

HR Training: University of St. Thomas Sexual Misconduct Policy and Institutional Response

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What to Expect

- Changes to Title IX
- Highlights of Sexual Misconduct Policy and Processes
- University Response

ALL FOR THE COMMON GOOD.
St. Thomas



Changes to Title IX and Policy

- New rule released in May
- Policy and process update implemented in August
- Delineation between Title IX-based sexual misconduct and non-Title IX-based sexual misconduct
- Certain changes to Title IX obligations
- Changes to grievance procedures

Sexual Misconduct Policy and Processes



Required Response

If University has **actual knowledge** of sexual harassment, immediate action is required to:

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graph LR; A[Eliminate harassment] --> B[Prevent recurrence]; B --> C[Address effects];
```

Eliminate
harassment

Prevent
recurrence

Address
effects



Employee Reporting Obligation

- Actual knowledge **under Title IX** = Officials with Authority
 - HR Business Partners
- Employee obligation to report **under University policy** remains unchanged



Officials with Authority

- Title IX Coordinator
- Human Resources Business Partner
- Dean of Students
- Associate and Assistant Deans within the Dean of Students Office
- Public Safety supervisors and officers
- President
- Executive Vice President and Provost
- Vice Provost for Academic Affairs
- Associate Vice Provosts
- Vice Presidents
- Associate Vice Presidents
- Deans of each St. Thomas school or college
- Associate and Assistant Deans of each St. Thomas school or college
- Rector/Vice President of The Saint Paul Seminary School of Divinity
- Department chairs and directors of departments, programs, centers, offices and institutes
- Community Directors and Hall Directors in student residence halls



Harassment

Assault

Stalking

Sexual Misconduct
Policy

Exploitation

Domestic
Violence

Dating Violence



Title IX vs. Non-Title IX

- Non-Title IX = broader range of conduct and broader jurisdiction/scope of application
- Title IX = federally mandated specific grievance procedures
- St. Thomas-specific: certain non-Title IX also utilizes Title IX grievance procedures **for students**



Title IX-Based Sexual Misconduct

- **Quid pro quo** harassment
- Unwelcome conduct so severe, pervasive, **and objectively offensive** that it **effectively denies** equal access to education program/activity
- **Sexual assault**
- **Dating violence**
- **Domestic violence**
- **Stalking** (fear for safety of self/others or substantial emotional distress)



Title IX-Based Sexual Misconduct: Scope of Application

Must meet substantive threshold on previous slide AND

- Both parties are 'Covered Persons;'
- Complainant in U.S. at time of reported conduct;
- Occurred on campus or within St. Thomas education program or activity



Additional Policy Notes

- Amnesty
- Non-retaliation
 - Now includes refusing to participate
- Supportive measures
 - Increased focus on unreasonable burden on other party
- Emergency removal (student)
 - Very narrow application– immediate threat to physical health/safety
- Administrative leave (faculty/staff employee)
 - Formal complaint filed and response process initiated

How the University Responds to a Report





Receiving a Disclosure

- HR Business Partner = Official with Authority = Title IX and University policy obligation to report to TIX
- Navigating sexual misconduct report intertwined with employment-based issues



Next Steps

- Contact Title IX Coordinator
- Determine Title IX vs. non-Title IX and appropriate process
 - If Title IX: no alternative resolution process if allegations involve employee respondent and student complainant
 - If non-Title IX: options for alternative resolution and formal process
- Remain in communication throughout resolution process



University Processes

- **Resources and support**
 - no process
- **Alternative Resolution**
 - must be non-TIX if involves employee
 - Flexible process options
 - Three days to accept or initiate formal process
 - Outcome is final
- **Formal Process**
 - Notice and signed complaint
 - Investigation + recommendation (TIX) or investigation + determination (non-TIX)
 - Live hearing (if TIX) + independent determination
 - Appeal (optional)

Thank you!

