



ADMINISTRATIVE POLICY

Sexual Misconduct

Senior Leader: VP and Vice Provost for Equity and Diversity

Responsible University Officer: VP for Equity and Diversity

Policy Owner: Director of Equal Opportunity Affirmative Action

Policy Contact: Tina Marisam

POLICY STATEMENT

The University of Minnesota (the “University”) is committed to providing a non-discriminatory learning, living, and working environment.

This policy applies to University members, who include:

- University students, whether enrolled full time or part time, for credit or non-credit courses;
- University employees as defined in this policy; and
- third parties who are engaged in any University activity or program, or who are otherwise interacting with the University, including, but not limited to, volunteers, contractors, vendors, visitors and guests.

This policy applies to acts of sexual misconduct committed by or against students, employees, and third parties when:

- the conduct occurs on University property;
- the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored academic, athletic, extracurricular, study abroad, research, on-line, and/or internship programs or activities;
- the conduct occurs off University property and outside the context of a University employment or education program or activity, but has a continuing adverse effect on or creates a hostile environment for students, employees, or third parties while on University property or in any University employment or education program or activity; or
- the conduct indicates that the respondent may present a danger or threat to the health or safety of University members.

To the extent any provision of this policy conflicts with the Board of Regents Policy: [Sexual Misconduct](#), the Board policy controls. To the extent any provision of this policy conflicts with any other University policy, this policy controls. Nothing in this policy should be interpreted to abridge academic freedom or principles of free speech.

I. PROHIBITION

All University members are prohibited from engaging in, or assisting or abetting another’s engagement in, sexual assault, sexual harassment, relationship violence, stalking and related retaliation (collectively “sexual misconduct”).

II. REPORTING AND OTHER OBLIGATIONS RELATED TO SEXUAL MISCONDUCT

In order to foster an environment free of sexual misconduct and to ensure the physical safety of students, employees and third parties, all University members are encouraged to take reasonable and prudent actions to prevent, stop and report all acts of sexual misconduct. In addition, University members have the following reporting and other obligations related to sexual misconduct. For additional information about University employees' obligation to report sexual misconduct, please see Appendix A.

A. REPORTING OF SEXUAL MISCONDUCT DIRECTED AT STUDENTS

University employees must promptly contact the campus Title IX office when they learn, in the course of performing their employment duties, about any form of sexual misconduct directed at students that may have:

- occurred on University property;
- occurred during a University employment or education program or activity;
- been directed at a current student while they were affiliated with the University; or
- been committed by a current University member.

B. REPORTING OF SEXUAL MISCONDUCT DIRECTED AT EMPLOYEES OR THIRD PARTIES

University employees must promptly contact the campus Title IX office when they learn, in the course of performing their employment duties, about sexual assault, stalking or relationship violence directed at University employees or third parties that may have:

- occurred on University property;
- occurred during a University employment or education program or activity;
- been directed at a current University employee or third party while they were affiliated with the University; or
- been committed by a current University member.

C. INFORMATION THAT MUST BE REPORTED TO THE CAMPUS TITLE IX OFFICE

University employees who learn about sexual misconduct are not required to solicit additional information about the sexual misconduct or the individuals involved. However, if known to them, University employees who learn about sexual misconduct as set forth in A and B above must share the following information with the campus Title IX office:

- the names of the complainant(s), respondent(s) and possible witnesses;
- the date, time and location of the alleged sexual misconduct; and
- all other relevant details about the alleged sexual misconduct that the University would need to determine what occurred and address the situation.

D. WHAT DOES THE CAMPUS TITLE IX OFFICE DO AFTER RECEIVING A REPORT?

After receiving a report of sexual misconduct, the campus Title IX office or its designee will contact the complainant to provide resources for personal support and investigation. In cases involving a student respondent, the Title IX office or its designee will only begin investigating the report after receiving verbal or written confirmation that the complainant wishes to initiate an

investigation, except in limited cases where campus safety is threatened as discussed further in Section IV.E.

In cases of alleged sexual misconduct involving an employee respondent, the Title IX office will consult with the impacted unit and Human Resources to decide how best to respond to the report. In many cases, particularly those involving sexual harassment and retaliation, the impacted unit or Human Resources will ultimately address the report.

E. EMPLOYEES WHO ARE EXEMPT FROM THESE REPORTING REQUIREMENTS

The following University employees are exempt from the requirement to report sexual misconduct to the campus Title IX office:

- health center employees who provide medical services or facilitate the provision of medical services (including, but not limited to, health center front desk staff, counselors, psychologists, doctors and nurses) when they learn about sexual misconduct in the course of treating patients or facilitating the provision of medical services;
- members of the University of Minnesota Police Department when they are restricted by law from disclosing this information; and
- sexual misconduct advocacy office employees and volunteers when they learn about sexual misconduct in the course of their advocacy office work.

The health center and sexual misconduct advocacy office employees and volunteers described above are confidential resources who will not disclose information about a sexual misconduct report without permission from the complainant.

