Confidential Resources & First Responders Annual Training

SUMMER 2026

Agenda

- What is Title IX?
- Roles and responsibilities of Title IX personnel
- First Responders
- Confidential Resources
- Trauma-informed considerations
- Title IX process overview
- Hypothetical case studies for discussion

Disclaimer

- This training is designed to provide general information about Title IX practices and considerations. While attorneys are facilitating the session, the content shared does not constitute legal advice and does not establish an attorney-client relationship. For guidance on specific cases or legal obligations, participants should consult their institution’s legal counsel.



Title IX Overview

Title IX Basics

Prohibits sex discrimination in education programs and activities

Applies to students, employees, volunteers, etc.

Includes sexual harassment

Essential Compliance Elements

Institutions must:

- Respond promptly in a manner that is not “deliberately indifferent”
- Investigate formal complaints
- Follow and publish the grievance process outlined in the regulations
- Take action to *stop the harassment, prevent the recurrence, and remedy the effects*
- Designate a Title IX Coordinator
- Publish a Notice of Nondiscrimination
- Disseminate a policy prohibiting sex discrimination
- Offer supportive measures
- Conduct training for Title IX personnel and those with heightened responsibilities
- Train students and employees

Quid Pro Quo

- Employee conditions an outcome on an individual's participation in unwelcome sexual conduct

Hostile Environment

- Unwelcome conduct that is **so severe, pervasive, and objectively offensive** that it denies a person equal access to a program or activity

VAWA Crimes

- Sexual assault
- Dating Violence
- Domestic Violence
- Stalking

Sexual harassment =
conduct on the basis of sex that satisfies at least one of the above

Sexual Assault

- ***Any sexual act directed against another person, without the consent of that person, including instances where the individual is incapable of giving consent.***

- **Rape**: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without their consent, including instances where they are incapable of giving consent because of age or temporary or permanent mental or physical incapacity.
- **Fondling**: The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Incest**: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

Sexual Assault contd.

- ***Any sexual act directed against another person, without the consent of that person, including instances where the individual is incapable of giving consent.***

- **Statutory Rape**: Nonforcible sexual intercourse with a person who is under the statutory age of consent
- **Sexual assault with an object**: The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Sodomy**: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity

Sexual Misconduct

- Remember policy must also address **sexual extortion**, **sex trafficking** and **deepfake images**.

- MN Law changed sexual assault to sexual misconduct, which is defined to include:
- Sexual assault
- Domestic violence
- Dating violence
- Stalking
- Nonconsensual distribution of sexual images including deepfakes depicting intimate parts or sex acts
- Sexual extortion
- Sex trafficking

Interacting with Complainants:
Dynamics of Sexual Violence

- Most victims know the perpetrator.
- The vast majority of incidents go unreported to law enforcement.
- Alcohol and/or drugs are involved in many instances of assault (particularly on college and university campuses).
- Most sexual assaults are committed without severe physical violence and without a weapon.
- Most victims do not physically resist during an assault.

https://evawintl.org/wp-content/uploads/Module-2_Dynamics-11.9.2020.pdf
https://rainn.org/effects-sexual-violence

Nonconsensual distribution of sexual images including deepfakes depicting intimate parts or sex acts

- Revenge porn
- Deepfake = “an image or recording that has been convincingly altered and manipulated to misrepresent someone as doing or saying something that was not actually done or said” (Merriam Webster definition)

Extortion

Subdivision 1. **Crime defined.** (a) A person who engages in sexual contact with another person and compels the other person to submit to the contact by making any of the following threats, directly or indirectly, is guilty of sexual extortion:

(1) a threat to withhold or harm the complainant's trade, business, profession, position, employment, or calling;

(2) a threat to make or cause to be made a criminal charge against the complainant, whether true or false;

(3) a threat to report the complainant's immigration status to immigration or law enforcement authorities;

(4) a threat to disseminate private sexual images of the complainant as specified in section 617.261, nonconsensual dissemination of private sexual images;

(5) a threat to expose information that the actor knows the complainant wishes to keep confidential; or

(6) a threat to withhold complainant's housing, or to cause complainant a loss or disadvantage in the complainant's housing, or a change in the cost of complainant's housing.

Sex trafficking

Subd. 7a. **Sex trafficking.** "Sex trafficking" means:

(1) receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or

(2) receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1).

