



Sexual Harassment, Sexual Assault, Stalking and Relationship Violence

+Table of Contents

- [Policy Statement](#)
- [Reason for Policy](#)
- [Procedures](#)
- [Forms/Instructions](#)
- [Appendices](#)
- [Frequently Asked Questions](#)
- [Contacts](#)
- [Definitions](#)
- [Responsibilities](#)
- [Related Information](#)
- [History](#)

Questions?

Please use the contact section below.

Policy Statement

The University of Minnesota (the “University”) is committed to taking prompt and effective steps intended to end sexual harassment, sexual assault, stalking, relationship violence, and related retaliation, prevent their recurrence and, as appropriate, remedy their effects. This policy outlines the University’s definitions and procedures related to these types of misconduct. 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 harassment, sexual assault, stalking, relationship violence, and related retaliation 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 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 1) has a continuing adverse effect on a University education program or activity; or 2) creates a hostile environment for one or more 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 Board of Regents Policy: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*, 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 "prohibited conduct").

II. Resources and Rights for Complainants and Respondents

A. Options for Complainants

There are a number of University resources and processes available to complainants, including:

1. Confidential personal support and advocacy resources for complainants, whether or not the grievance or informal problem-solving processes are initiated, as described in Confidential Resources for Complainants under the Contacts section of this policy.
2. " Supportive measures, as described in Section II.B, whether or not the grievance or informal problem-solving processes are initiated.
3. The grievance process, as described in Section VI. A complainant may file a formal complaint to request the grievance process. A complainant files a formal complaint by submitting a document to the campus Title IX office that: 1) alleges that an individual engaged in prohibited conduct toward the complainant; and 2) requests that the University investigate the allegation of prohibited conduct. The document must contain the complainant's physical or digital signature or otherwise indicate that the complainant is the individual filing the formal complaint. The formal complaint may be filed with the campus Title IX office in person, by mail, by e-mail, or through an online portal provided for this purpose, where available.
4. Informal problem-solving processes, as described in Section V. A complainant may request informal problem-solving processes by contacting the campus Title IX office.
5. Consultations with the campus Title IX office. A complainant may contact the campus Title IX office to learn more about these options, with or without sharing information about their experience of prohibited conduct or making a formal complaint.
6. Anonymous reporting through the University's UReport reporting system. Reports of prohibited conduct that are submitted through UReport are forwarded to the campus Title IX office. The campus Title IX office will address anonymous reports to the extent possible given the information provided in the report.

B. Supportive Measures for Complainants and Respondents

The University will provide supportive measures designed to restore or preserve equal access to the University's programs and activities, protect the safety of all parties or the educational environment, and/or deter prohibited conduct. Supportive measures are non-disciplinary, non-punitive individualized services provided to a party that do not unreasonably burden another party. They are offered to individuals as appropriate and reasonably available. Supportive measures may include the following:

- counseling and support services;
- academic or course-related adjustments, such as extensions of deadlines;
- modifications of work or class schedules;
- campus escort services;
- restrictions on contact between the parties;
- changes in work or housing locations;
- leaves of absence;
- increased security and monitoring of certain areas of campus; and
- assistance in making a report to law enforcement or obtaining a protective order.

Supportive measures may be implemented because an individual has requested them, the campus Title IX office has recommended them, or a local unit or department has identified a need for them. Supportive measures are available regardless of whether a complainant files a formal complaint with the campus Title IX office or pursues any of the processes made available under this policy.

Complainants and respondents may seek these supportive measures by contacting the campus Title IX office, which is responsible for coordinating the effective implementation of supportive measures. Campus or local victim-survivor advocacy offices may also be able to assist complainants in requesting supportive measures. Alternatively, complainants and respondents may seek supportive measures directly from the departments or individuals with the ability to provide the requested supportive measures, such as the campus housing and residential life office or the appropriate faculty member, supervisor or human resources representative.

The departments or individuals with the ability to provide the requested supportive measures will determine which supportive measures to take depending on the circumstances of each case and can seek assistance from the campus Title IX office.

The University will maintain the confidentiality of any supportive measures to the extent possible. For more information about supportive measures, see FAQ: *Supportive Measures*. The campus Title IX office staff are also available to meet with University members to address questions or concerns about the provision of supportive measures.

The campus Title IX office will maintain records of any supportive measures taken in response to a report made to the campus Title IX office, the President, or a Vice President, Chancellor, Vice Chancellor or Dean. Specifically, the campus Title IX office will document that it has taken reasonable measures designed to restore or preserve equal access to the University's education program or activity where appropriate.

C. Privacy and Confidentiality

The University is committed to protecting the privacy of all individuals involved in an informal problem-solving process or grievance process under this policy to the greatest extent legally permissible. In order to carry out an informal problem-solving or grievance process and/or to otherwise to comply with legal obligations, it is often necessary for the University to share the identities of the parties and/or witnesses, as well as information provided by the parties and/or witnesses, with the parties and other participants in the process. The identities of these individuals and the information provided during these processes also may be included in an investigation report or other document relating to the case, which may be provided to the University Authority and others as appropriate.

The University will keep private the identity of complainants, respondents, witnesses, and third-party reporters in cases involving Title IX-based prohibited conduct except when necessary to: 1) carry out an informal problem-solving or grievance process; 2) disclose data as required by the Minnesota Government Data Practices Act (MGDPA); or 3) otherwise comply with legal obligations.

The University does not restrict the ability of complainants or respondents to discuss the allegations under investigation or to gather and present relevant evidence. At the same time, the University and the participants in the grievance process have a compelling interest in protecting the integrity of the grievance process, protecting the privacy of parties and witnesses, and protecting parties and witnesses from harassment, intimidation, or retaliation during a grievance process. To further these goals, witnesses and parties are encouraged to limit their sharing of information about a matter (including the allegations, the identities of the parties and witnesses, and the questions asked in interviews) while the grievance process is ongoing. Parties and witnesses are also cautioned not to discuss the allegations in a manner that constitutes retaliation (as defined in the Definitions section of this policy) or unlawful conduct. Further, parties and their advisors are not permitted to disseminate the evidence provided to them under Section VI.K.3.

D. Amnesty

To facilitate reporting and thorough investigations of prohibited conduct, individuals who provide information about possible prohibited conduct violations to the University, and individuals who participate in an informal problem-solving or grievance process under this policy, will not be disciplined by the University for violations of the University's prohibition on the personal use of drugs or alcohol, when such a violation occurred in connection with a possible prohibited conduct violation and was discovered as a result of a prohibited conduct report.

Moreover, the University may offer leniency with respect to other violations by informal problem-solving or grievance process participants that emerge as a result of a prohibited conduct report, depending on the circumstances involved.

III. Reporting and Other Obligations Related to Prohibited Conduct

In order to foster an environment free of prohibited conduct, all University members are encouraged to take reasonable prudent actions to prevent, stop, and report all acts of prohibited conduct. In addition, University members have the following reporting and other obligations related to possible prohibited conduct.