F. SUPERVISOR OBLIGATIONS

In addition to the above-described reporting obligations, supervisors must take prompt and appropriate action to address any concerns of sexual misconduct about which they know or reasonably should know. For additional information about supervisors' obligations to address sexual misconduct, please see Appendix B.

III. ACCOMMODATIONS AND PROTECTIVE MEASURES

The University will provide complainants with accommodations designed to promote their safety, wellbeing and continued access to employment and educational programs and activities to the extent these accommodations are reasonably available and requested by the complainant. These accommodations for complainants may be temporary or permanent. They are available regardless of whether a complainant makes a sexual misconduct report to the campus Title IX office or pursues an investigation under this policy. Possible accommodations for complainants include:

- residence modifications;
- academic modifications;
- support and counseling;
- work schedule modifications;
- assistance in making a report to law enforcement or obtaining a protective order; and
- transportation modifications.

As appropriate, the University will take protective measures pending the final outcome of a sexual misconduct investigation that are designed to protect the complainant and other University members from future harm, including:

- no-contact directives that prohibit complainants and respondents from contacting one another;
- increased monitoring or supervision at locations or activities where the sexual misconduct occurred;
- interim disciplinary suspension of a respondent student;
- suspension of a respondent employee from employment; and
- pre-disciplinary leave for a respondent employee (with or without pay).

Complainants can access these accommodations and protective measures by contacting the campus Title IX office or by contacting the units or individuals with the ability to provide the requested accommodations, such as the campus housing and residential life office or the appropriate faculty member. The Title IX Coordinator is also available to meet with a complainant or respondent to address any concerns about the provision of accommodations or protective measures.

The University will determine which accommodations and protective measures to take depending on the facts of each case. For example, the University will consider the specific need expressed by the complainant, the severity or pervasiveness of the allegations, any continuing impact on the complainant and whether the complainant and the respondent share the same residence hall, classes, transportation or job location. The University will maintain the confidentiality of any accommodations or protective measures to the extent possible. For more information about accommodations, see Appendix C.

The University also provides counseling services for respondents. Respondents may contact the campus Title IX office for referrals to campus-specific counseling resources.

IV. INVESTIGATIONS

Campus Title IX office staff members or other appropriate and qualified University officials will promptly investigate or otherwise appropriately address all sexual misconduct reports. These officials may incorporate investigations of related policy violations into their sexual misconduct investigations. For example, in addition to investigating whether a respondent violated this policy, these officials may also investigate whether a witness or party has engaged in falsification during an investigative interview or whether the alleged sexual misconduct violates other University policies.

The University's procedures for investigating and resolving incidents of sexual misconduct are based upon principles of fairness and respect for complainants and respondents. For more information about investigations, see Appendix C.

A. STANDARD OF PROOF

The University applies the preponderance of the evidence standard when determining whether this policy has been violated. "Preponderance of the evidence" means that it is more likely than not that a policy violation has occurred.

B. EXPECTATIONS OF AND FOR COMPLAINANTS AND RESPONDENTS

Complainants and respondents can expect the following in connection with reports submitted under this policy:

1. Prompt and equitable resolution of sexual misconduct reports.
2. Privacy in accordance with this policy and the law.
3. Notice of applicable support and advocacy resources.
4. Freedom from retaliation as defined in this policy.
5. The responsibility not to retaliate against any person as defined in this policy.
6. The responsibility to provide truthful information in connection with any report, investigation, proceeding or resolution under this policy.

7. The opportunity to express concerns about the proceedings or processes under this policy.
8. Timely notice of any meeting or proceeding at which the person's presence is contemplated by this policy.
9. Notice of an investigation, including notice of potential policy violations and the nature of the alleged sexual misconduct.
10. The opportunity to offer information, submit evidence, and identify witnesses during an investigation.
11. Timely and equal access to information that will be used after the fact-finding investigation and during disciplinary meetings and hearings.
12. Periodic updates on the status of the investigation and adjudication procedures.
13. An explanation if the timeline for completion of the investigation and adjudication procedures must be extended.
14. Proceedings that are conducted by officials who: (1) do not have a conflict of interest or bias for or against the complainant or respondent; and (2) receive annual training on sexual misconduct and procedures for investigating sexual misconduct complaints that protect the safety of complainants and promote accountability.
15. The University will not require a complainant to resolve sexual misconduct concerns directly with a respondent through mediation or other informal conflict resolution processes.

C. DUTY TO PARTICIPATE

Complainants are not required to participate in sexual misconduct investigations. However, the University may be limited in its ability to respond to a sexual misconduct report without the complainant's participation. When requested, respondents are required to meet with the campus Title IX office or its designee without undue delay to, at a minimum, hear the allegations asserted against them. Respondents are not required to respond to these allegations. However, where a complainant or respondent refuses to provide relevant information in an investigation, the campus Title IX office or its designee will make a finding based only on the information available.

All other University members are required to participate in sexual misconduct investigations so that the most complete information is available for the University to determine if sexual misconduct occurred. However, the Title IX Coordinator or a designee may excuse University members from this requirement in certain circumstances, such as where the University member is unlikely to provide significant relevant information or where participation would be particularly burdensome for that University member. This duty to participate does not apply to participation in sexual misconduct hearings.