Consent

Institutions are not required to maintain a particular definition of consent; however, they should include a definition in their policy.

Consent is words or overt actions by a person clearly and affirmatively communicating a freely-given, present agreement to engage in a particular form of sexual contact.

Incapacitation

- An individual's physical and/or mental inability to make informed, rational judgments
- Incapacitated individuals cannot give consent to sexual contact
- Intoxication vs. Incapacitation
- Examples include: sleep, unconsciousness, or intermittent consciousness
- Signs include: slurred speech, difficulty walking, vomiting
- May also exist due to mental or developmental disability
- **Frequent decision point for adjudicators:** *1) Was the complainant incapacitated; and 2) did or should the respondent (or a reasonable person) know/have known?*

Dating Violence

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence

- A felony or misdemeanor crime of violence committed:
- By a current or former spouse or intimate partner of the Complainant;
- By a person with whom the Complainant shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
- By a person similarly situated to a spouse of the Complainant under domestic or family violence laws;
- By any other person against an adult or youth Complainant who is protected from that person's acts under domestic or family violence laws.

Power & Control Wheel for Teen Dating Violence

This tool explains some of the ways an abusive partner may use power and control to manipulate a relationship.



Violence Intervention Program

If you would like to speak to a counselor about your relationship or someone you know please call our confidential hotline at

