)



Sexual Violence Prevention Programming Details (addressed earlier)



Title IX

CWB and TIXC Collaborate on Workshops

- Every athletic team
- Peer Mentors
- SDIS Purple Couch Series
- Center for Well-Being Staff Meeting
- ...and more!



Athletics

Required for All

- Partner with TIX to facilitate workshops with each team

"Comprehensive Development Plan"

- First Years: Healthy Relationship Workshop
- Second Years: Bystander Intervention and one from menu of options
- Third Years: How to Throw a Fun (and Safe) Party
- Fourth Years: Developing a Healthy Workplace Culture (Online Module)



FYEX

FYEX 100: Foundations

- FYEX 100: In class module on bystander intervention
- Peer Mentors went through training

FYEX 150: Common Good Learning Community

- About half of students are enrolled in this
- Need to attend 3 events that connect to the common good and reflect on them
- All of our events are potential options



In Classrooms

- Request a Workshop on our website:
- DFC Health Class – Every first year
- WGSS Classes
- “Don’t Cancel Your Class!”

Workshops and Presentations

Workshops and presentations are one way that we work toward preventing violence. We schedule multiple workshops on campus each month, or you can request us to come to your group. All of them are available for any group on campus, including classrooms, Residence Hall floors, student clubs and organizations, sport teams and more. See below for a description of each workshop.

Available Workshops

+ Bystander Intervention

+ Healthy Relationships

+ Healthy Masculinity

+ In Their Footsteps



Campus Events

- DVAM in October, SAAM in April
- Collaborations with the create[space]
- Luann Dummer Center for Women – Take Back the Night (coming soon?)





SOS

- 24-hour community advocacy organization
- Free and confidential
- Phone number is on the back of IDs
- Kalease comes to table during SAAM
- Walk to Honor Survivors in April



SANE Program

- Promote SANE Program as a resource in:
 - Workshops
 - Athletics presentations
 - In Their Footsteps
 - Classrooms
 - Tabling
 - ...and more!
- Working toward preventing SV at the same time as promoting resources for survivors