An individual who provides false or misleading information in bad faith in a sexual misconduct investigation or hearing may be subject to disciplinary sanctions. Disciplinary sanctions are not warranted where an individual makes a sexual misconduct report or provides information in a sexual misconduct investigation in good faith, even if the report or information is not later substantiated.

D. INITIAL ASSESSMENT

When a campus Title IX office receives a report of sexual misconduct, it will promptly work with other appropriate University offices as necessary to complete an initial assessment of the report and any immediate health or safety concerns raised by the report. Where possible, these offices aim to complete the following tasks within 5 business days of receiving a report:

1. Assess whether the report identifies conduct that, if it occurred as described, would violate this policy;
2. Assess the nature and circumstances of the report, including whether it provides the names or other information that personally identifies the complainant, the respondent or any other person with knowledge of the reported incident;
3. When applicable, inform the complainant of the right to seek medical treatment and provide the complainant with written notification about the importance of preserving evidence that

- may assist in proving that the alleged offense occurred or may be helpful in obtaining a protective order;
4. When applicable, provide written information to the complainant about the right to contact law enforcement, decline to contact law enforcement, be assisted by campus authorities in contacting law enforcement and how to seek a protective order;
 5. When applicable, refer the matter for review and recommendation by the University's Employee Threat Assessment Team (ETAT), the University's Behavioral Consultation Team (BCT) or other campus resource fulfilling this function;
 6. Provide written notification to the complainant about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for complainants, both on and off campus.
 7. Provide written notification to the complainant about how to request accommodations or protective measures, such as changes to their academic, living, transportation and working situations.
 8. Inform the complainant about the University's prohibition against retaliation, and that the University will take prompt action in response to any act of retaliation; and
 9. When applicable, communicate with appropriate University officials to determine whether the report triggers Clery Act obligations, including entry of the report in the daily crime log or issuance of a timely warning.

The campus Title IX office will ensure that the complainant receives a written explanation of applicable resources, and is offered the opportunity to discuss those resources. If the University undertakes an investigation or any other action under this policy that impacts a respondent, the campus Title IX office will ensure that the respondent is notified, receives a written explanation of applicable resources, and is offered the opportunity to meet to discuss those resources.

E. ADVISOR PARTICIPATION

1. Cases involving student respondents

On the Twin Cities campus, complainants and respondents may be accompanied to meetings and hearings in the investigation and adjudication process by two advisors of their choice. An advisor may be an attorney, support person or other individual.

2. Cases involving employee or third party respondents

On the Twin Cities campus, complainants and respondents in sexual assault, stalking and relationship violence cases may be accompanied to meetings in the investigation and adjudication process by an advisor of their choice. An advisor may be an attorney, support person or other individual.

On the Twin Cities campus, complainants and respondents in sexual harassment and retaliation cases may be accompanied to meetings in the investigation and adjudication process by one of the following advisors: an attorney, victim's support advocate or union representative. In limited circumstances, other individuals may be permitted to attend these meetings for good reason, such as to accommodate a disability.

3. Additional information about advisor participation

To protect the integrity of the investigation and adjudication process, individuals who are witnesses with information about facts material to the underlying case may not serve as advisors. For more information about the responsibilities of advisors who attend meetings and hearings on the Twin Cities campus as allowed by this policy, please see Appendix D.

For other campuses' policies on the extent to which the complainants and respondents can designate advisors to attend and participate in meetings and hearings in the

investigation and adjudication process, please see the resources listed in Section G below.

F. INVESTIGATION PROCESS

Sexual misconduct investigations will be conducted by the campus Title IX office, or by another appropriate and qualified University designee. The nature and scope of an investigation will be determined based on the report and any additional information gathered during the investigation, and will typically include the following elements:

1. One or more interviews of the complainant, where the complainant will have the opportunity to describe the conduct giving rise to the report, provide evidence, and identify witnesses;
2. Notice to the respondent of the allegations made against the respondent;
3. One or more interviews of the respondent, where the respondent will have the opportunity to respond to the allegations, provide evidence, and identify witnesses;
4. Witness interviews and gathering of other evidence; and
5. Review and analysis of the evidence.

The University aims to complete sexual misconduct investigations within 60 days. However, depending on the complexity of the investigation, the number of witnesses, the availability of evidence and other factors, some investigations may take more than 60 days.

When a complainant requests that their identity be kept confidential or that the University refrain from conducting an investigation, the campus Title IX office or its designee will make an individualized determination of whether to conduct an investigation including consideration of the complainant's wishes, the University's responsibility for providing a safe and non-discriminatory campus environment and whether the University possesses other means to obtain relevant evidence.

In particular, the campus Title IX office will consider the following factors, among others, to determine whether an allegation indicates that the respondent may present a danger or threat: whether the respondent is alleged to have used a weapon while committing sexual misconduct; whether the respondent is alleged to have used force resulting in substantial physical pain or bodily harm while committing sexual misconduct; and whether the respondent has been alleged to have committed sexual assault, relationship violence or stalking against multiple complainants.