A. Reporting of Prohibited Conduct Directed at Students

University employees must promptly contact the campus Title IX office when in the course of performing their employment duties they learn about any form of prohibited conduct 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 at the time they were a student; or
- been committed by a current University member at the time they were a University member.

B. Reporting of Prohibited Conduct Directed at Employees or Third Parties

University employees must promptly contact the campus Title IX office when in the course of performing their employment duties they learn about any 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 at the time they were a University employee;
- been directed at a third party at the time they were engaged in any University activity or program, or were otherwise interacting with the University, including, but not limited to, as volunteers, contractors, vendors, visitors, or guests; or
- been committed by a current University member at the time they were a University member.

In addition, supervisors and human resources representatives must report sexual harassment directed at University employees or third parties to the campus Title IX office.

Other University employees are encouraged to report sexual harassment directed at University employees or third parties to the campus Title IX office, or their supervisor or human resources representative. However, this reporting is not required under this policy.

C. Information That Must Be Reported to the Campus Title IX Office

University employees who learn about possible prohibited conduct are not required to solicit additional information about the prohibited conduct or the individuals involved. However, to the extent known to them, University employees who learn about prohibited conduct as set forth in A and B above must report the following information to the campus Title IX office:

- the names of the complainant(s), respondent(s), and possible witnesses;
- the date, time, and location of the possible prohibited conduct; and
- other relevant details about the possible prohibited conduct.

D. Employees Who are Exempt from these Reporting Requirements

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

- counselors, psychologists, and others with a professional license requiring confidentiality, and their supervisees, when they learn about prohibited conduct in the course of their professional responsibilities;
- health center employees when they learn about prohibited conduct in the course of treating patients or facilitating the provision of medical services, and other employees who are prohibited by HIPAA from fulfilling this reporting requirement;
- employees of the Student Conflict Resolution Center, Office for Conflict Resolution, and University ombuds offices when they are providing conflict resolution or ombuds services;
- advisors (as defined in this policy) when they learn about prohibited conduct: 1) that is directly related to the case in which they are serving as an advisor; 2) from the party who they are serving as an advisor to; and 3) in the course of their advising;
- members of University of Minnesota police departments when they are restricted by law from disclosing this information;
- researchers when they learn about prohibited conduct from a research participant in the course of a research project;

- student employees when they learn about prohibited conduct that does not involve a University member whom the student employee formally or informally supervises, advises, and/or instructs as part of their job duties; and
- victim-survivor advocacy office employees and volunteers when they learn about prohibited conduct in the course of their advocacy office work.

E. Additional Obligations for Supervisors and Human Resources Representatives

Supervisors and human resources representatives may learn about possible prohibited conduct in a variety of ways, including when:

- they observe or overhear prohibited conduct;
- they receive a report of prohibited conduct, even when an individual does not identify the concerns as “prohibited conduct;” and
- they receive any other information that prohibited conduct may have occurred, regardless of where the information comes from and even if the supervisor or human resources representative is unsure that any prohibited conduct actually occurred.

Supervisors and human resources representatives who learn about possible prohibited conduct have additional obligations. First, supervisors and human resources representatives who learn about possible prohibited conduct, including sexual harassment directed at employees, must promptly contact the campus Title IX office to report information about the possible prohibited conduct and to report any responsive action that has been taken.

Second, supervisors and human resources representatives who learn about possible prohibited conduct must take prompt and effective responsive action. In some cases, a supervisor’s or human resources representative’s obligation to take prompt and responsive action will be satisfied by notifying the campus Title IX office. In other cases, it will be appropriate for supervisors and human resources representatives to take additional responsive action after consulting with the campus Title IX office. The particular responsive actions that a supervisor or human resources representative should take will depend on the circumstances. Below is a list of examples of responsive actions that might be appropriate for a supervisor or human resources representative to take in certain cases:

- providing supportive measures to a complainant or respondent;
- making non-retaliatory employment changes that remove any continued impact on a complainant;
- conducting preliminary inquiries to determine whether others have reported possible prohibited conduct by a particular respondent;
- discussing the prohibited conduct concerns with the respondent and setting expectations for future conduct;
- providing coaching and training on acceptable workplace conduct; and
- monitoring to prevent the occurrence of future prohibited conduct.

In all cases, supervisors and human resources representatives must document the responsive actions taken and provide this information to the campus Title IX office.

For additional information about University employees’ obligation to report prohibited conduct, please see FAQ: [Employees’ Obligation to Report Sexual Harassment, Sexual Assault, Stalking and Relationship Violence to the Campus Title IX Office.](#)

IV. Campus Title IX Offices’ Responses to Alleged Prohibited Conduct

A. Information Provided to Complainants

When a campus Title IX office learns about possible prohibited conduct, it will promptly contact the complainant to:

1. provide information about available supportive measures, including:
 - a. information about supportive measures and resources within the institution and in the community that are available with or without the filing of a formal complaint,
 - b. information about how to request supportive measures, including changes to academic, living, transportation and working situations,
 - c. information about the University's services related to no-contact orders, orders for protection, or other similar lawful orders,
 - d. information about how the University will maintain the confidentiality of supportive measures provided to the complainant, and
 - e. an invitation to the complainant to discuss supportive measures and share their wishes with respect to supportive measures with the campus Title IX office;
2. where applicable, provide information about the various processes offered by the University to address prohibited conduct;
3. where applicable, explain the process for filing a formal complaint or requesting an informal problem-solving process;
4. provide information about how the University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the complainant;
5. provide written notification about the importance of preserving evidence that may assist in a legal or campus disciplinary proceeding or may be helpful in obtaining a protective order;
6. provide information about the complainant's right to seek medical treatment, as appropriate; and
7. provide written information to the complainant about their right to contact law enforcement, to decline to contact law enforcement, to be assisted by campus representatives in contacting law enforcement, and to seek a protective order, as appropriate.

When a complainant does not respond to the communication from the campus Title IX office providing the information described above, the campus Title IX office will generally presume that the complainant does not want to initiate a grievance process or an informal problem-solving process.

B. Campus Title IX Office Determination About Further Responsive Action

In addition to contacting a complainant as set forth in Section IV.A, upon learning about possible prohibited conduct, the campus Title IX office will take one of the following three actions.

1. Initiate a grievance process.

The campus Title IX office will initiate a grievance process when the complainant has filed a formal complaint requesting that the University investigate alleged prohibited conduct or when the Title IX Coordinator has signed a formal complaint.

- a. In cases involving a student respondent, the Title IX Coordinator will sign a formal complaint when an investigation is needed to comply with legal anti-discrimination requirements or when campus safety is threatened. In determining whether campus safety is threatened, the Title IX Coordinator will consider the following factors, among others: whether the respondent is alleged to have used a weapon while committing prohibited conduct; whether the respondent is alleged to have used force while committing prohibited conduct; and whether the respondent has been alleged or found to have committed prohibited conduct against other complainants.
- b. In cases involving an employee or third-party respondent, the Title IX Coordinator will sign a formal complaint when: 1) an investigation is needed to comply with legal anti-discrimination requirements; 2) campus safety is threatened; or 3) an investigation is otherwise deemed to be the most appropriate and effective response.

