



Advisor Training

Related to System Procedure 1B.3.1

Equal Opportunity & Compliance Department
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Welcome

Kara Helmig

Director of Title IX & Clery Compliance

Title IX Coordinator

Parenting Navigator

Minnesota State Community & Technical College

Ashley Atteberry

Associate Compliance Officer

System Office

Title IX

- » Congress passed Title IX of the Education Amendments in 1972
 - Prohibits sex discrimination and harassment in any education program or activity
 - "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."

20 U.S.C. §1681 (1972)

Title IX Components

Students and
employees of every
educational institution
receiving Federal
funding

Activities, including
athletic opportunities

Educational
opportunities

Sex discrimination

Sexual harassment

Pregnant and/or
parenting individuals

MINNESOTA STATE POLICIES

Sex Discrimination

Per Board Policy 1B.1: Equal Opportunity and Nondiscrimination

Unwelcome verbal or physical conduct that is directed at an individual based on sex that subjects the individual to **different treatment** so as to **interfere with** or **limit** the ability of the individual to participate in, or benefit from the services, activities, or privileges provided by the Minnesota State or otherwise adversely affects the individual's employment or education.

Sex-based Harassment

Per Board Policy 1B.1: Equal Opportunity and Nondiscrimination

Unwelcome conduct or communication that is **based** on actual or perceived membership in a protected class (sex, including pregnancy, child birth, and related medical conditions), including stereotypes of protected classes, that has a **negative effect** or is **likely to** have a negative effect on the complainant or the workplace or educational environment.

Sexual Misconduct

Per Board Policy 1B.3: Sexual Misconduct, which is an extreme form of sex discrimination.

- » **Sexual misconduct:** a continuum of conduct that includes sexual assault, non-forcible sex acts, dating and relationship violence, stalking, and aiding in acts of sexual violence.
- » **Dating, intimate partner and relationship violence:** physical harm or abuse, or threats of physical harm or abuse, arising out of a personal intimate relationship (includes domestic abuse or spousal/partner abuse.)
- » **Sexual assault:** an actual, attempted, or threatened sexual act with another person without that a person's consent.
- » **Sexual exploitation:** Abuse or attempting to abuse another person's vulnerability, power, or trust and that is for another person's benefit or the benefit of anyone other than the person being exploited.
- » **Stalking:** conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress.

Policy Application

- » Harassment may occur in a variety of relationships, including:
 - faculty and student,
 - supervisor and employee,
 - student and student,
 - staff and student,
 - employee and employee, and
 - other relationships with persons having business at or visiting the educational or working environment.
- » Harassment may occur when it is directed at individuals of the same or different sex.

Resolution Processes

- » Board Policy 1B.1
- » System Procedure 1B.1.1
- » Board Policy 1B.3
- » System Procedure 1B.3.1

2020 Title IX Regulations

Supportive Measures

Informal Resolution

Formal Resolution Process

- Investigation
- Formal hearing & decision
- Appeal rights

Identifying Roles in the Process

Complainant

The person who has experienced unwanted and/or unwelcomed contact

- » Supportive measures
- » Verbal and/or written complaint (Advisor present)
- » Scheduled interview (Advisor present)
- » Allegation statements
- » Complainant identifies witnesses to be interviewed
- » An opportunity to provide documentation, additional materials, and a written statement
- » Updates every 1-2 weeks from Title IX Coordinator
- » May choose advisor of their choice or have one provided by the school

Respondent

The person accused of engaging in unwanted and/or unwelcomed contact against the Complainant

1. Supportive measures
2. Presented summary of allegation statements
3. Scheduled interview (Advisor present)
4. An opportunity to provide documentation, additional materials, and a written statement
5. Respondent identifies witnesses to be interviewed
6. Updates every 1-2 weeks from Title IX Coordinator
7. May choose advisor of their choice or have one provided by school
8. Is presumed to be not responsible until the conclusion of the formal process.

Confidential Resources

Individuals who are Confidential Resources cannot be compelled to share information without explicit permission from the party.

Examples of Confidential Resources include:

- » Counselors / psychiatrists / psychologists
- » Physicians / nurses
- » Clergy

Title IX Coordinator

Designated by the President

- » Deputy or designee
- » May be the investigator (neutral, fact-finder)
- » Impartial, free of conflict and bias
- » Trained by Minnesota State
- » Obtain agency reports
- » Summary of complaint
- » Facilitator of hearings

Advisor

An Advisor must be present for all parties in the formal hearing.

- » Both parties' advisor are of their choosing or provided by school
- » Advisors provided by the school to the parties are free-of-charge
- » Accompany the complainant and respondent throughout entire process from initial interviews to hearing.
- » Review Investigative Report
- » Cross-examine all parties & witnesses
- » Advise parties regarding their rights and responsibilities under the policy and procedure
- » Assist parties in organizing their information to be used during an investigation and reviewing materials shared through the investigation process

Decision Maker

Appointed to serve in this role

- » Trained by Minnesota State to serve as a Decision Maker
- » Selected by the Title IX Coordinator
- » Serves as Hearing Administrator
- » Rule on relevance of and credibility
- » Issues decisions to both parties
- » Determines the appropriate disciplinary actions, if any

RESPONSE TO SEXUAL MISCONDUCT PROCEDURE

Initial Process and Intake



Formal Complaint

Title IX Coordinator reviews

Does it meet defined jurisdiction of the 1B.3.1 procedure?



Supportive Measures

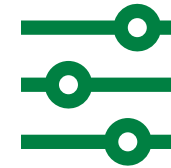
Mutual no-contact orders

Counseling Services/Advocacy Services

Change class schedule

Change in work or housing locations

Leave of absences



Resolution Options

Informal

Formal

When A Report Is Received

When a complaint is reported, the Title IX Coordinator conducts an initial assessment to determine the best way to bring about a resolution of the complaint.

In meeting with the complainant, the Title IX Coordinator will:

- » Offer and discuss supportive measures
- » Explain resolution process
 - Informal resolution
 - Formal resolution
 - Referral/other processes, if relevant
- » Ask Complainant what they want to do

Informal Resolution

- » Offered by Title IX Coordinator, in lieu of formal process
- » Either party may request it at any time before formal hearing
- » Both parties must voluntarily, provide written confirmation
- » Respondent: accountability for harm to Complainant
- » Shift between informal to formal or vice versa
- » Impasse in informal → formal process
- » Not allowed for allegations by employee toward student

Formal Complaint



Investigation

Interview all parties & witnesses
Investigative report given to all parties for 10-day review



Live Hearing

Conducted by Decision Maker aka Hearing Administrator
Can occur in person or via technology
Both parties invited to be present, but do not have to participate



Decision-maker

Can ask questions of parties during hearing
Oversees questioning by advisors
Decision-maker makes final decision

Retaliation is Prohibited

Taking an adverse action against a person, which includes, but is not limited to, engaging in any form of intimidation, reprisal, or harassment because the person:

- » reported or made a complaint under this policy;
- » expressed opposition to suspected or alleged conduct prohibited by this policy;
- » assisted or participated in any manner in an investigation or process under this policy;
- » opposed or refused to participate in an informal resolution or investigation under this policy; or
- » accessed the college or university investigation or informal resolution process to address a conflict related to this policy; or
- » made a complaint or assisted or participated in any manner in an investigation or process with a state or federal agency.

Retaliation may occur whether or not there is a power or authority differential between the individuals involved.

Scenarios

Questions?

Thank you.



MINNESOTA STATE

30 East 7th Street, Suite 350
St. Paul, MN 55101-7804

651-201-1800
888-667-2848

MinnState.edu

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