

2025 Title IX Training

For Hearing Officers



UNIVERSITY OF
**HEALTH SCIENCES
& PHARMACY**

in St. Louis

Purpose and Scope of Title IX

- Ensure fair, equitable, and trauma-informed resolution of complaints
- Protect individuals from sex-based discrimination in education



Roles and Responsibilities



Roles and Responsibilities

- Thank you for your commitment and service!
- You are part of a pool of individuals who will be asked to serve as:
 - A hearing officer
- The Title IX Coordinator or Deputy Coordinator will reach out to you to have a person serve as the hearing officer in the event a formal complaint goes to hearing.



Hearing Officer's Role

- Ensures a fair, impartial, and respectful hearing process
- Maintains order and enforces rules of decorum
- Explains procedures and participant rights at the outset
- Rules on relevance of questions and evidence
- Avoids bias, conflicts of interest, and prejudgment
- Coordinates with the hearing panel and supports procedural integrity
- Documents the process and supports a thorough record



Hearing Officer's Responsibility

- Impartiality: No bias or conflict of interest
- Procedural fairness: Equal treatment for all parties
- Relevance rulings: Explain decisions clearly
- Decorum: Address disruptions promptly
- Documentation: Maintain accurate records



Panel vs. Hearing Officer Roles

- Panel: Determines credibility and makes findings
- Officer: Manages process, decorum, and relevance rulings
- Officer does not participate in deliberations
- Panel may request procedural guidance from officer



Keys to Consider in Any Role



Jurisdiction of Title IX

- Title IX applies only to conduct that:
 - Occurs **in the United States**
 - Happens **within a University program or activity**
 - Includes on-campus locations, school-sponsored events, and buildings controlled by recognized student organizations
- **Online conduct** may be covered if it occurs in the context of a University program or activity
- **Study abroad** incidents are generally not covered under Title IX, but may be addressed under other institutional policies



Bias, Impartiality, and Trauma-Informed Practice

- Avoid assumptions based on identity or demeanor
- Disclose any conflicts of interest or bias
- Use neutral language and maintain professionalism
- Be mindful of trauma responses and respectful of all parties



Understanding Evidence

- Focus on relevance and credibility
- Avoid duplicative or prejudicial content
- Consider all evidence shared with both parties
- Do not rely on assumptions or prior knowledge
- Use the preponderance of the evidence standard



UHSP Policy and Process Update

- 2025 policy includes updated definitions and procedures
- Clarifies steps in the hearing process
- Emphasizes documentation and written determinations
- Reinforces advisor roles and decorum expectations



The Process



Formal Complaint

- Begins with a signed complaint submitted to the Title IX Coordinator
- Initial assessment determines jurisdiction and next steps
- Parties receive written notice of allegations
- Investigation includes interviews and evidence gathering
- Parties can review and respond to the investigation report
- May proceed to hearing, informal resolution, or dismissal



Hearing Process

- Hearing is live and recorded
- Parties and witnesses provide testimony
- Advisors conduct cross-examination
- Panelists ask clarifying questions
- Panel deliberates privately
- Written determination issued after hearing



Informal Resolution

- Voluntary alternative to a formal hearing
- Requires written consent from both parties
- Facilitated by a trained University official
- Not available for power mismatch sexual harassment cases
- May result in mutually agreed-upon outcomes



Appeal Process

- Either party may appeal the hearing outcome
- Appeals must be based on specific grounds
- Appeal Review Board reviews and makes a recommendation
- Appeal Decision-Maker issues the final decision
- Outcome is shared with both parties in writing



Running the Hearing



Opening Remarks Checklist

Here is an example of the opening script and details on what is covered.

- Introduce participants and roles
- Explain hearing structure and rules of decorum
- Clarify relevance and evidence rules
- Confirm understanding and address questions
- Reference institutional policy and impartiality



Rules of Decorum and Conduct

- Advisors may only speak during cross-examination
- All participants must:
 - Use respectful, neutral language
 - Avoid yelling, badgering, or accusatory tone
 - Use correct names and pronouns
 - Avoid repetitive or irrelevant questions
- Advisors may not:
 - Intimidate participants
 - Violate confidentiality
 - Engage in zealous advocacy



• Violations may result in removal or replacement

Special Evidentiary Considerations

- **Prior Sexual History:** Generally, not admissible unless:
 - It shows prior sexual behavior between the parties and is offered to prove consent, or
 - It proves someone else committed the alleged conduct.
- **Privileged Information:** Cannot be used without voluntary, written consent (e.g., medical, counseling, attorney-client).
- **Refusal to Submit to Cross-Examination:**
 - If a party or witness refuses to answer relevant cross-examination questions, their statements cannot be relied upon in the decision.
 - No negative inference may be drawn from their refusal.



Controlling the Hearing

- Issue warnings for violations
- Know who may speak and when
- Manage breaks and timing



Q&A Protocol During Hearing

- Only advisors may ask questions during cross-examination
- Parties may request clarification through their advisor
- Officer may pause hearing to consult Title IX Coordinator
- Maintain neutrality and document all procedural questions



Types of Evidence

- **Direct Evidence:** Firsthand observation (e.g., video, eyewitness).
- **Circumstantial Evidence:** Indirect but relevant (e.g., timing, behavior).
- **Documentary Evidence:** Texts, emails, photos, reports.
- **Expert Testimony:** Opinions from qualified professionals.
- **Hearsay:** Statements made outside the hearing—may be considered but weighed carefully.



Weighing Evidence

- Assess credibility and weight of evidence
- Consider demeanor, plausibility, corroboration
- Panel may ask for guidance



Evaluating Consent

- **Capacity:**
 - Was either party incapacitated due to alcohol, drugs, unconsciousness, or other factors?
 - Did the respondent know—or should they have known—about the complainant's incapacity?
- **Communication:**
 - Was consent clearly communicated through words or actions?
 - Was there any indication of hesitation, confusion, or withdrawal?
- **Context:**
 - Were there **power dynamics** (e.g., supervisory roles, academic authority)?
 - Was there any **pressure, coercion, or manipulation**?
- **Consistency:**
 - Are the accounts consistent with other evidence or witness statements?
 - Are there discrepancies that affect credibility?



Documenting Rulings and the Record

- Record all relevance rulings and interventions
- Summarize key decisions in the hearing record
- Maintain a complete and accurate transcript



Trauma-Informed Hearing Practices

- Avoid retraumatization through respectful language
- Offer breaks if parties show signs of distress
- Ensure equal application of trauma-informed approaches
- Be mindful of body language and emotional cues



Supporting the Deliberating Panel

- Remain available for procedural questions
- Do not participate in deliberations
- Clarify policy or process if asked



Common Pitfalls to Avoid

- Failing to document relevance rulings
- Allowing advisors to overstep their role
- Making assumptions based on demeanor
- Not addressing disruptive behavior promptly



Thank You!