2. Initiate an informal problem-solving process.

The campus Title IX office may initiate an informal problem-solving process to address alleged concerns and prevent prohibited conduct in cases where no formal complaint is filed or signed. For example, an informal problem-solving process may be appropriate in cases: 1) with an anonymous complainant; 2) where the alleged conduct does not rise to the level of prohibited conduct; 3) where the complainant does not want to initiate a grievance process and an informal problem-solving process may effectively deter future prohibited conduct; or 4) where the alleged conduct is likely covered by academic freedom or free speech protections.

3. Take no further action beyond offering supportive measures.

In certain cases where a complainant does not want an informal problem-solving or grievance process, or when the campus Title IX office does not have sufficient information to effectively initiate such a process, the campus Title IX office may decide not to take any action beyond offering supportive measures to the complainant.

V. Informal Problem-Solving Process

The campus Title IX office may initiate an informal problem-solving process when a grievance process has not been initiated or has been dismissed as described in Section VI.H. In an informal problem-solving process, the campus Title IX office does not determine whether a respondent has violated University policy. However, the campus Title IX office may provide resources to help address the concerns raised and make recommendations for responsive action, including actions aimed at preventing misconduct from occurring. For example, informal problem-solving processes may include:

- gathering additional information about the alleged prohibited conduct to determine how to most effectively respond to the alleged prohibited conduct or to provide relevant information to the individuals involved;
- notifying a respondent about the concerns raised, and about any reported impact of the concerns on a complainant or community;
- providing education or coaching to a respondent or complainant;
- providing recommendations that are aimed at preventing further concerns from arising to an appropriate individual who oversees a respondent or complainant; and/or
- establishing a plan to monitor for future misconduct.

Even if the campus Title IX office originally initiates an informal problem-solving process, the Title IX Coordinator may decide, after the campus Title IX office has gathered additional information about the alleged prohibited conduct, that it is appropriate to sign a formal complaint and initiate a grievance process.

VI. The Grievance Process

The campus Title IX office will initiate the grievance process when a formal complaint alleging prohibited conduct in violation of this policy is filed by a complainant or signed by the Title IX Coordinator.

A. Standard of Proof

The University's grievance process 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. Elements of the Grievance Process

The grievance process includes the following key elements:

1. Title IX Coordinators, campus Title IX office staff who conduct investigations, decision-makers and individuals designated to facilitate informal resolution processes (where available) who: 1) do not have a conflict of interest or bias for or against complainants or respondents generally or individual complainants or respondents specifically; and 2) are trained in accordance with this policy and applicable laws.
2. A burden of proof that rests on the University.
3. A burden of gathering evidence sufficient to reach a decision on responsibility and disciplinary sanctions, if any, that rests on the University.
4. An equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
5. A presumption that a respondent is not responsible for the alleged prohibited conduct until a decision on responsibility and disciplinary sanctions, if any, is made at the conclusion of the grievance process.
6. An objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence.
 - a. Relevant evidence is information pertinent to proving whether facts material to the allegations are more or less likely to be true.
 - b. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not considered relevant, unless such questions and evidence: 1) are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or 2) concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
7. No consideration of information protected under a legally recognized privilege, or questions seeking disclosure of this information, unless the person holding the privilege waives it.
8. No access to or consideration of a party's records that were made or maintained by a physician, psychiatrist, psychologist, or other professional in connection with the provision of treatment to the party, unless that party provides voluntary, written consent.
9. Credibility determinations, where applicable, that are not based on an individual's status as a complainant, respondent, or witness.

C. Party and Witness Participation in the Grievance Process

Parties will be provided with written notice of the date, time, location, participants, and purpose of all meetings during the grievance process at which the party is expected or invited, with sufficient time for the party to prepare to participate.

Parties and witnesses are not required to participate in a grievance process (including an informal resolution process) under this policy. When a complainant, respondent, or witness refuses to provide relevant information during a grievance process, the grievance process may proceed. However, a decision on responsibility and disciplinary sanctions, if any, will be based only on the information available.

Individuals who knowingly or intentionally file a false formal complaint or provide false or misleading information during a grievance process may be subject to disciplinary action up to and including termination of employment or expulsion. Disciplinary action is not warranted where an individual provides information in good faith, even if the information is ultimately not substantiated. An individual provides information in good faith when that individual reasonably believes that the information they have provided is accurate.

Concerns that an individual has knowingly or intentionally provided false or misleading information will be addressed by the following offices: 1) for concerns that students allegedly engaged in this misconduct, the campus office responsible for investigating and adjudicating potential *Student Conduct Code* violations other than prohibited misconduct covered in this policy; 2) for concerns that employees allegedly engaged in this misconduct, the employee's supervisor or human resources representative; and 3) for concerns that third parties allegedly engaged in this misconduct, the University official responsible for retaining or overseeing the third party.

D. Advisor Participation in the Grievance Process

Complainants and respondents may be accompanied to meetings and hearings in the grievance process by: 1) an advisor of their choice; and 2) a support person who cannot be a fact witness in the case. Other individuals may be permitted to attend these meetings or hearings to support a party for good reason, such as to accommodate a disability or a language need. When a party does not have an advisor present at a live hearing, the University will provide an advisor to conduct cross-examination on behalf of that party. A party may choose to have this advisor fulfill any and all additional functions permitted for advisors. For more information about the responsibilities of advisors and support persons who attend meetings and hearings as allowed by this policy, please see Appendix: [Roles and Responsibilities of Advisors and Support Persons \(DOCX\)](#)

E. Removal of Respondent from their University Role During a Grievance Process

Student respondents. A student respondent may be removed from their University role as an interim measure during a grievance process in two circumstances. First, the University may undertake emergency removal of a student respondent for reasons arising from the alleged prohibited conduct when the University: 1) undertakes an individualized safety and risk analysis; 2) concludes that there is an immediate threat to the physical health or safety of any student or other individual arising from the alleged prohibited conduct; and 3) provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. Second, the University may impose an interim disciplinary suspension on a student respondent in accordance with [Student Conduct Code](#), Section VI. Interim Suspension for reasons not arising from the alleged prohibited conduct.

Employee respondents. The University Authority identified in Appendix: [University Authorities and Appellate Officers](#), at their discretion, may take interim measures such as changing a respondent's work responsibilities or work location or placing them on paid leave during a grievance process. Such action may be appropriate when there is a legitimate concern that without interim measures: 1) the respondent will engage in prohibited conduct while the grievance process is ongoing, or 2) the respondent would be unduly disruptive to University members or University activities or programs.

Non-student and non-employee respondents. University members who are neither students nor employees may be removed from their University role or a University program as an interim measure during a grievance process at the discretion of the University Authority identified in Appendix: *University Authorities and Appellate Officers*.

F. Consolidation of Formal Complaints

Formal complaints may be consolidated when the allegations arise out of the same facts or circumstances and there are: 1) allegations by one complainant against more than one respondent; 2) allegations by more than one complainant against one or more respondents; or 3) cross-complaints.