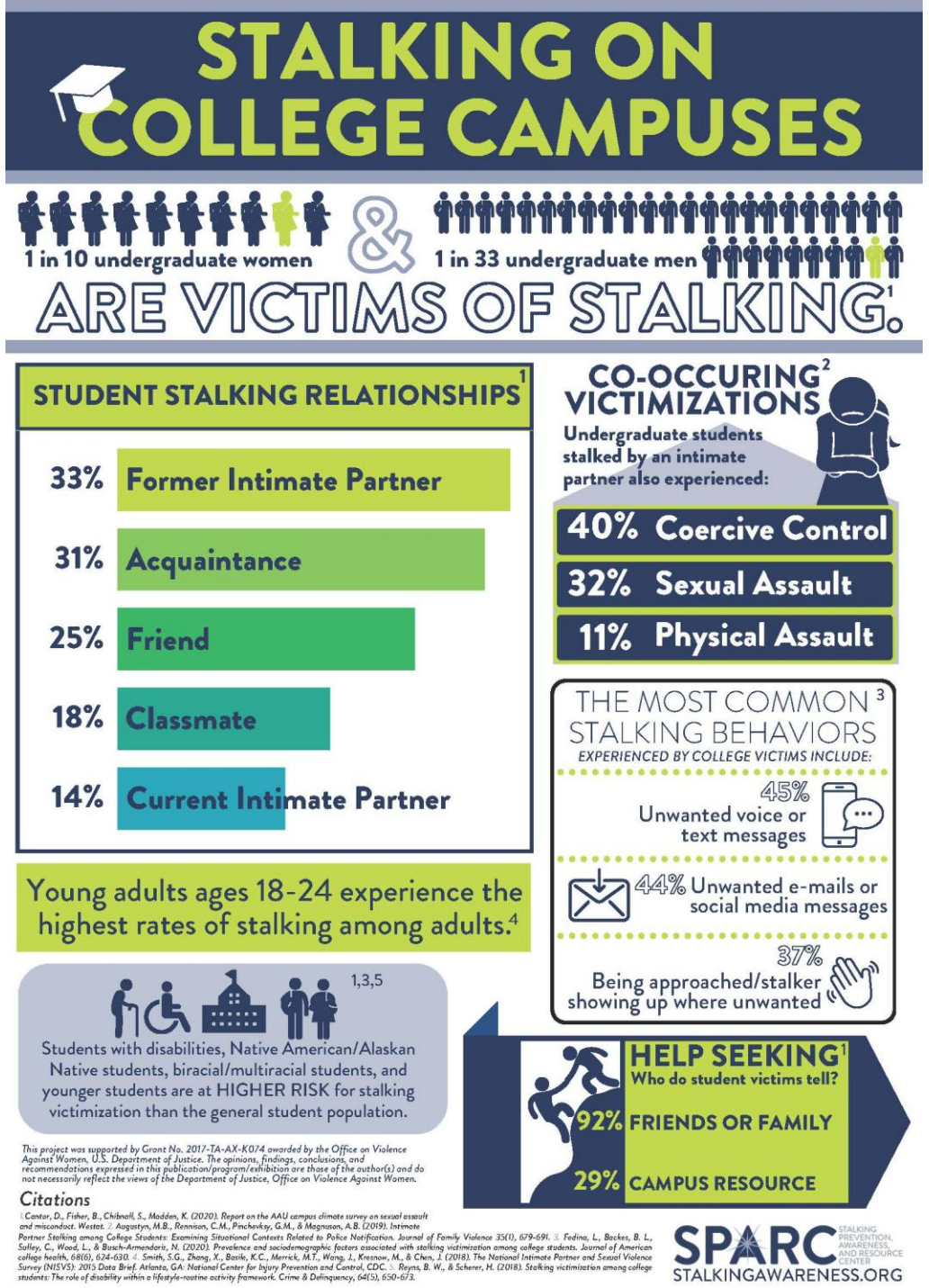
1-800-664-5880

https://www.wafwc.org/tdv

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.
- Course of conduct means **two or more acts**, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

https://www.stalkingawareness.org/fact-sheets-and-infographics/



Sexual exploitation

- A form of sexual harassment that involves one or more of the following behaviors committed for any purpose, including sexual arousal or gratification, financial gain, or other personal benefit:
- taking sexual advantage of another person without consent;
- taking advantage of another's sexuality; or
- extending the bounds of consensual sexual contact without the knowledge of the other individual.

Retaliation

- Any intimidation, threats, coercion, or discrimination against any individual because the individual has made a report, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.





Title IX Personnel

Title IX Coordinator: Role and Responsibilities

Must designate at least one Title IX Coordinator

Should have significant autonomy and seniority

May be housed in various departments/divisions, depending on the institution

- Creates and implements legally compliant policy and procedures
- Oversees response to reports and formal complaints as well as informal and grievance procedures
- Implements supportive measures and facilitates connection to resources
- Ensures sanction and remedy compliance
- Training oversight
- Recordkeeping

Investigator: Role and Responsibilities

- Can be internal or external
- Burden to collect sufficient evidence
- Conducts fair, prompt, and impartial investigations
  - Identifies witnesses and evidence
  - Provides parties opportunity to submit evidence
  - Identifies factual issues
  - Maintains records, recordings, etc.
  - Creates an investigation report
- Works in coordination with the Title IX Coordinator, particularly around evidence and report review
- Maintains impartiality and avoids bias
- Receives annual training



Decision-makers: Role and Responsibilities

HEARING PANEL MEMBERS & ADJUDICATOR(S)

- Attends and conducts a live hearing
- Determines whether the institution's policy has been violated under the appropriate standard of evidence
- Determines sanctions, if necessary
- Writes a Notice of Decision that includes a rationale for the finding
- Avoids bias and conflicts of interest
- Receives annual training

APPEAL OFFICER(S)

- Determines a ruling on a party's appeal by reviewing appropriate investigation/hearing materials
  - Not a "re-do" of the investigation
- May meet with parties
- Writes a Notice of Decision that includes a rationale for the outcome
- Avoids bias and conflicts of interest
- Receives annual training

Advisors

- Advisors assist parties throughout the process; can be attorneys, advocates, friends, family members, mentors, etc.
- Parties have the right to an advisor of their choice
- Advisors may attend meetings and interviews with the party
- If a party does not have an advisor, the institution must provide an advisor to conduct cross-examination on the party's behalf **during the hearing**. These advisors are not required to be trained

First Responders: Primary Responsibilities

RESPONSIBILITY #1

- Making sure the disclosure gets to the Title IX Coordinator

RESPONSIBILITY #2

- Attempting to ensure the reporting individual meets with the Title IX Coordinator