G. POST-INVESTIGATORY PROCESSES

1. Cases where the respondent is a student

Upon completion of a sexual misconduct investigation, the campus Title IX office or its designee will prepare written findings that summarize the sexual misconduct report and the information gathered during the investigation. Either the campus Title IX office or its designee will make a written determination as to whether this policy was violated. The campus Title IX offices and their designees aim to complete these written findings within 15 days of the completion of the investigation.

The complainant and respondent will receive a copy of the written findings and, when applicable, a proposed resolution to the sexual misconduct report. Both parties will also receive written information about how to request a hearing. If both parties agree to the written findings and proposed resolution, the University's process ends. Either party who disagrees with the written findings or proposed resolution may request a hearing before a panel of University staff, faculty and/or students.

The University's hearing process is conducted in an impartial manner by impartial decision-makers. During the hearing process, complainants will not be required to appear in the same room with respondents. The parties will be given an equal opportunity to present evidence.

Both parties will receive written notice of the hearing panel's decision and of their right to appeal the hearing panel's decision to an impartial decision-maker. In the case of an appeal, both parties are provided with the appellate officer's written decision.

Additional information about campus-specific hearing and appeals procedures is described here:

Crookston Campus – Hearings are held before members of the Student Conduct Committee in accordance with the [Campus Committee on Student Behavior Hearing Procedures](#). Appeals are adjudicated by the Vice Chancellor for Academic and Student Affairs.

Duluth Campus – Hearings are held before members of the Student Hearing Panel. Appeals are adjudicated by the UMD Student Appeals Panel. Hearings and appeals are conducted in accordance with the [Office of Student Conduct's written procedures](#).

Morris Campus – Hearings are held before members of the Student Behavior Committee. Appeals are heard by a panel of the Consultative Committee. Appeals are decided by the Chancellor or an appropriate designee. Hearings and appeals are conducted in accordance with the [Student Behavior Committee Hearing Procedures: Morris](#).

Twin Cities Campus – Hearings are held before members of the Student Sexual Misconduct Subcommittee (SSMS) in accordance with [SSMS Procedures](#). Appeals are adjudicated by the Executive Vice President for Academic Affairs and Provost or an appropriate designee in accordance with [Student Conduct Code Procedure: Twin Cities](#).

Rochester Campus – Hearings are held before members of the Committee on Student Conduct in accordance with the [Committee on Student Conduct Hearing Procedures](#). Appeals are heard by the Chancellor's Appeal Committee in accordance with the [Chancellor's Appeal Committee Procedures](#). Appeals are decided by the Chancellor.

2. Cases where the respondent is an employee or third party

Upon completion of a sexual misconduct investigation, the Title IX office (or its designee) will provide written findings to both parties. In most cases, the Title IX office will send written findings and recommendations for responsive action, if any, to the responsible University Authority. University Authority means:

- When the respondent is an employee, the hiring authority responsible for the employee's position, Human Resources and/or other appropriate University administrator;
- When the respondent is a third party, the University official responsible for retaining or overseeing the third party or other appropriate University administrator.

The University Authority will notify the respondent of the responsive actions to be taken that directly impact the respondent, if any, and will document those actions in the respondent's University file. The University Authority will notify the Title IX office of any responsive actions taken or imposed. The Title IX office will follow up with the University Authority in a timely manner to document the responsive actions that have been taken.

Either party may seek review of the Title IX office's written findings by providing concerns to that office. In addition, employees may consult with their campus Title IX office and

other applicable policies or offices to determine whether other review or grievance procedures are available to them related to the Title IX office's written findings including, for example:

- Bargaining unit employees should contact their union representative and/or refer to the [applicable collective bargaining agreement](#).
- Faculty members should refer to Chapter 14 of Board of Regents Policy: [Faculty Tenure](#). Faculty members may contact the Office of the Provost for more information about processes under this policy:

Office of the Provost
234 Morrill Hall
100 Church Street SE
Minneapolis, MN 55455
provost@umn.edu
612-625-0051
<http://www.academic.umn.edu/provost/index.html>

- Faculty members who are not represented by a union should refer to the University's [conflict resolution process for employees](#). These faculty members may contact the Office for Conflict Resolution for more information:

Office for Conflict Resolution
662 Heller Hall (West Bank)
271 19th Avenue South
Minneapolis, MN 55455
612-624-1030
<http://ocr.umn.edu/>
ocr@umn.edu

- Civil Service and Professional and Administrative employees should refer to the University's [conflict resolution process for employees](#) and/or contact the Office for Conflict Resolution.

V. SANCTIONS

Sanctions are actions reasonably calculated to eliminate sexual misconduct, prevent its recurrence, and promote accountability while supporting the University's educational mission and legal obligations. University sanctions may include educational, restorative, rehabilitative and disciplinary components.

University sanctions for students may include:

- an oral or written warning;
- probation;
- required compliance with work assignments, community service assignments, participation in a restorative justice process or other discretionary assignments;
- restitution;
- restriction of privileges;
- University housing suspension or expulsion;
- suspension or expulsion from the University;
- withholding of a diploma or degree; and/or
- revocation of admission or a degree.