G. Decision About the Designation of Prohibited Conduct

Upon receipt of a formal complaint that alleges prohibited conduct in violation of this policy, the campus Title IX office will initiate a grievance process. Once the campus Title IX office initiates a grievance process, it will provide notice to the parties in writing of, among other things:

- its decision about whether to designate the alleged prohibited conduct as Title IX-based prohibited conduct;
- the reasons for this decision; and
- the parties' right to appeal this decision, as described in Section VI.I.

More information about the notice that the campus Title IX office will provide to the parties can be found in Section VI.K.2.

The campus Title IX office will not initiate a grievance process when the alleged conduct, if substantiated, would not constitute prohibited conduct, except in limited circumstances. In such cases, the campus Title IX office will notify the parties in writing of this decision and of the parties' right to appeal this decision to an impartial appellate officer.

H. Dismissal Of A Formal Complaint

The campus Title IX office has discretion to dismiss a formal complaint or any allegations therein during the grievance process when: 1) a complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations therein; 2) a respondent is no longer enrolled in, or employed by, the University; or 3) specific circumstances prevent the gathering of evidence sufficient to reach a decision on responsibility.

When dismissing a complaint, the campus Title IX office will notify the parties in writing of: 1) the decision to dismiss; 2) the reasons for the dismissal; and 3) the parties' right to appeal the dismissal to an impartial appellate officer, as described in Section VI.I.

I. Appeals of Dismissals of Formal Complaints and of Decisions About the Designation of Prohibited Conduct

Any party may appeal the campus Title IX office's written decision to: 1) designate the alleged conduct as Title IX-based prohibited conduct or its decision to not make that designation; 2) not initiate a grievance process, despite a complainant's request for a grievance process, because the alleged conduct, if substantiated, would not constitute prohibited conduct under the policy; or 3) dismiss a formal complaint as set forth in Section VI.H.

Appeals must be submitted to the Appellate Officer in writing within 10 calendar days of receipt of the campus Title IX office's written decision. Appeals received after 10 calendar days will be denied. Decisions that are not appealed within 10 calendar days are final. When a timely appeal is received, the other party will be sent a copy of the appeal and provided an opportunity to respond. A response to an appeal must be submitted in writing within 10 calendar days from the party's receipt of the appeal.

Appeals are not intended to allow for a second review of the same information provided to the campus Title IX office, and the Appellate Officer will not substitute their judgment for that of the campus Title IX office. Appeals are limited to the grounds set forth below:

- Procedural irregularity that affected the outcome.
- New evidence that was not reasonably available at the time the campus Title IX office's decision was made that could have affected the outcome.
- A decision that is not based on substantial information. Substantial information means relevant information that a reasonable person might accept as adequate to support a conclusion.
- the Title IX Coordinator, investigator, hearing panel members, and/or University Authority had a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent that affected the outcome of the matter.

In most cases, the appellate review is limited to review of the written decision and the appeal and response documents submitted by the parties. However, the Appellate Officer may, at their discretion, request and review additional information from the campus Title IX office.

The Appellate Officer will issue a written decision that: 1) affirms, in whole or in part, the decision, 2) overturns, in whole or in part, the decision, or 3) remands the matter to remedy procedural errors or consider new evidence. The Appellate Officer will strive to issue a decision within 15 calendar days of receipt of all appeal and response documents.

J. Informal Resolution Processes

The University may offer informal resolution processes to parties at any time after a formal complaint is filed and before a final decision on responsibility and on disciplinary sanctions is made. Except, the University will not offer informal resolution processes to resolve allegations that an employee engaged in Title IX-based prohibited conduct toward a student.

Before initiating an informal resolution process, the University will provide the parties with a written notice disclosing:

- the allegations in the formal complaint;
- the requirements of the informal resolution process;

- the circumstances under which the informal resolution process precludes the parties from resuming the grievance process arising from the formal complaint;
- the parties' right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and
- any privacy-related and recordkeeping-related consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

In addition, before initiating an informal resolution process in a case that includes allegations of Title IX-based prohibited conduct, the University must obtain the parties' voluntary, written consent to the informal resolution process.

K. Investigation

1. General principles

Investigations into formal complaints will be conducted by the campus Title IX office, except that investigations into stalking and relationship violence of a non-sexual nature will be conducted: 1) for student respondents, by the campus office or official that investigates non-sexual Student Conduct Code complaints; 2) for employee respondents, by a human resources representative or a supervisor; and 3) for other University members, by the University official who retains or oversees their participation in University programs or activities. If a prohibited conduct investigation reveals possible misconduct other than prohibited conduct under this policy, the campus Title IX office will forward this information to the campus office, human resources representative, or supervisor responsible for investigating that possible misconduct. However, amnesty is provided for certain drug and alcohol related offenses that come to light during a prohibited conduct investigation, as discussed in Section II.D.

2. Written notice to the parties

Upon receipt of a formal complaint that alleges prohibited conduct in violation of this policy, the campus Title IX office will provide written notice to the parties who are known. The written notice will provide the parties with sufficient time to prepare a response before any initial interview, and will include:

- Notice that a grievance process is being initiated.
- Information about the grievance process set forth in this policy.
- Notice of the allegations of prohibited conduct, including the identities of the parties involved in the incident, if known, the alleged prohibited conduct, and the date and location of the alleged prohibited conduct, if known.
- Notice of the decision on whether the reported conduct will be designated as Title IX prohibited conduct, the reasons for this decision, and the parties' right to appeal this decision;
- A statement that the respondent is presumed not responsible for the alleged prohibited conduct and that a decision on responsibility and on disciplinary sanctions, if any, is made at the conclusion of the grievance process.
- Notice that the parties may be accompanied to meetings and hearings in the grievance process by: 1) an advisor of their choice who may be, but is not required to be, an attorney, and who may inspect and review evidence as described in Section VI.K.3; and 2) a support person who cannot be a fact witness in the case.
- Information about applicable supportive measures and advisor resources, and an opportunity to discuss them with the campus Title IX office.
- Notice that this policy prohibits knowingly or intentionally filing a false formal complaint or providing false or misleading information during a grievance process.

If, during the course of an investigation, the campus Title IX office decides to investigate additional allegations of prohibited conduct, the campus Title IX office will provide notice of those additional allegations to the parties whose identities are known.

3. Investigation process

The nature and scope of an investigation will be determined based on the formal complaint and any additional information gathered during the investigation, and will include the following elements:

- Written notice to the parties as described in Section VI.K.2.
- One or more requested interviews of a complainant, where the complainant will have the opportunity to describe the allegations giving rise to the formal complaint, provide evidence, and identify witnesses.
- One or more requested interviews of a respondent, where the respondent will have the opportunity to respond to the allegations, provide evidence, and identify witnesses.
- Gathering of other evidence, such as through witness interviews, if other evidence exists.
- An equal opportunity for the parties and their advisors to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint as follows: Prior to completion of the investigation, the campus Title IX office will send to each party and the party's advisor, if any, the evidence for inspection and review. The parties are not permitted to photograph the evidence or disseminate the evidence to the public. The parties will be provided 10 calendar days in which to submit a written response, which the campus Title IX office will consider prior to completion of the investigation.
- Provision of a final investigation report to each party, the party's advisor, if any, and to the University Authority (identified in Appendix: *University Authorities and Appellate Officers*) that fairly summarizes the relevant evidence, provides an analysis of the evidence, and a recommended decision on responsibility.