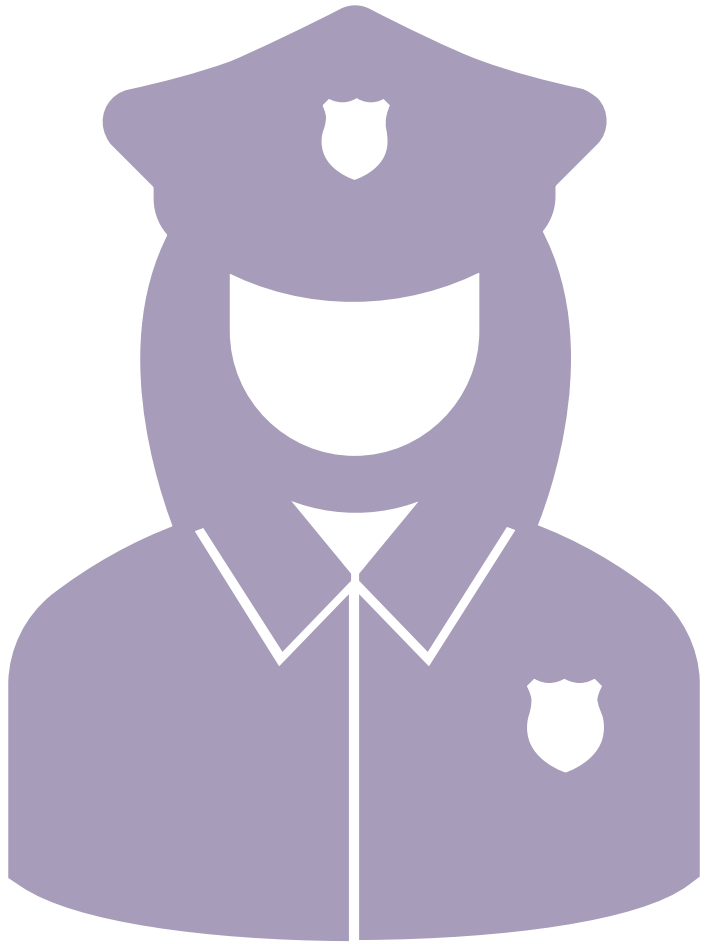
Confidential Resources: Primary Responsibilities

RESPONSIBILITY #1

- Making sure the disclosure gets to the Title IX Coordinator

RESPONSIBILITY #2

- Attempting to ensure the reporting individual meets with the Title IX Coordinator



First Responders

Title IX Reporting for Non-Confidential Employees

- Obligated to immediately share disclosures of sexual misconduct with the Title IX Coordinator
- Should be upfront with community members about their reporting obligations
- Should be well-versed in offering options and resources

First Responders: Roles and Responsibilities

- Encourage and help facilitate the reporting party meeting with the Title IX Coordinator
- Assume the reporting party is reporting in good faith
  - In doing so, you're not compromising the institution or making it more difficult for the institution to respond appropriately
  - You ARE making it more likely for the reporting party to seek additional services and meet with the Title IX Coordinator
- Be well-versed in the various resources available to students and employees on campus
- Be well-versed in what the Title IX Office can offer
- Maintain privacy of what was shared with you, outside of the Title IX Office, whenever possible

Why do employees have to share reports with the TIXC?

LEGALLY

- Title IX requires higher education institutions to have designated employees who share disclosures with the Title IX Coordinator
- Institutions must be clear about who falls into this category and who is a confidential resource
- Students and employees have a right to understand what their options are and to make an informed decision about how to proceed

ETHICALLY

- Ensures that those who need assistance are put into contact with those best equipped to help them
- Schools can’t help someone if they don’t know about an issue
- Helps the Title IX office detect patterns of violence, repeat offenders, and other information that will aid in protecting the community

What types of conduct should you report?

- Sex discrimination
- Sexual harassment
- Sexual assault
  - Fondling/groping
  - Rape
  - Statutory rape
  - Incest
- Dating violence
- Domestic violence
- Stalking
- Sexual exploitation
- Other forms of sexual misconduct

When an incident happened, who perpetrated it, where it occurred, and whether it's already been reported do not influence whether a report is necessary – it's necessary!

Retaliation is also prohibited.

How do you report?

- What format?
  - *Will likely depend on your institution and potentially on your role – ask your Title IX Coordinator.*
- When?
  - *ASAP! But definitely within 24 hours.*
- What information should you include?
  - *Everything that was shared with you.*
  - *Your name and contact information.*

What should you say?

