



Title IX Training
Sponsored by Texas State University System Office of General Counsel

Presented by Darren G. Gibson and Emi M. Passini, Michael Best & Friedrich LLP

October 29 & 30, 2025

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TSUS Title IX Policy and Grievance Procedure

Time (CT)	Session Topic	Speaker(s)
8:35-8:45am	Welcome <i>Speaker introductions, attendance, housekeeping...</i>	Nelly Herrera
8:45-9:45am	1. Overview of Texas State University System Sexual Misconduct Policy & Procedures <i>(All Persons Involved in Sexual Misconduct Process)</i> <ol style="list-style-type: none"> a. Definition of Sexual Misconduct (Title IX and Non-Title IX) and Retaliation b. Key provisions, including Equitable Treatment, Standard of Evidence, Conflicts of Interest, Prohibition on Providing False Information c. Supportive Measures (3.8) and best practices d. Informal Resolution (3.9) and best practices e. Confidentiality (3.15) f. Remedies and Sanctions (3.11 and 3.12) 	Darren Gibson Emi Passini
9:45-10:00am	Break	
10:00-11:00am	2. Overview of TSUS Sexual Misconduct Grievance Process under TSUS Title IX Policy <i>(All Persons Involved in Sexual Misconduct Process)</i> <ol style="list-style-type: none"> a. Reporting Incidents of Sexual Misconduct, including both victim reporting and mandatory employee reporting (section 4) b. Classifying Sexual Misconduct (5.1) c. Title IX Sexual Harassment Grievance Process (section 7) <ol style="list-style-type: none"> i. Formal Complaint (7.1-7.2) and Notice of Allegations (7.3) ii. Role of Advisor (7.4) iii. Consolidation of Complaints (7.6) iv. Investigation (7.7-7.8) [addressed further in sessions 4 & 5] v. Notice of Hearing, Copy of Report, and Instructions (7.9-7.10) vi. Live Hearings (7.11-7.19) [addressed further in session 6 & 7] vii. Written Decision (7.20) viii. Appeals (7.21) d. Non-Title IX Grievance Process (section 8) <ol style="list-style-type: none"> i. Focus on key differences 	Darren Gibson Emi Passini

	<ul style="list-style-type: none"> ii. Role of Title IX Coordination in Findings and Recommended Sanctions (8.5) iii. Role of Component Administration in sanctions (8.6-8.7) iv. Disputing Findings or Sanctions (8.8) v. Appeals (9) 	
11:00-11:15am	Q&A	
11:15-12:15pm	3. Investigations (<i>Title IX Coordinators, Deputies, Investigators, and Legal</i>) <ul style="list-style-type: none"> a. Overall strategy for planning an investigation b. Documenting the investigation c. Gathering evidence, including electronic evidence d. Interviews and interviewing techniques e. Types of questions and handling personal subject matters f. Trauma informed investigations g. How to handle hostile witnesses or advisors h. Dealing with Consent, Coercion, and Incapacitation i. Chronology j. Drafting the report 	Darren Gibson Emi Passini
12:15-12:30	Q&A	
12:30-1:30pm	Lunch Break	
1:30-2:30pm	4. Live Hearings (<i>All Persons Involved in Sexual Misconduct Process</i>) <ul style="list-style-type: none"> a. Role of Decision Maker, Parties, Advisors, and Witnesses b. Prehearing matters – setting the ground rules and expectations c. Conducting the Live Hearing d. Hearing location e. Recording the hearing f. Rules of decorum and enforcement g. Party statements h. Relevancy determinations of questions i. Handling objections and inquiries from advisors j. Use of hearsay and written statements in live hearings k. Fair and equitable treatment of all parties l. Drafting the Written Decision m. Decisions and sanctions 	Darren Gibson Emi Passini
2:30-2:45pm	Q&A	
2:45-3:15am	5. Role of the Advisor (<i>Advisors and Others Involved In Sexual Misconduct Process</i>) <ul style="list-style-type: none"> a. Role of Advisors in grievance process (7.4) b. Preparing parties for interviews c. Potted plant rule d. Inspection and review of evidence and meaningful opportunity to respond e. Live hearings and cross examination f. Avoiding bias in serving as an advisor g. Trauma informed investigations 	Darren Gibson Emi Passini
3:15-3:30pm	Q&A	
3:30-3:45pm	Break	
3:45-4:45pm	6. Mock Hearing (<i>All Persons Involved in Sexual Misconduct Process</i>) <ul style="list-style-type: none"> a. Focus on managing hearing and questioning of witnesses b. Mock questioning of Complainant c. Mock questioning of Respondent d. Handling difficult witnesses or advisors 	
4:45-5:00pm	Q&A	

October 30

Specific Responsibilities and Updates on Complex Topics and Key Issues

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8:30-9:15am	7. Title IX, Definition of Sex, Recent State and Federal Guidance, and Intersection with Title VII (<i>Title IX Coordinators, Deputies, Investigators, and Office of General Counsel</i>) <ul style="list-style-type: none">a. Injunction against 2024 Regulationsb. President Trump's Executive Order 14168c. Governor Abbott's Directive and HB 229 Current status of the law and relationship to Title VII	Darren Gibson Emi Passini
9:15-9:30am	Q&A	
9:30-10:15am	8. Complex Issues in Title IX Compliance (<i>Title IX Coordinators, Deputies, Office of General Counsel</i>) <ul style="list-style-type: none">a. Intersection of religious freedom, religious accommodations, and Title IXb. Intersection of free speech and Title IXc. Reluctant or hostile witnesses or partiesd. What constitutes severe, pervasive, and objective offensive conduct?e. Consent and incapacitationf. Investigations with overlapping Title IX and non-Title IX allegationsg. Consideration of a sanctioning matrix and proposed template	Darren Gibson Emi Passini
10:15-10:30am	Q&A	
10:30-10:45am	Break	
10:45-11:30am	9. Parenting, Pregnancy, and Lactation Issues (<i>Title IX Coordinators, Deputies, Office of General Counsel</i>) <ul style="list-style-type: none">a. Federal and state requirementsb. PWFA requirements (<i>State of Texas v. Bondi</i> update)c. Role of Title IX Office in effectuating accommodations and related complaints	Darren Gibson Emi Passini
11:30-11:45am	Q&A	
11:45-12:15am	10. Title IX Enforcement (<i>Title IX Coordinators, Deputies, Office of General Counsel</i>) <ul style="list-style-type: none">a. OCR under Trump administrationb. OCR oversight and investigationsc. Examples of recent OCR investigations and outcomesd. Private litigation<ul style="list-style-type: none">i. Landmines to consider during grievance processii. Recent cases from Texas	Darren Gibson Emi Passini
12:15-12:30pm	Q&A	