The campus Title IX office strives to complete investigations within 90 business days. However, depending on the complexity of the investigation, the number of witnesses, the availability of evidence and other factors, some investigations may take additional time. When an investigation will not be completed within 90 business days, the campus Title IX office will notify the parties and provide the reason for the extended timeline in writing.

L. Post-Investigation Informal Resolution Option

Based on the final investigation report, the University Authority (identified in Appendix: *University Authorities and Appellate Officers*) may opt to provide the parties with a proposed informal resolution. A proposed informal resolution may not be offered to resolve allegations that an employee engaged in Title IX-based prohibited conduct toward a student.

In a case that includes allegations of Title IX-based prohibited conduct, the informal resolution will not be implemented unless the parties agree, in writing, to the proposed informal resolution. In a case that does not include allegations of Title IX-based prohibited conduct, the informal resolution will be implemented unless a party provides notice, in writing, that the party rejects the proposed informal resolution. If the proposed informal resolution is implemented, the grievance process ends. If the proposed informal resolution is not implemented, the matter will proceed to a hearing or administrative resolution.

M. Administrative Resolution Process

In all cases except those that include allegations that an employee engaged in Title IX-based prohibited conduct toward a student, the parties will be offered the opportunity to agree to resolve the case after the investigation through an administrative resolution process. In an administrative resolution process, a hearing chair will make the decision on responsibility based on the investigative report, the parties' written responses to the investigative report (if any), and the evidence gathered by the campus Title IX office as part of its investigation of the formal complaint. In the case of an administrative resolution, disciplinary sanctions (if any) will be determined as set forth in Sections VI.N.2 and VI.O and both parties may appeal as set forth in VI.P. The administrative resolution process is a type of informal resolution process, as further described in Section VI.J.

N. Hearing

1. Hearing

If there is no post-investigation informal resolution or administrative resolution, the parties will be provided a live hearing. The parties will be permitted to submit a written response to the final investigation report to the hearing panel.

Hearing format. The University may conduct live hearings with all parties physically present in the same geographic location or with any or all parties, witnesses, and other participants appearing virtually, with technology enabling participants to simultaneously see and hear each other. At the request of any party, the parties will be located in separate rooms during the hearing with technology enabling the hearing panel members and parties to simultaneously see and hear the party or the witness answering questions.

Access to evidence at the hearing. The University will make all evidence directly related to the allegations available to the parties at any hearing.

Advisor and support person. Each party may be accompanied to the hearing by one advisor of their choice. Advisors are permitted to make opening and closing statements, and conduct direct and cross-examination during the hearing. If a party does not have an advisor present at the hearing, the University will provide that party, free of charge, with an advisor of the University's choice, to conduct cross-examination on behalf of that party. A party's advisor may appear and conduct cross-examination even when the party whom they are advising does not appear. Each party may also be accompanied at the hearing by a support person, who participates in the hearing in a non-speaking capacity. A support person cannot be a fact witness in the case.

Cross-examination. Cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor and never by a party personally. Each party's advisor is permitted to ask the other party and any witnesses all relevant questions.

Recording or transcript. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

2. Decision on responsibility and disciplinary sanctions, if any.

Both parties will be simultaneously provided with the hearing panel's (or in the case of an administrative resolution, the hearing chair's) written decision on responsibility and the University Authority's written decision on disciplinary sanctions, if any. The University Authority is identified in Appendix: *University Authorities and Appellate Officers*. Together, these written decisions on responsibility and disciplinary sanctions will constitute the "Written Determination" described in VI.M.3 that may then be appealed by either party.

The Written Determination will include:

- the allegations of prohibited conduct;
- a description of the procedural steps taken by the University from its receipt of the formal complaint through the Written Determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
- findings of fact supporting the decisions on responsibility and disciplinary sanctions;
- conclusions regarding the application of this policy to the facts;
- a statement of, and rationale for, the decisions on responsibility and disciplinary sanctions;
- a statement of the decision on whether the University will provide remedies to the complainant; and
- the University's procedures and permissible bases for the parties to appeal the decisions on responsibility and disciplinary sanctions.

If an appeal is not filed, the Written Determination becomes final on the date on which an appeal would no longer be considered. See Section VI.P on appeals and Administrative Procedure: *Post-Investigation Procedures for Formal Complaints of Violations of Administrative Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence.*

O. Disciplinary Sanctions, Remedies, and Other Responsive Actions

1. The role of the University Authority in determining, and monitoring compliance with, disciplinary sanctions and other responsive actions

The responsible University Authority (identified in Appendix: *University Authorities and Appellate Officers*) will decide which disciplinary sanctions and other responsive actions will be implemented, if any.

Disciplinary sanctions will not be imposed on the respondent until: 1) the date on which an appeal would no longer be considered timely, if an appeal is not filed; or 2) the date that the parties are provided with the written decision of the result of the appeal, if an appeal is filed and disciplinary sanctions are imposed on the respondent as a result of the appeal.

The University Authority will monitor compliance with any disciplinary sanctions or other responsive actions and address any compliance failures by the respondent.

Where a student respondent is also a third party or employee, the campus Title IX office will determine the appropriate University Authority(ies) to determine disciplinary sanctions and other responsive actions in those non-student roles. In making this determination, the campus Title IX office will consider case-specific factors, including the context in which the alleged prohibited conduct occurred (e.g. whether it occurred in an employment or academic context) and the respondent's primary affiliation with the University.

2. Disciplinary sanctions and other responsive actions – general information

Responsive action is intended to eliminate prohibited conduct, prevent its recurrence, and promote accountability while supporting the University's educational mission and legal obligations. Responsive action may include disciplinary, rehabilitative (including educational), restorative, and monitoring components.

Possible disciplinary sanctions in cases with student respondents are detailed in the Board of Regents Policy: *Student Conduct Code.*

Possible disciplinary sanctions and other responsive actions in cases with employee respondents (including student employees) may include one or a combination of the following:

- coaching or education;
- mentoring;
- changes to work duties or locations;
- monitoring to ensure that prohibited conduct is not occurring;
- probation;
- transfer of position;
- removal of administrative appointment;
- salary reduction;
- demotion;
- oral or written reprimand

- suspension; and
- termination of employment.

For labor-represented employees, the disciplinary sanctions that may be imposed are those set forth in their union contract.

Possible disciplinary sanctions or other responsive actions in cases with third-party respondents may include restrictions on a third-party respondent's: 1) participation in University programs or activities; 2) attendance at University events; or 3) ability to enter campus spaces, among other things.

The following factors will be considered in determining the appropriate disciplinary sanctions or other responsive actions to address a decision of responsibility for prohibited conduct:

- the severity, persistence, or pervasiveness of the prohibited conduct;
- the nature of the prohibited conduct;
- whether the prohibited conduct threatened physical safety;
- any incidents of prior misconduct by a respondent, including the respondent's disciplinary history, at the University or elsewhere;
- the impact of the prohibited conduct on other members of the University community;
- an assessment of a respondent's potential for development, including whether the respondent has accepted responsibility for the prohibited conduct;
- the maintenance of a safe, nondiscriminatory, and respectful work and learning environment; and
- any other mitigating, aggravating, or compelling factors.