BEFORE A DISCLOSURE

- *I really want to hear what you have to say, but before you go any further, I want to remind you that I am not a confidential resource. If you disclose experiencing sexual misconduct, I'll need to share that with the Title IX Coordinator. If you'd rather speak with a confidential resource about this, I can help connect you…*
- Remind community members of your reporting obligations often
- Remind about amnesty policy
- Remind about prohibition of retaliation

AFTER A DISCLOSURE

- Thank you for telling me
- I'm obligated to share this with the Title IX Coordinator
- Offer emotional support – sit, listen, validate
- Do you feel safe right now?
- Do you need medical attention?
- How can I help in this moment?
- Would you like me to help you reach out to the Title IX Coordinator (or some other resource) right now?
- Remind them that they are in control and can choose how to engage, if at all, from here

Things to Avoid

DON'T SAY:

- "Tell me more"
  - Do not ask additional questions about the incident or attempt to investigate in any way
- "Why didn't you…?"
- "This is confidential."

AND **DON'T**:

- Attempt to categorize or label someone's experience
- Confront the accused person
- Talk to others about what was shared with you (outside of those who need to know)
- Pressure someone towards a specific course of action, outside of meeting with the Title IX Coordinator

What happens after you make your report?

WHO SEES YOUR REPORT?

- The Title IX Coordinator and potentially others – will depend on your specific institution

WHAT HAPPENS NEXT?

- You may not be kept in the loop depending on your role (legal and ethical reasons for this)

- The Title IX Coordinator reaches out to the person who disclosed to you to offer resources, options, and an opportunity to meet

Special Considerations for Campus Security under the Clery Act

Security Officers need to be trained on reporting party rights as well as intersections with local resources, including **law enforcement** and **SANEs**.

Security Officers should outline the following **options** for Reporting Parties:

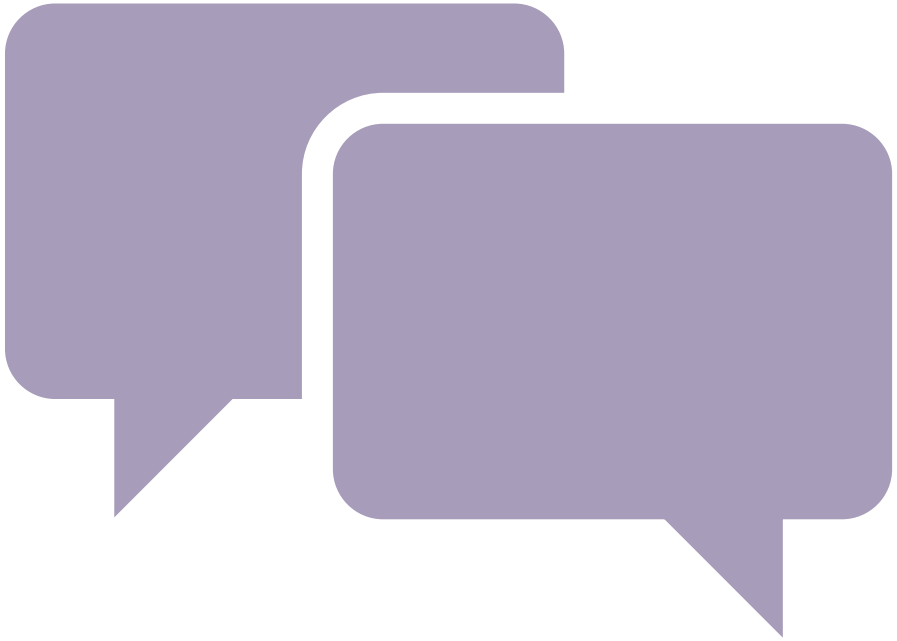
- To speak with the Title IX Coordinator, and ways in which the Coordinator can help and support;
- To report their concerns to local law enforcement, and ways in which Security can facilitate reporting;
- To receive a medical forensic exam from a Sexual Assault Nurse Examiner (SANE) at a local clinic or hospital.

*Generally, reporting parties remain in control of these decisions **except** when there's an ongoing threat.*

Special Considerations for Campus Security under the Clery Act

Timely Warnings

- What is a Timely Warning?
- Typically, most reports do not present an ongoing, imminently dangerous situation when a Timely Warning would be needed; however, some reports will require a Timely Warning.
- Officers should always be analyzing whether a Timely Warning is needed.
- Know what the process is for sending out a Timely Warning and who needs to be involved in that decision.



Confidential Resources

What does “confidential” really mean?

- Confidential resources do not report disclosures of sexual misconduct
- Confidential resources are legally privileged, meaning they cannot be compelled to testify in court (criminal or civil). Victim may consent to have a confidential resource testify.
- Risk associated with treating someone as a confidential resource who does not actually qualify as “confidential” under state law.