University sanctions for employees may include

- informal and formal coaching;

- probation;
- progressive disciplinary action;
- transfer of position;
- removal of administrative appointment;
- demotion;
- salary reduction; and
- termination of employment, consistent with the applicable University disciplinary policies and procedures.

In determining the appropriate sanctions, the University will be guided by a number of considerations, including, but not limited to:

- the severity, persistence, or pervasiveness of the sexual misconduct;
- the nature or violence (if applicable) of the sexual misconduct;
- prior misconduct by the respondent, including the respondent's relevant prior disciplinary history, at the University or elsewhere;
- an assessment of the respondent's potential for development, including whether the respondent has accepted responsibility for the sexual misconduct;
- the maintenance of a safe, nondiscriminatory, and respectful work and learning environment;
- recommendations from the investigator, the Title IX Coordinator, or other University administrators; and
- any other mitigating, aggravating, or compelling factors.

VIII. AMNESTY

To facilitate reports and thorough investigations of sexual misconduct, individuals who report information about potential sexual misconduct violations to the University, and individuals who participate in an investigation under this policy, will not be disciplined by the University for violations of its drug and alcohol policies that occurred in connection with the reported sexual misconduct incident and came to light as a result of a sexual misconduct report or investigation. However, this amnesty provision does not apply where one person has given another person alcohol or drugs without their knowledge and with the intent of causing them to become incapacitated.

Moreover, the University may offer leniency with respect to other violations that emerge as a result of a sexual misconduct report or investigation, depending on the circumstances involved.

VIII. PRIVACY AND CONFIDENTIALITY

The University is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this policy to the greatest extent possible. With respect to any report under this policy, the University will make reasonable efforts to protect the privacy of participants in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate sexual misconduct, prevent its recurrence, and remedy its effects. The University will maintain the privacy of student records in accordance with applicable state and federal law, including the Family Educational Rights and Privacy Act (FERPA). The University will maintain the privacy of employee records in accordance with the Minnesota Government Data Practices Act (MDPA). The University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the complainant.

VIII. RECORDKEEPING

The University's Title IX Coordinator and designees will maintain appropriate records of all reports of sexual misconduct in accordance with the University's [Administrative Policy: Managing University Records and Information](#), including:

- the initial report, along with any supplements or amendments;
- relevant communications between the campus Title IX office, the complainant, the respondent, and others regarding the report or the investigation of the report;
- information relevant to the report that is obtained, gathered, or received during the investigation, including documentation or other information submitted by the complainant or respondent;
- investigator notes;
- witness statements;
- written findings; and
- other documentation relied upon by the investigator or otherwise relevant to the investigation of the report.

IX. ANNUAL REVIEW

The Office of Equal Opportunity and Affirmative Action (EOAA) will annually review and update this policy as appropriate. The annual review will include an evaluation of, at a minimum, any changes in legal requirements, existing University resources, and the resolution of cases from the preceding year (including, but not limited to, the timeframes for completion of these cases and sanctions and remedies imposed).

X. TRAINING

To facilitate the goals of this policy, the University will conduct ongoing prevention, awareness, and training programs for employees and students. The University will also provide training for all employees responsible for implementing this policy (including Title IX Coordinators, investigators and adjudicators) on the process of handling reports of sexual misconduct, the University grievance procedures and confidentiality requirements.

REASON FOR POLICY

The University adopts this policy with a commitment to: (1) taking prompt and equitable action to eliminate, prevent and address the effects of sexual misconduct; (2) fostering a trusting environment where sexual misconduct is not tolerated; (3) cultivating a climate where all persons are well-informed and supported with respect to reporting sexual misconduct; (4) providing a fair and impartial process for all parties; and (5) identifying the standards by which violations of this policy will be evaluated and disciplinary action may be imposed.

PROCEDURES

There are no procedures associated with this policy.

FORMS/INSTRUCTIONS

There are no forms associated with this policy.

APPENDICES

See below.

FREQUENTLY ASKED QUESTIONS

Appendix A – Frequently Asked Questions: Employees’ Obligation to Report Sexual Misconduct to EOAA

Appendix B – Frequently Asked Questions: Supervisor Obligations

ADDITIONAL CONTACTS

Subject	Contact	Phone	Fax/Email
Primary Contact	Tina Marisam	612-626-9357	
Policy or process questions	Campus Title IX Offices (see below)		

CAMPUS TITLE IX OFFICES

Sexual misconduct reports can be made to the University’s campus Title IX offices listed here. As described in this policy, upon learning of certain types of sexual misconduct, employees must contact their campus Title IX office to satisfy their sexual misconduct reporting obligations.