3. Remedies

Where a decision has been made that a respondent is responsible for prohibited conduct, the University will provide remedies to a complainant that are designed to restore or preserve the complainant's equal access to the University's education programs and activities. Such remedies may include supportive measures discussed in Section II.B, as well as other measures that prevent the respondent from having contact with the complainant, and other measures. For example, remedies may prevent the respondent from participation in student organizations, teams, or classes in which the complainant participates. The campus Title IX office is responsible for effective implementation of any remedies.

P. Appeal

Any party may initiate this appeal process by following the procedures set forth in Administrative Procedure: *Post-Investigation Procedures for Formal Complaints of Violations of Administrative Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*.

Appeals are not intended to allow for a second review of the same information provided during the investigation, and the Appellate Officer will not substitute their judgment for that of the hearing panel, or that of the hearing chair in the case of an administrative resolution. Appeals are limited to the grounds set forth below.

- Procedural irregularity that affected the outcome.
- New evidence that was not reasonably available at the time of the Written Determination that could have affected the outcome.
- A sanction that is grossly disproportionate to the offense.

- A decision on responsibility that is not based on substantial information. Substantial information means relevant information that a reasonable person might accept as adequate to support a conclusion. The Appellate Officer must respect the credibility determinations of the hearing panel (or of the hearing chair in the case of an administrative resolution) and must not substitute the Appellate Officer's judgment for that of the hearing panel or chair.
- The Title IX Coordinator, investigator, hearing panel members, and/or University Authority had a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent that affected the outcome.

The Appellate Officer will issue a written decision that 1) affirms, in whole or in part, the decision on responsibility, 2) overturns, in whole or in part, the decision on responsibility, 3) affirms, overturns, or adjusts the decision on disciplinary sanctions, or 4) remands the matter to remedy procedural errors or consider new evidence.

The decision of the Appellate Officer is the final University decision.

VII. Recordkeeping

The University will maintain the following for the longer of seven years or the retention period required by Administrative Policy: Managing University Records and Information:

1. Records of reports of prohibited conduct made to the campus Title IX office, the President, or a Chancellor, Vice President, Vice Chancellor, or Dean.
2. Records of any actions, including any supportive measures, taken in response to such a report.
3. Records of each prohibited conduct grievance process, including
 - a. information that is obtained, gathered, or received during the grievance process;
 - b. any Written Determination;
 - c. any audio or audiovisual recording or transcript of a hearing;
 - d. any disciplinary sanctions imposed on a respondent; and
 - e. any remedies provided to the complainant designed to restore or preserve equal access to the University's education program or activity.
4. Records of any appeal and the result therefrom.
5. Records of any informal resolution and the result therefrom.

Records of all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The University will compile and maintain publicly available records, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the complainant. The University will provide complainants and respondents with access to their records related to any of the prohibited conduct processes set forth in this policy in accordance with the law.

VIII. Policy Review

The Equal Opportunity & Title IX Office will annually review this policy.

IX. Training

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process will receive training on:

- the definitions of prohibited conduct, including the definitions of Title IX-based prohibited conduct;
- the scope of the University's education programs and activities;
- how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, where applicable;
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- technology to be used at a live hearing, where applicable;
- issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant; and
- issues of relevance to create an investigative report that fairly summarizes relevant evidence, where applicable.

Individuals who conduct the University's grievance process will also be trained annually on issues related to prohibited conduct and on how to conduct a grievance process that protects the safety of victims and promotes accountability.

Materials used to train individuals who conduct the University's grievance process will:

- not rely on sex stereotypes;
- promote impartial investigations and adjudications of formal complaints of sexual harassment;
- be maintained by the school for at least 7 years; and
- be publicly available on the school's website.

To facilitate the goals of this policy, the University will make training on prohibited conduct available to students, employees, and volunteers.

Reason for Policy

The University adopts this policy to implement Board of Regents Policy: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence* and to implement its commitment to: 1) taking prompt and equitable action to eliminate, prevent and address the effects of prohibited conduct; 2) fostering a trusting environment where prohibited conduct is not tolerated; 3) cultivating a climate where all persons are well-informed and supported with respect to reporting prohibited conduct; 4) providing a fair and impartial process that treats all participants with dignity; and 5) identifying the standards by which violations of this policy will be evaluated and disciplinary action may be imposed.

Procedures

- *Post-Investigation Procedures for Formal Complaints of Violations of Administrative Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*

Forms/Instructions

Appendices

- [Order of Hearing Proceedings](#)
- [Roles and Responsibilities of Advisors and Support Persons \(docx\)](#)
- [University Authorities and Appellate Officers](#)

Frequently Asked Questions

- [FAQ: Designation of Reported Sexual Harassment, Sexual Assault, Stalking and Relationship Violence as Title IX Prohibited Conduct](#)
- [FAQ: Employees' Obligation to Report Sexual Harassment, Sexual Assault, Stalking and Relationship Violence to the Campus Title IX Office](#)
- [FAQ: Retaliation in Sexual Harassment, Sexual Assault, Stalking and Relationship Violence Cases](#)
- [FAQ: Supportive Measures](#)
- [FAQ: The Grievance Process](#)

Contacts

Subject	Contact	Phone	Email
Primary Contact	Tina Marisam	612-626-9357	marisam@umn.edu
Policy or process questions	Campus Title IX Offices (see below)		

Campus Title IX Offices

Prohibited conduct 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 prohibited conduct, employees must contact their campus Title IX office to satisfy their prohibited conduct reporting obligations.

Crookston Campus

Subject	Contact	Phone	Email
Title IX Coordinator and campus Title IX office	Jason Tangquist Registrar	<u>218-281-8424</u>	jtangqui@crk.umn.edu

Duluth Campus

Subject	Contact	Phone	Email
Title IX Coordinator and campus Title IX office	Corey Christensen Equal Opportunity & Title IX Associate, and Title IX Coordinator 219 Darland Administration Building 1049 University Drive Duluth, MN 55812	<u>218-726-8809</u>	chri2595@d.umn.edu

Morris Campus

Subject	Contact	Phone	Email
Title IX Coordinator and campus Title IX office for students	Adrienne Conley Associate Director, Residential and Community Life Clayton A. Gay Hall, Tower 2, Office of Residential Life	<u>320-589-6738</u>	amconley@morris.umn.edu
Title IX Coordinator and campus Title IX office	Sarah Mattson Director of Human Resources 201 Behmler Hall 600 East 4 th Street Morris, MN 56267	<u>320-589-6021</u>	mattsosj@morris.umn.edu