Confidential status only applies when a disclosure occurs while the employee is functioning within the scope of their confidential duties.

Who can be a confidential resource legally?

Anyone designated as a confidential resource under state law *and who is functioning in that capacity.*

- A person associated with a **religious order/denomination**; recognized by order/denomination as someone who provides confidential counseling
- A person licensed to provide **mental health counseling**
- A licensed **healthcare provider**
- A non-licensed **victim advocate**; who has received at least 40 hours of training; supervisor from a crisis center

Obligations of Confidential Resources after a disclosure

1

Discuss reporting options and rights

- Explain your confidential status
- Discuss Title IX Coordinator role and how to contact
- Encourage preservation of any potential evidence

2

Discuss/offer institutional and external resources

- Assist with any health and/or safety concerns
- Offer to review Title IX resources

3

Discuss institution's prohibition of retaliation

Obligations of Confidential Resources

Reporting Options & Rights

- Clarify your role as a confidential resource and that you will not be reporting to the TIXC
- May speak with Title IX Coordinator about support services and process options (does not require initiating the institution's Grievance Process)
- May contact the police (when conduct is a crime)
- Should offer assistance in making any reports
- Should encourage preservation of evidence and offer support



Obligations of Confidential Resources



Resources

- Discuss other available resources and offer assistance locating:
  - Counseling
  - Medical resources
  - Academic Support
  - Financial Aid
  - Visa status for foreign students
  - Legal assistance
- Explain how the TIXC can coordinate services, options, and resources

Obligations of Confidential Resources

<u>Retaliation</u>

- Describe what retaliation is and how it is prohibited by your institution
- Confirm that the institution takes measures to prevent retaliation from occurring and will respond strongly if it occurs
- Explain that your policy prohibits retaliation by other party, their friend or representative(s), witnesses, an institution official, or anyone else





Trauma-Informed Considerations

The Impact of Trauma on the Body and Brain

Trauma overwhelms our normal coping responses, which provide a sense of control and safety.

Trauma can impact individuals in multiple, significant ways:

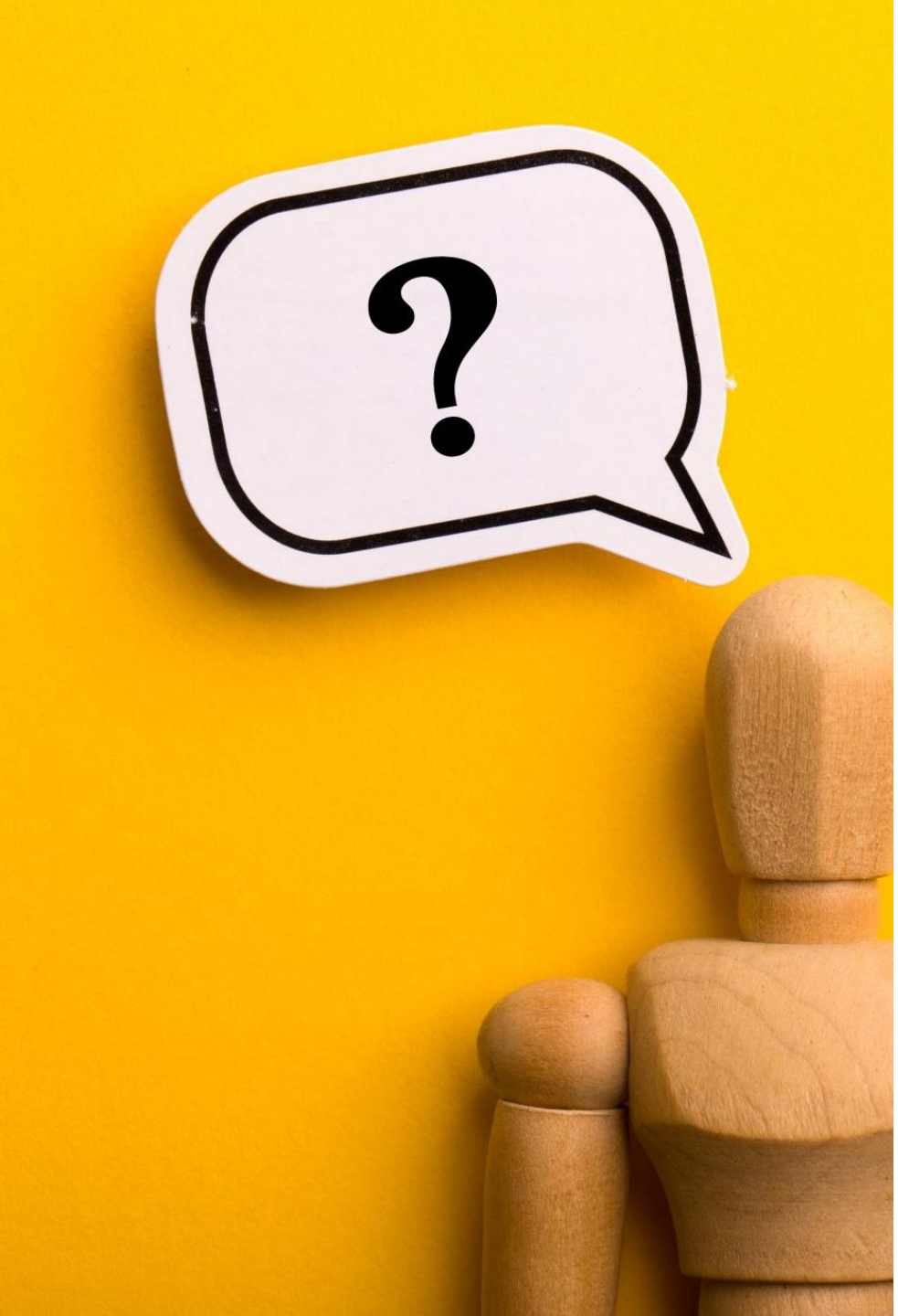
- Neurologically
- Emotionally
- Psychologically
- Socially
- Biologically

