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

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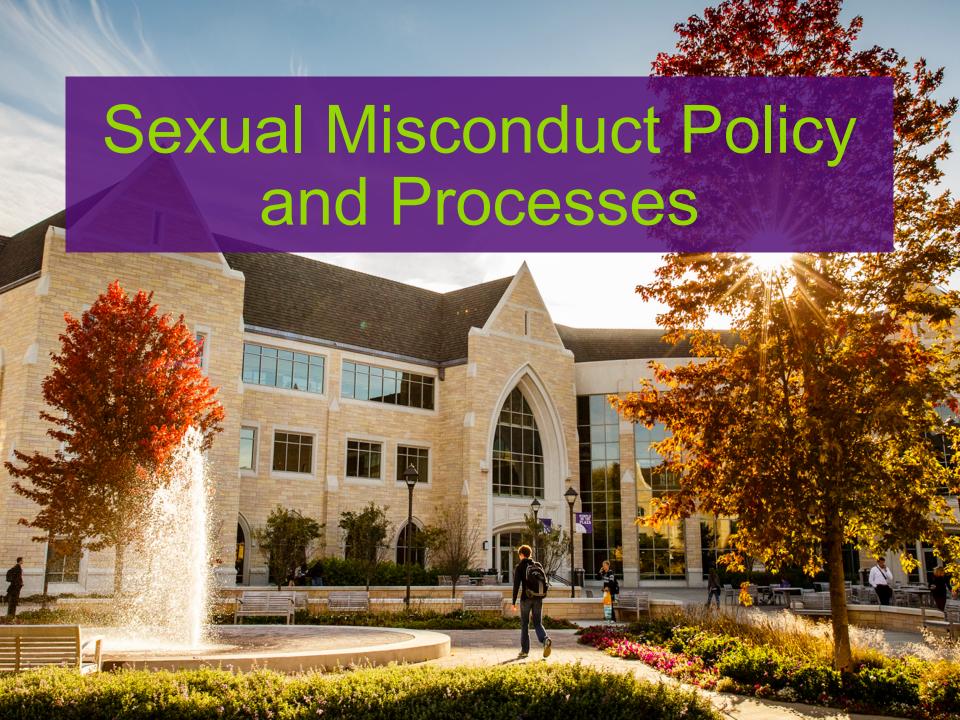






Changes to Title IX and Policy

- 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



Required Response

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

Eliminate harassment

Prevent recurrence

Address effects

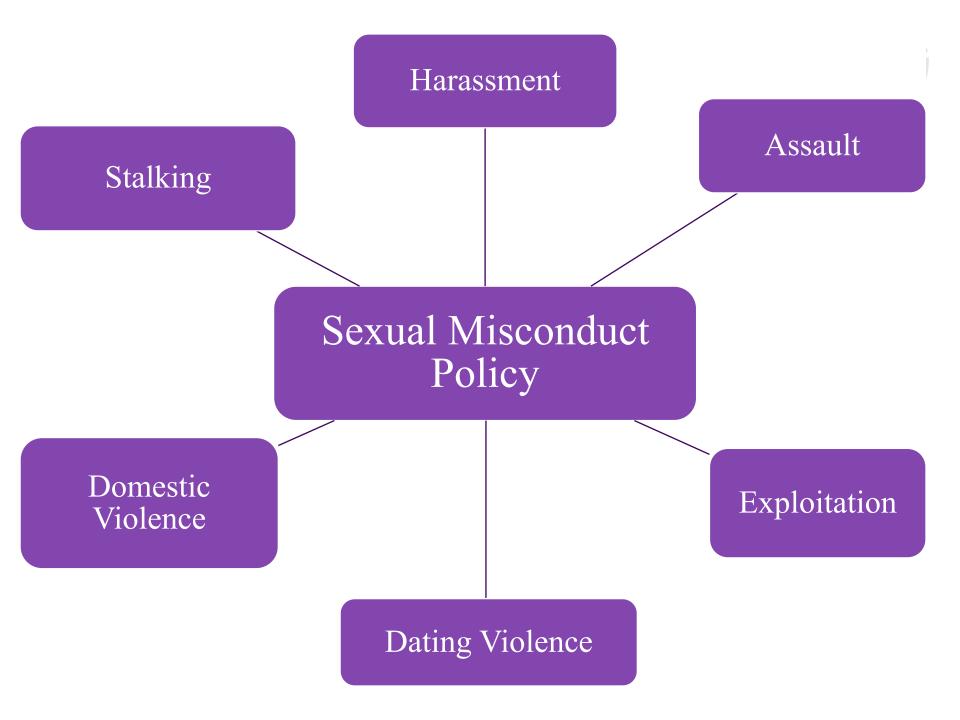


Employee Reporting Obligation

- 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





Title IX vs. Non-Title IX

- Non-Title IX = broader range of conduct <u>and</u> 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)





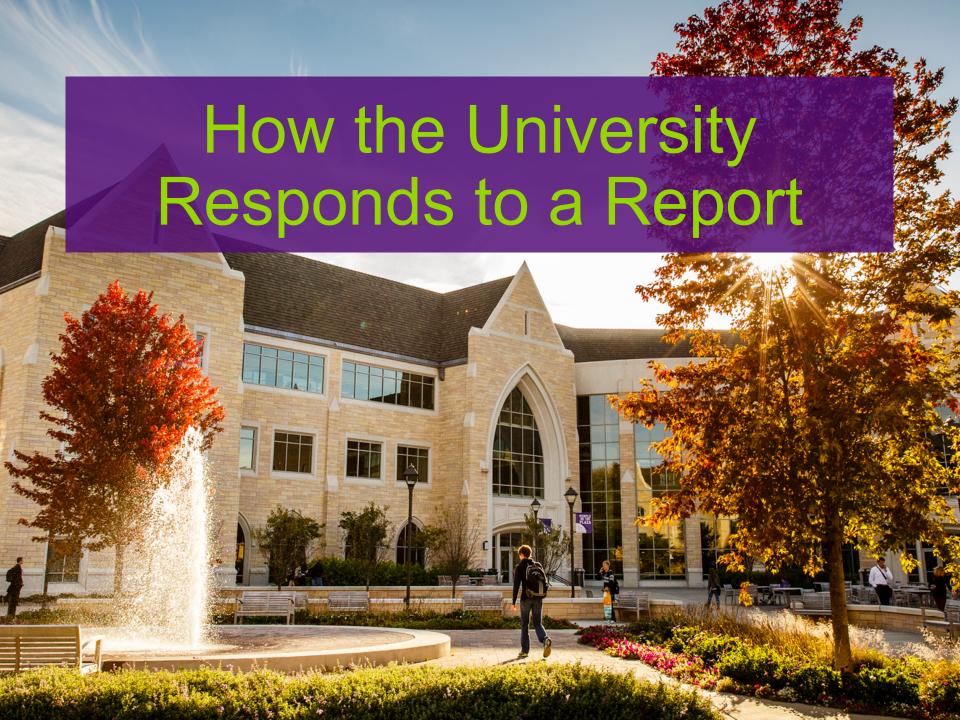
Must meet substantive threshold on previous slide AND

- 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





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)