Rochester Campus

Subject	Contact	Phone	Email
---------	---------	-------	-------

Subject	Contact	Phone	Email
Title IX Coordinator and campus Title IX office for students	Jenny Casper Interim Assistant Vice Chancellor for Student Success, Engagement, and Equity	<u>507-258-8242</u>	jjcasper@r.umn.edu
Title IX Coordinator and campus Title IX office for employees	Nicole Smith Director of Employee Engagement, Development, and Wellbeing	<u>507-258-8010</u>	ndsmith@r.umn.edu

Twin Cities Campus

Subject	Contact	Phone	Email
Title IX Coordinator and campus Title IX office	Tina Marisam Director of the Equal Opportunity & Title IX Office McNamara Alumni Center, Room 274 200 Oak Street SE Minneapolis, MN 55455	<u>612-626-9357</u>	marisam@umn.edu

UReport

Reports of prohibited conduct, including anonymous reports, may be submitted 24 hours a day through the University's UReport reporting system. Reports of prohibited conduct made through UReport will be forwarded to the campus Title IX office, which will address the concerns through the grievance or informal problem-solving processes. However, reporting about prohibited conduct through UReport does not satisfy the obligation of University employees as set forth above in Section III to report incidents of prohibited conduct to the campus Title IX office. Similarly, anonymous reporting in any other form also does not satisfy this reporting obligation.

Subject	Contact	Phone
All Campuses	<u>UReport</u>	<u>1-866-294-8680</u>

Law Enforcement

Employees, students and third parties are encouraged to report crimes to the law enforcement agency for the jurisdiction in which the conduct at issue occurred. Complainants have the option to report a crime to the appropriate law enforcement agency, to report prohibited conduct to the appropriate campus Title IX office, or to report to both investigative bodies simultaneously. Even if a criminal investigation is ongoing, the University will conduct its own grievance process and will not wait for the conclusion of a criminal investigation or proceeding to begin its grievance process. However, the University may temporarily delay the fact-finding portion of a Title IX investigation portion of the grievance process while law enforcement is gathering evidence.

Victims of sexual misconduct are granted specific rights under Minnesota law. When a crime is reported to law enforcement, a victim has the right to:

- request that their identity be kept private in reports available to the public;
- be notified of crime victim rights and information on the nearest crime victim assistance resource;
- apply for financial assistance for non-property losses related to a crime;
- participate in prosecution of their case, including the right to be informed of a prosecutor's decision to decline prosecution or dismiss their case;
- protection from harm and from employer retaliation for taking time off to attend protection or harassment restraining order proceedings;
- receive information about seeking a protective or harassment order at no cost; and
- receive assistance from the Crime Victims Reparations Board and the Commissioner of Public Safety.

Victims of sexual assault have the right to undergo a confidential sexual assault examination at no cost and make a confidential request for HIV testing of a convicted felon. Victims of sexual assault are not required to undergo a polygraph examination in order for an investigation or prosecution to proceed. Victims of domestic abuse also have the right to terminate a lease without penalty. In cases of domestic abuse and violent crime where an arrest has been made, victims also have the right to be provided notice of the release of the offender, including information on the release conditions and supervising agency. [Complete information about crime victims' rights](#) is available.

Campus	Contact	Phone	Email
Crookston Campus	The City of Crookston Police Department 321 West Robert Street Crookston, MN 56716	<u>218-281-3111</u>	
Duluth Campus	University of Minnesota-Duluth Police Department 287 Darland Admin Bldg 1049 University Drive Duluth, MN 55812	<u>218-726-7000</u>	umdspd@d.umn.edu
	Duluth Police Department 2030 North Arlington Avenue Duluth, MN 55811	<u>218-730-5400</u>	police@duluthmn.gov
Morris Campus	University of Minnesota Morris Public Safety Behmler Hall 6 600 East Fourth Street Morris, MN 56267	<u>320-589-6000</u>	ummpd@morris.umn.edu
	Stevens County Sheriff's Office 600 E. 4th St., Morris, MN 56267	<u>320-208-6500</u>	

Campus	Contact	Phone	Email
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 5 th Street, Room 130 Minneapolis, MN 55415-1389	612-673-2941 (Sex crimes unit)	
	Ramsey County Sheriff's Department 425 Grove Street Saint Paul, MN 55101	651-767-0640	

Confidential Resources

The following resources offer free and confidential services, including advocacy, counseling and emotional support.

Campus	Contact	Phone	Email
Crookston Campus	Polk County Coordinated Victim Services (complainant resource)	218-281-1554 800-524-1993	
	UMC Counseling Center	218-281-8571 218-281-8348	
	Student Health	218-281-8512	
Duluth Campus	Women's Resource and Action Center	218-726-6292	

Campus	Contact	Phone	Email
	Program for Aid to Victims of Sexual Assault (complainant resource)	218-726-1931	
	Counseling: Health Services	218-726-7913	
Morris Campus	Someplace Safe (complainant resource)	800-974-3359	
	Student Counseling	320-589-6060	
Rochester Campus	Crisis Hotline	507-269-4511	
	Student Counseling	507-258-8017	
	Student Health Services	507-292-7250	
Twin Cities Campus	The Aurora Center (complainant resource)	24 Hour Helpline: 612-626-9111 Office Line: 612-626-2929	aurora@umn.edu
	Boynton Mental Health	Office line: 612-625-8400 24 hour Crisis Connection counselors: 612-301-4673	
	Student Counseling Services	612-624-3323	counseling@umn.edu

The University's Employee Assistance Program (EAP) is available to benefits-eligible employees on all system campuses. EAP provides confidential, professional consultation and referral services to address any personal or work concern that may be affecting one's wellbeing. EAP can be reached at [612-625-2820](tel:612-625-2820), [1-888-243-5744](tel:1-888-243-5744) or eap@umn.edu.

State and Federal Agency Resources

Individuals with questions regarding applicable state and federal anti-discrimination laws may also contact the following federal and state agencies.

Federal and state government contact	Address	Phone	Email/Reporting Portal
U.S. Equal Employment Opportunity Commission (EEOC)	Minneapolis Area Office, Towle Building 330 South Second Avenue, Suite 720 Minneapolis, MN <u>55401-2224</u>	<u>612-552-7306</u>	<u>U.S. EEOC Public Portal</u>
Minnesota Department of Human Rights	Griggs Midway Building 540 Fairview Ave North, Suite 201 St. Paul, Minnesota 55104	<u>651-539-1100</u> <u>1-800-657-3704</u>	info.mdhr@state.mn.us
U.S. Department of Education, Office for Civil Rights	Office for Civil Rights U.S. Department of Education John C. Kluczynski Federal Building 230 S. Dearborn Street, 37th Floor. Chicago, IL 60604	<u>312-730-1560</u>	OCR.Chicago@ed.gov

Responsible Individuals

Responsible Officer	Policy Owner	Primary Contact
Vice President, Office for Equity and Diversity	Associate Vice President, Office for Equity and Diversity	Tina Marisam Associate Vice President, Office for Equity and Diversity

Definitions

Advisor

An individual who conducts cross-examination on behalf of a party, and who may also accompany the party to meetings in the grievance process and otherwise participate in the live hearing, among other things.

Assists or Abets

An individual assists or abets prohibited conduct when the individual: 1) helps any other person to engage in prohibited conduct; and 2) intends the prohibited conduct to occur or knows that their actions are significantly likely to help the other person to engage in prohibited conduct.

