

2025 Title IX Refresher Training

For Hearing Panelists, Appeal
Panelists, and Advisors



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:
 - An advisor to a complainant or respondent
 - A hearing panelist when a formal complaint goes to a hearing
 - An appeals panelist to conduct an administrative review of a hearing and advise the appeals officer
- The Title IX Coordinator or Deputy Coordinator will reach out to the pool as needed to find volunteers who can serve in various capacities



Advisor

- Each party may have an advisor of their choice throughout the process
- Advisors may attend meetings, interviews, and hearings
- Advisors conduct cross-examination during hearings
- University provides trained advisors if needed
- Advisors must follow UHSP policies and decorum rules



Advisor: Pre-Hearing Support

- Advisors may:
 - Help their advisee understand the process
 - Review the investigative report and evidence
 - Assist in preparing a written response
 - Identify and prepare witnesses
 - Discuss supportive measures and informal resolution options
- Advisors may attend meetings but may not speak on behalf of the party
- Advisors should maintain confidentiality and avoid conflicts of interest



Advisor: Reviewing the Investigative Record

- Parties and advisors may review:
 - All “directly related” evidence (even if not used in the final report)
 - The final investigative report summarizing “relevant” evidence
- Advisors can help:
 - Identify evidence that may have been overlooked
 - Challenge relevance determinations
 - Prepare responses or objections
- Transparency ensures fairness and equal opportunity



Hearing Panelist

- Review all case materials thoroughly before the hearing
- Attend and participate in the live hearing
- Ask relevant, respectful, and clarifying questions
- Evaluate the relevance and credibility of evidence and testimony
- Deliberate with other panelists
- Make a final determination and contribute to the written decision



Appeal Panelist

- Review appeals based on specific grounds
- Evaluate procedural errors, new evidence, or bias
- Make recommendations to the Appeal Officer
- Maintain impartiality and confidentiality



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



Definitions



Sex-Based Discrimination/Harassment

- Conduct on the basis of sex that satisfies one or more of the following:
(1) an employee conditioning educational benefits on participation in unwelcome sexual conduct (quid pro quo); (2) unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal access to the education program or activity (hostile environment); or (3) sexual assault, dating violence, domestic violence, or stalking.



Quid Pro Quo

- A school employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct.



Hostile Environment

- 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 school's education program or activity.



Sexual Assault

- An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the FBI.



Consent

- Consent is a **clear, knowing, and voluntary agreement** to engage in sexual activity
- It must be:
 - **Freely given** without coercion, intimidation, or force
 - **Ongoing**—can be withdrawn at any time
 - **Specific** to each act and encounter
- Consent may be **expressed** through words or actions
- **Silence or lack of resistance is not consent**



Stalking

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

Dating Violence

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.



Domestic Violence

- Violence committed by a current or former spouse or intimate partner of the victim, or by a person with whom the victim shares a child, or who is cohabitating with or has cohabitated with the victim.

Retaliation

- Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX.



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



Hearing: 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

Hearing: 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.



Hearing: Types of Evidence and How to Weigh It

- **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:**
 - Consider **credibility**, **consistency**, and **corroboration**.
 - Give more weight to evidence that is detailed, consistent, and supported by other facts.
 - Avoid giving undue weight to repetition or emotional tone.



Hearing: 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?



Hearing: Deliberation and Writing the Decision

- **Deliberation:**

- Discuss each charge separately.
- Focus only on evidence presented at the hearing.
- Apply the **preponderance of the evidence** standard.

- **Writing the Decision:**

- Include findings of fact, rationale, and conclusions.
- Avoid vague language like “we feel” or “we believe.”
- Clearly explain how evidence supports (or does not support) each finding.
- Address credibility and relevance of key evidence.



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

