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UNIVERSITY OF ST. THOMAS
APPEAL OFFICER TRAINING
FOR TITLE IX APPEAL PROCESS

1. Why Training?
Training is required by the Response and Resolution Procedures of the Sexual Misconduct Policy (Appendix
A, Section G.5.). It helps ensure that the Appeal Officer and Appeal Board (if appointed) understand their
respective roles and responsibilities within the appeal process, as well as have an understanding of the
university’s Sexual Misconduct Policy and obligations under Title IX.
2. Title IX
Title IX states that “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.” Sexual harassment and other forms of sexual misconduct, including sexual

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against any claims or losses incurred by employees in the performance of their duties to St. Thomas, so long
as the employee acted in good faith, received no improper personal benefit and believed the conduct was in
the best interests of St. Thomas. This means that if you serve as an Appeal Officer or on an Appeal Board and
diligently perform your responsibilities, St. Thomas generally will represent and, if necessary, defend you if
there are any claims.
If litigation is commenced relating to a matter considered by an Appeal Officer or Appeal Board, the Officer or
Board may be requested or required to provide information in response to inquiries by St. Thomas or as a
result of a subpoena, court order or other compulsory legal process seeking information. The university’s
confidentiality requirements regarding the process are unlikely to be a basis for resisting requests for
information that arise due to a legal proceeding. St. Thomas may provide you with legal representation if you
are the subject of a deposition in connection with a legal proceeding or if St. Thomas otherwise deems it
appropriate.
5. Sexual Misconduct Policy
The Sexual Misconduct Policy applies to all members of the community and applies to conduct that occurs
both on and off campus. The policy applies regardless of whether the conduct involves members of the same
or different sexes. The policy covers six areas of prohibited conduct: sexual harassment, stalking, sexual
assault, dating violence, domestic violence and sexual exploitation. It identifies certain definitions for Title IX-based sexual misconduct, which is discussed in more detail below.
6. Sexual Misconduct Response and Resolution Procedures
Reports or complaints received by members of the university community who are required reporters under
the Sexual Misconduct Policy are expected to be reported promptly to the Title IX Coordinator. The Title IX
Coordinator or a Response Manager designated under the policy will meet with the Reporting Party to
discuss support resources and options for moving forward under the policy and related procedures. Before or
after this meeting, the Title IX Coordinator or Response Manager will make a determination of whether the
report is one of Title IX-based sexual misconduct, or non-Title IX-based sexual misconduct. This distinction is
based on federal law and helps determine which processes apply. In the case of a non-Title IX-based sexual
misconduct matter involving one or more students, the Title IX Coordinator or Response Manager will further
make a decision, generally in consultation with the dean of students, whether a student found responsible for
the violation could potentially be suspended or expelled. This information helps determine which version of
the formal process is applicable in those cases. The Reporting Party may request the university to follow
either the formal process or an alternative resolution process. The Reporting Party always retains the ability
to pursue criminal or civil remedies outside the university, which is not in the university’s discretion or
control.
The designated Response Manager will consider appropriate supportive measures (such as no-contact
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responsibility and sanctions) or the University can end that process and initiate the formal process at any
time, including for three days following a notice of outcome under the alternative resolution process.
The formal process is initiated with a signed complaint from the Reporting Party or Title IX Coordinator. An
investigator is assigned by St. Thomas, a written notice of investigation is provided to each party, and the
investigator undertakes an investigation. The investigator interviews parties and witnesses, reviews
evidence, and writes a preliminary report that both parties can generally view and respond to. The
investigator and Title IX Coordinator will determine whether to proceed to the final stage or whether the
investigator needs to conduct additional factfinding. In matters of non-Title IX-based sexual misconduct for
which suspension or expulsion are not potential sanctions, the investigator will ultimately prepare a final
factfinding report with a determination regarding responsibility based on the preponderance of evidence
standard, and include the rationale for the investigator’s determination. In matters of Title IX-based sexual
misconduct or non-Title IX-based sexual misconduct for which suspension or expulsion are potential
sanctions, the investigator will prepare a final factfinding report with a recommendation regarding
responsibility based on the preponderance of evidence standard, and include the rationale for the
investigator’s recommendation. That information, along with all information gathered in the course of the
investigation, will be shared with a hearing panel, and the process will conclude with a live hearing. The
purpose of the live hearing is for the hearing panel to have the opportunity to hear directly from the parties
and witnesses prior to making an independent determination of responsibility based on the preponderance
of evidence standard.
If there is a finding of responsibility, the Response Manager will work with the appropriate university
administrator to determine appropriate sanctions. Sanctions depend on the nature of the violation, as well as
specific facts and circumstances. Sanctions may include, without limitation, conduct probation, suspension or
expulsion.
7. Appeal Process
Either party has 5 working days following receipt of the notice of outcome to appeal on one of the four
grounds listed in Section 8 below. The four grounds listed in Section 8 are the only available grounds for
appeal. Disagreement with the outcome for reasons outside the grounds for appeal do not justify an appeal or
a changed outcome. Additionally, an appeal is not an opportunity to present evidence that was previously
known or reasonably available to the appealing party but that the appealing party did not provide to the
factfinder(s) during the investigation.
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b. Preparing for the appeal by attending training and any related meetings.
c. Determining whether to appoint an Appeal Board, and, if so, doing so promptly and thoughtfully.
d. If not appointing an Appeal Board, thoughtfully reviewing the appeal, any response submitted by the
other party, the notices of outcome, and the final factfinding report, as well as considering any previously
undiscovered evidence (if a ground for appeal).
e. Making a considered determination as to whether it is necessary to meet with the parties, investigator, or
others.
f. Ensuring that the process is fair to both parties and asking questions of the Title IX Coordinator and/or
legal counsel if there are questions regarding the process and/or legal considerations.
g. Considering whether it is more likely than not that the designated grounds for appeal (as identified by
the appealing party) have been satisfied. The possible grounds for appeal are:
1. a procedural irregularity occurred that affected the outcome of the process, including but not limited
to that the decision was not supported by a preponderance of the evidence or was arbitrary and
capricious;
2. the decision violated academic freedom;
3. there has been