Neurobiology of Trauma

- Growing body of research on this, specifically within the context of sexual violence
- During a traumatic event, an individual's ability to control their physical movements, to think rationally, and to encode memories may be significantly impaired
- This is a hard-wired response that is meant to offer protection
- This mainly has to do with the release of specific hormones during a traumatic event

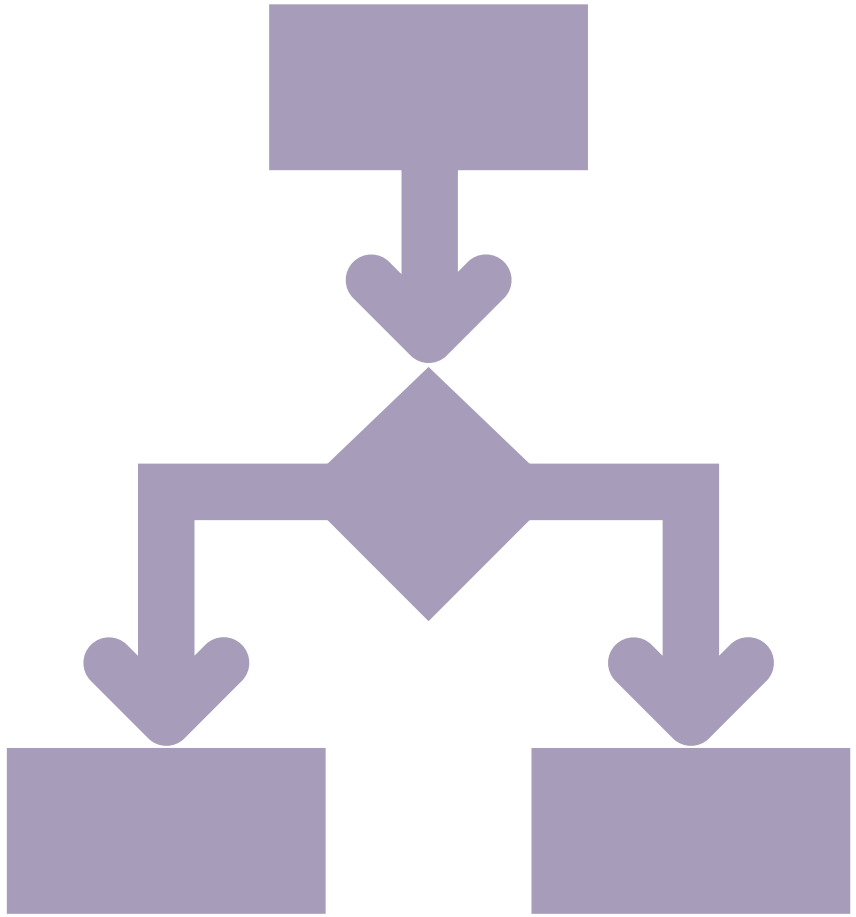
- Helps you be a better resource
- Puts individuals at ease and more likely to seek additional resources
- May provide context for counterintuitive reactions or occurrences
- Helps you maintain your role as a resource and helper – it's not your job to determine whether the misconduct occurred or not