Subject	Contact	Phone	Email
Crookston Campus			
Title IX Coordinator	Peter Phaiah Associate Vice Chancellor for Student Affairs 14-J Sargeant Student Ctr Crookston, MN	218-281-8505	phaiah@crk.umn.edu
Duluth Campus			
Title IX Coordinator	Lisa Erwin Vice Chancellor for Student Life and Dean of Students 245 Kirby Plaza 1208 Kirby Drive Duluth, MN 55812	218-726-8502	vcsl@d.umn.edu
Morris Campus			
Title IX Coordinator	Sarah Mattson Director of Human Resources 201 Behmler Hall 600 East 4 th Street Morris, MN 56267	320-589-6021	mattsosj@morris.umn.edu
Rochester Campus			
Title IX Coordinator	Andrea Wilson Director of Human Resources University Square 111 South Broadway, Suite 300 Rochester, MN 55904	507-268-8010	wils1236@r.umn.edu
Twin Cities Campus			
Title IX Coordinator	Tina Marisam Director of the Office of Equal Opportunity and Affirmative Action McNamara Alumni Center,	612-626-9357	eoaa@umn.edu

	Room 274 200 Oak Street SE Minneapolis, MN 55455		
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UREPORT/ETHICSPPOINT

Reports of sexual misconduct, including anonymous reports, may be submitted 24 hours a day through the University's UReport/EthicsPoint reporting system. Reports of sexual misconduct made through UReport/EthicsPoint will be forwarded to the appropriate campus Title IX office. However, reporting about sexual misconduct through UReport/EthicsPoint does not satisfy the obligation of University employees as set forth above in Section II to report incidents of sexual misconduct to the Title IX offices. Similarly, anonymous reporting in any other form also does not satisfy this reporting obligation.

Subject	Contact	Phone
All Campuses		
	https://secure.ethicspoint.com/domain/media/en/gui/9167	1-866-294-8680

LAW ENFORCEMENT

Employees, students and third parties can report crimes to the law enforcement agency for the jurisdiction in which they are located. Complainants have the option to report a crime to the appropriate law enforcement agency, to report sexual misconduct to the appropriate Title IX office or to report to both investigative bodies simultaneously. Even if a criminal investigation is ongoing, the University will conduct its own Title IX investigation and will not wait for the conclusion of a criminal investigation or proceeding to begin its Title IX investigation. However, the University may temporarily delay the fact-finding portion of a Title IX investigation while law enforcement is gathering evidence to avoid interfering with the criminal investigation.

Subject	Contact	Phone	Fax/Email
Crookston Campus			
	The City of Crookston Police Department 321 West Robert Street Crookston, MN 56716	218-281-3111	
Duluth Campus			
	University of Minnesota-Duluth Police Department 287 Darland Admin Bldg 1049 University Drive Duluth, MN 55812	218-726-7000	umdpd@d.umn.edu
	Duluth Police Department 2030 North Arlington Avenue Duluth, MN 55811	218-730-5400	police@duluthmn.gov
Morris Campus			
	University of Minnesota Morris Campus Police Behmler Hall 6 600 East Fourth Street Morris, MN 56267	320-589-6000	ummpd@morris.umn.edu

	Morris Police Department 400 Colorado Avenue Morris, MN 56267	320-208-6500	mpd@co.stevens.mn.us
Rochester Campus			
	Rochester Law Enforcement Center 101 Fourth Street Southeast Rochester, MN 55902	507-328-6810	
Twin Cities Campus			
	University of Minnesota Police Department 511 Washington Ave. SE Minneapolis, MN 55455	612-624-2677	police@umn.edu
	St. Paul Police Department 367 Grove Street St. Paul, MN 55101	651-291-1111	policeinfo@ci.stpaul.mn.us
	Minneapolis Police Department 350 South 5th Street, Room 130 Minneapolis, MN 55415-1389	612-673-2941 (Sex crimes unit)	

PERSONAL SUPPORT RESOURCES FOR COMPLAINANTS

The following resources offer free and confidential services for complainants, including advocacy, counseling, emotional support and guidance through law enforcement and University reporting processes. These resources are available to complainants regardless of whether they choose to report the sexual misconduct they experienced to law enforcement or the campus Title IX office.

Subject	Contact	Phone	Fax/Email
Crookston Campus			
	Polk County Coordinated Victim Services	218-281-1554 1-800-524-1993	
Duluth Campus			
	Women's Resource and Action Center (WRAC)	218-726-6292	
	Program for Aid to Victims of Sexual Assault (PAVSA)	218-726-1931	
	Counseling: Health Services	218-726-7913	
Morris Campus			
	Someplace Safe (providing crime victim advocacy) 206 Atlantic Avenue Morris, MN 56257	1-800-974-3359	

	Student Counseling	320-589-6060	
Rochester Campus			
	Crisis Hotline	507-269-4511	
Twin Cities Campus			
	The Aurora Center Minneapolis Campus Office Suite 117 Appleby Hall 128 Pleasant St. S.E. Minneapolis, MN 55455	24 Hour Helpline: 612-626-9111 Office Line: 612- 626-2929	aurora@umn.edu

RESOURCES FOR RESPONDENT STUDENTS

The following offices provide advocates to assist respondent students through the University's investigative and post-investigative processes.

Subject	Contact	Phone	Fax/Email
Crookston Campus			
	Title IX Coordinator	218-281-8505	phaiah@crk.umn.edu
Duluth Campus			
	Student Life	218-726-8501	vcsl@d.umn.edu
Morris Campus			
	Student Affairs	320-589-6013	ummvcsa@morris.umn.edu
Twin Cities Campus			
	Student Conflict Resolution Center 254 Appleby Hall 128 Pleasant St. Se Minneapolis, MN 55455	612-624-7272	sos@umn.edu

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS

Individuals with questions regarding this policy or the application of this policy may also contact the U.S. Department of Education, Office for Civil Rights, which is the federal agency that enforces Title IX of the Education Amendments of 1972.