Benefits of a trauma-informed lens



Tips for being trauma-informed

- Be an authentic, non-judgmental human
- Slow down; silence is ok. Remember that memory recall may be slow or out of order
- Ask questions sparingly, and be thoughtful about the language you use (avoid “why?” questions)
- Emphasize transparency to the extent you are able
- Help parties understand what to expect
- Consider the physical (or virtual) environment of the meeting/interaction if possible
- Don’t automatically draw negative inferences based on a behavior or reaction that may be related to trauma



Title IX Process Overview

Title IX Process Overview

- Reporting party is offered on- and off-campus resources, accommodations, and other supportive measures
- Reporting party has the option to move forward with the institution's Grievance Process and/or with a report to law enforcement
  - Informal processes are available at many institutions
- Title IX Grievance Process includes a thorough investigation and adjudication process conducted by trained professionals
- Parties in a Grievance Process have the right to an advisor of their choice
- Schools legally **cannot** penalize someone unless and until they have been found responsible for misconduct
- Resources and supportive measures are **not** contingent upon moving forward with an investigation
- Especially egregious reports might be moved to an investigation process against the reporting party's wishes, at the discretion of the TIXC

Rights of the Parties throughout the Process

Notice of policies, meetings, investigation, outcome, etc.	**Supportive measures (*cannot penalize responding party in any way unless and until they are found responsible*)**	**Impartial Title IX personnel**	**Ability to discuss allegations**
Advisor of choice	**Opportunity to identify witnesses and provide evidence**	**Ability to review evidence and investigation report**	**Ability to appeal**

Institutions should also have an **amnesty policy** to foster honesty and transparency during reporting and complaint processes.



Reporting Party Autonomy

WHY IS THIS IMPORTANT?

Supportive Measures through Title IX

- Access to counseling, medical, and other confidential services and assistance in setting up initial appointments on and off campus
- A mutual “no-contact directive” prohibiting contact between individuals
- Assistance in petitioning a court for an order for protection / harassment restraining order
- Providing campus security escorts to assure safe movement between classes and activities
- Rescheduling of exams or assignments
- Providing alternative course completion options
- Providing other academic support services, such as tutoring
- Assisting in setting up potential accommodations (academic or otherwise) through the institution’s disability services office
- Changing a student’s class or work schedule
- Changing a student’s work schedule or job assignment
- Changing campus housing arrangements and assistance with housing relocation



Hypothetical Case Studies

Case Study #1

A student comes to an RA/residential life staff member and says:

“My ex sexually assaulted me last night. I don't want anyone to know, and I definitely don't want to report it to the school. Can you just help me figure out what to do?”

Case Study #2

A student tells a faculty member after class:

“Something happened to me at a party this weekend. I don't really remember everything, but I think someone had sex with me while I was passed out. Please don't make this into a big thing.”

Case Study #3

A student meets with a confidential resource and says:

“I want the school to know that this happened because I don't want him doing this to anyone else. But I don't want my name attached to anything. Can you tell the Title IX office without telling them who I am?”

Case Study #4

A student visits a health/wellness resource and says:

“My girlfriend gets really angry if I don't have sex with her. She’ll yell, threaten to break up with me, and sometimes won't let me leave her apartment until I agree.”

Case Study #5

A student reports an incident to a first responder and says:

“I'm telling you because I needed to tell someone. If the Title IX office contacts me, I'm going to ignore it. Please don't give them my phone number.”

Case Study #6

A student who has just been accused of sexual assault comes to a Public Safety Officer and says:

“Someone reported that I raped her. It's completely false. I need you to tell the Title IX office that she's lying.”

Case Study #7

A student says:

“I was drinking underage when it happened. If I tell the school, am I going to get in trouble for drinking?”

Case Study #8

A student tells a confidential resource:

“I don't want to report him. I just want to make sure everyone knows what he did. I'm going to post his name and screenshots on Instagram tonight.”

Thank you!



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