Subject	Contact	Phone	Fax/Email
Federal government contact			
	U.S. Department of Education 500 W. Madison Street, Suite 1427 Chicago, IL 60661	312-730-1700	312-730-1704

DEFINITIONS

COMPLAINANT

An individual is a “complainant” when the University learns that the individual may have experienced sexual misconduct. Such an individual is referred to as a “complainant” and assisted under this policy even if the individual has not reported sexual misconduct to the University or pursued a sexual misconduct investigation under this policy.

RESPONDENT

An individual is a “respondent” when the University learns that the individual is alleged to have engaged in conduct that could constitute sexual misconduct under this policy.

RETALIATION

Retaliation means taking an adverse action against an individual because of the individual’s good faith participation in reporting sexual misconduct, expressing opposition to sexual misconduct to at least one other person, participating in an investigation related to a sexual misconduct allegation, or accessing Conflict Resolution Services to resolve a conflict related to sexual misconduct.

Adverse actions may include, but are not limited to: impeding the individual’s academic advancement; departing from any customary academic or employment practice regarding the individual; firing, refusing to hire, or refusing to promote the individual; transferring or assigning the individual to a lesser position in terms of wages, hours, job classification, job security, employment or academic status; threatening or marginalizing an individual and taking any other action that might deter a reasonable person from engaging in an activity protected by this policy. In some situations, an adverse action may also include informing people who do not have a need to know that an individual has engaged in activity protected by this policy.

For more information on retaliation, see Appendix E.

SEXUAL MISCONDUCT

Sexual misconduct includes sexual assault, relationship violence, stalking, sexual harassment and related retaliation. This definition applies regardless of whether the complainant or respondent is a student, employee or third party.

- A. **Sexual assault** is actual, attempted or threatened sexual contact without affirmative consent.
 1. **Sexual contact** is intentional sexual touching with an object or body part that, depending on the context, may include, but is not limited to: (a) intentionally touching the breasts, buttocks, groin or genitals of another individual; (b) intentionally touching another individual with any of these body parts; and (c) making an individual touch another individual or themselves with, or on, any of these body parts. Sexual contact can occur whether or not an individual’s body parts are covered by clothing.
 - i. **Sexual penetration** is sexual contact that includes, but is not limited to: (a) vaginal penetration by a penis, tongue, finger or any other body part or object; (b) anal penetration by a penis, tongue, finger or any other body part or object; and (c) contact between the mouth of one individual and the genitalia of another individual.

2. **Affirmative consent** is an informed, freely and affirmatively communicated willingness to participate in sexual contact that is expressed by clear and unambiguous words or actions. Clear and unambiguous words and actions are those that are freely and actively given by informed individuals that a reasonable person would believe communicate a willingness to participate in mutually agreed upon sexual contact. This definition of consent does not vary based upon an individual's sex, sexual orientation, gender identity or gender expression. The following factors will be considered when determining consent.

- It is the responsibility of each individual who wishes to engage in sexual contact to obtain consent from the other individual or individuals.
- A lack of protest, the absence of resistance, and silence do not indicate consent.
- The existence of a present or past sexual, dating or other romantic relationship between the individuals involved does not by itself imply consent to sexual contact.
- Consent must be present throughout the sexual contact and may be given and withdrawn at any time.
- When consent is withdrawn, all sexual contact must stop. Likewise, where there is confusion about the state of consent, sexual contact must stop until both individuals consent again.
- Consent to one form of sexual contact does not by itself constitute consent to another form of sexual contact.

Consent is not obtained where:

- An individual is compelled to engage in unwanted sexual contact through the use of physical force, threats, intimidation or coercion. Coercion consists of severe or persistent pressure that would reasonably cause an individual to fear significant consequences if they refuse to engage in sexual contact.
- An individual involved in sexual contact is incapacitated due to the influence of drugs or alcohol, and a sober, reasonable person would know of this incapacitation. Incapacitation due to the influence of drugs or alcohol is a state beyond mere intoxication or impaired judgment. Some indicators of incapacitation due to the influence of drugs or alcohol may include:
 - A lack of control over one's physical movement (for example, an inability to walk or stand without stumbling or assistance).
 - An inability to effectively communicate (for example, where one's speech is heavily slurred, incomprehensible or nonsensical).
 - A lack of awareness of one's circumstances or surroundings (for example, a lack of awareness of where one is, how one got there, who one is with and how or why one became engaged in sexual contact).If there is any doubt as to whether another individual is incapacitated, one should assume that the individual does not have the capacity to give consent.
- An individual involved in sexual contact is unable to communicate or understand the nature or extent of the sexual situation because of a physical or mental condition.
- An individual involved in sexual contact is asleep, unconscious or involuntarily physically restrained.
- An individual involved in sexual contact is not of legal age to give consent pursuant to Minnesota state law.

B. **Sexual harassment** is unwelcome conduct of a sexual nature under either of the following conditions:

- When submission to such conduct is implicitly or explicitly: (1) made a condition of an individual's employment or academic standing or advancement; or (2) used as the basis

of an employment or academic decision affecting that individual (quid pro quo sexual harassment).

- When the conduct is: (1) severe, persistent or pervasive; and (2) unreasonably interferes with an individual's employment or academic performance or creates a work or academic environment that a reasonable person would find to be intimidating or hostile (hostile environment sexual harassment).

Conduct will be considered unwelcome when an individual did not request or invite it, and the individual found the conduct to be undesirable or offensive. An individual's acquiescence to the conduct, or failure to complain about the conduct, does not necessarily mean that the conduct was welcome.

Sexual harassment may include conduct that is verbal, nonverbal, graphic and/or physical. Individuals of all genders can be victims of sexual harassment, and the complainant and respondent can be of the same or different genders. The following conduct may, if sufficiently egregious, constitute sexual harassment:

- Unwelcome sexual advances, including touching or sexual comments.
- Implicit or explicit requests for sexual favors in exchange for employment or academic benefits.
- Distributing ratings of individuals' attractiveness or sexual activity or performance.
- A pattern of sexually suggestive comments, jokes or gestures.
- Sexual exploitation: Taking sexual advantage of a person, which may include, but is not limited to, unwelcome: (1) exposure of one's genitals to another person; (2) distribution of sexual information, images or recordings about another person; (3) induction of incapacitation in another person with the intent to render them vulnerable to nonconsensual sexual contact or sexual exploitation, regardless of whether prohibited sexual conduct occurs as a result; (4) observation or recording of sexual activity or nudity where there is a reasonable expectation of privacy; and (5) exposure of another person to a sexually transmitted infection without their knowledge.

A hostile environment can be created by persistent or pervasive unwelcome conduct of a sexual nature. It can also be created by a severe single or isolated incident.

- C. **Stalking** is a course of conduct directed at a specific individual that is unwanted, unwelcome, or unreciprocated and that would cause a reasonable person to feel fear for their safety or suffer substantial emotional distress. A course of conduct is two or more acts including, but not limited to, acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another individual, or interferes with another individual's property.

Stalking includes "cyber-stalking," in which an individual uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other methods or forms of contact to engage in stalking.

- D. **Relationship violence** is actual, attempted or threatened physical harm by an individual who is, or has been, in a sexual, dating, spousal, or other romantic relationship with the individual receiving the actual, attempted or threatened harm.

UNIVERSITY EMPLOYEES

University employees include the following individuals:

- a. all individuals defined as employees by the Board of Regents Policy: *Employee Group Definitions*, including:
 - i. faculty

- ii. academic professionals
 - iii. academic administrators
 - iv. professionals in training (including postdoctoral associates)
 - v. civil service staff
 - vi. union-represented staff
 - vii. graduate assistants
 - viii. student employees
- b. fellows;
 - c. temporary employees; and
 - d. third parties serving in instructional roles at the University.

RESPONSIBILITIES

Counseling Services Offices

Provide counseling services and referrals.

Campus Title IX Offices and Officials

Provide consultations regarding sexual misconduct policies and procedures. Receive reports of sexual misconduct. Investigate, or oversee investigations of, sexual misconduct reports.

Health Care Services

Provide health care and counseling, and referrals.

Housing/Residential Life Offices

Provide assistance to residents, including changing living situations if requested and reasonably available.

Police Departments

- Investigate allegations for possible criminal prosecution.
- Refer complainants to appropriate campus resources for personal support and investigation.
- Provide for campus safety and security.
- Provide timely warnings as appropriate.

Student Conduct Offices

- Respond to and resolve allegations by students consistent with the Student Conduct Code. This includes advising and sanctioning student offenders when warranted. Some offices also investigate allegations.
- Provide resource and guidance for University presenters in sexual misconduct hearings and hearing panel board members and chairs.

Victim/Survivor Services

- Maintain all contacts and reports as strictly confidential.
- Provide crisis intervention and advocacy.
- Assist victim/survivor in contacting police and/or reporting to other University offices, if the victim/survivor consents (some can assist in obtaining restraining orders).
- Assist victim/survivor in obtaining medical assistance and counseling, changing academic programs or housing, etc.
- Campus-based programs will also provide awareness, prevention and risk-reduction training, and educational programming for students and employees.

RELATED INFORMATION

- Board of Regents Policy: [Student Conduct Code](#)
- Board of Regents Policy: [Code of Conduct](#)

- Board of Regents Policy: [Sexual Misconduct](#)
- Board of Regents Policy: *Employee Group Definitions*
- Administrative Policy: [Retaliation](#)
- Administrative Policy: *Graduate Assistant Employment*
- Regulations Concerning Faculty Tenure
- [Civil Service Rules](#)
- Academic Professional and Administrative employee policies and procedures
- [All Collective Bargaining Contracts](#)
- [Sexual Assault Victim's Rights Statement](#)

HISTORY

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