Campus Title IX Office.

The phrase “campus Title IX office” refers to campus Title IX office staff members and others designated to carry out the responsibilities described in this policy.

Complainant

An individual is a “complainant” when the University learns that the individual may have experienced prohibited conduct. Complainants may be assisted under this policy even if they have not reported prohibited conduct to the University or pursued a prohibited conduct process under this policy.

Formal complaint

A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator that: 1) alleges that an individual engaged in prohibited conduct toward a complainant; and 2) requests that the University investigate the allegation of prohibited conduct. A complainant files a formal complaint by submitting such a document to the campus Title IX office that contains the complainant’s physical or digital signature or otherwise indicates that the complainant is the individual filing the formal complaint. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by e-mail, or through an online portal provided for this purpose, where available.

Party

Refers to a complainant or respondent.

Prohibited conduct

Prohibited conduct includes sexual assault, sexual harassment, stalking, relationship violence, and retaliation as defined by this policy.

Relationship violence

Relationship violence is: 1) actual, attempted or threatened violence by one individual against another individual with whom they are, or have been, in a social relationship of a romantic or intimate nature; or 2) conduct that would constitute a felony or misdemeanor crime of violence by an individual against: (i) a current or former spouse or intimate partner; (ii) an individual with whom they share a child; (iii) an individual similarly situated to a spouse under the Minnesota state domestic or family violence laws; or (iv) any adult or youth who is protected from the individual’s acts under the Minnesota state domestic or family violence laws.

While relationship abuse can include non-physical tactics – such as emotional, psychological and fiscal abuse and control – this policy addresses only physical acts of relationship violence. Individuals who experience any type of relationship abuse, including non-physical tactics not covered by this policy, are encouraged to seek help from campus or community resources.

- a. **Title IX relationship violence** is a subset of relationship violence that occurs in the United States and: 1) on campus; 2) as part of the University’s operations; 3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or 4) in buildings owned or controlled by a student organization that is officially recognized by the University.

Relationship violence will be designated Title IX relationship violence if it meets the above definition and the complainant is participating or attempting to participate in a University education program or activity at the time the complainant files a formal complaint, or if it meets the above definition and the Title IX Coordinator signs a formal complaint.

Retaliation

Retaliation means taking an adverse action against an individual: 1) for the purpose of interfering with any right or privilege secured by this policy; 2) for refusing to participate in any manner in an informal problem-solving or grievance process relating to a prohibited conduct allegation; or 3) because of the individual’s good faith participation in:

- reporting suspected or alleged prohibited conduct;

- expressing opposition to suspected or alleged prohibited conduct;
- testifying, assisting, or participating in an informal problem-solving, investigation, or grievance process related to a prohibited conduct allegation; or
- accessing the Office for Conflict Resolution (OCR) to resolve a conflict related to prohibited conduct.

Adverse actions are actions that might deter a reasonable person from reporting suspected or alleged prohibited conduct; expressing opposition to suspected or alleged prohibited conduct; testifying, assisting, participating (or not participating) in the grievance process related to a prohibited conduct allegation; or accessing the Office for Conflict Resolution. Examples of adverse action 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, intimidating, coercing, marginalizing, or discriminating against an individual; and
- charging an individual for code of conduct violations that do not involve sex discrimination or prohibited conduct, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of prohibited conduct.

Good faith participation means: 1) reporting or expressing opposition to prohibited conduct based on a reasonable belief that prohibited conduct has occurred, or 2) honestly participating in an investigation of prohibited conduct or accessing conflict resolution services.

For more information on retaliation, see FAQ: [Retaliation in Sexual Harassment, Sexual Assault, Stalking and Relationship Violence Cases.](#)

Respondent

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

Sexual assault

Sexual assault is: 1) actual or attempted sexual contact without affirmative consent; or 2) a threat to engage in contact that would be, if the threat were carried out, sexual contact without affirmative consent.

Sexual contact is intentional sexual touching with an object or body part. Depending on the context, it may include, but is not limited to: (i) intentionally touching the breasts, buttocks, groin or genitals of another individual; (ii) intentionally touching another individual with any of these body parts; and (iii) 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.

Affirmative consent is freely and affirmatively communicated words or actions given by an informed individual that a sober reasonable person under the circumstances would believe communicate a willingness to participate in the sexual contact. The following factors will be considered when determining whether affirmative consent was given.

- Each individual who wishes to engage in sexual contact is responsible for obtaining consent from the other individual or individuals who intend to be involved in the sexual contact.
- A lack of protest, the absence of resistance, and silence do not by themselves 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. Where there is confusion about the state of consent, sexual contact must stop until the individuals have verified the affirmative consent of all individuals involved.
- 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 coercion. Coercion may consist of physical force, intimidation, threats, or 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 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).
- 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.
- Sexual intercourse occurs with an individual who is not of legal age to give consent pursuant to Minnesota state law.
- Sexual intercourse occurs between parties who are related to each other within the degrees wherein marriage is prohibited by Minnesota state law.
- a. **Title IX sexual assault** is a subset of sexual assault that occurs in the United States and: 1) on campus; 2) as part of the University's operations; 3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or 4) in buildings owned or controlled by a student organization that is officially recognized by the University. Title IX sexual assault occurs when there is actual or attempted:
 - penetration, no matter how slight, of the vagina or anus with any body part or object without affirmative consent;
 - oral penetration by a sex organ of another person without affirmative consent; or
 - the touching of the private body parts of another person without affirmative consent and for the purpose of sexual gratification.

Sexual assault will be designated Title IX sexual assault by the campus Title IX office if it meets the above definition and the complainant is participating or attempting to participate in a University education program or activity at the time the complainant files a formal complaint, or if it meets the above definition and the Title IX Coordinator signs a formal complaint.

Sexual harassment

- **Quid pro quo sexual harassment** occurs when a University member conditions the provision of a University aid, benefit, or service on an individual's participation in sexual conduct.
- **Hostile environment sexual harassment** occurs when unwelcome conduct on the basis of sex, gender, pregnancy or related conditions, gender identity, gender expression, or sexual orientation is severe, persistent or pervasive and:
 - unreasonably interferes with an individual's employment or educational performance,
 - creates a work or educational environment that an individual finds, and a reasonable person would find, to be intimidating, hostile or offensive, or
 - effectively denies an individual equal access to a University program or activity.
- **Title IX sexual harassment** is a subset of sexual harassment that occurs in the United States and: 1) on campus; 2) as part of the University's operations; 3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or 4) in buildings owned or controlled by a student organization that is officially recognized by the University. Title IX sexual harassment occurs when:
 - a University employee conditions the provision of a University aid, benefit, or service on an individual's participation in unwelcome sexual conduct; or
 - unwelcome conduct on the basis of sex or pregnancy or related conditions (not including conduct on the basis of gender, gender identity, gender expression, or sexual orientation) is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

Sexual harassment does not include adverse actions based on sex, gender, pregnancy or related conditions, gender identity, gender expression and sexual orientation. Adverse actions include: 1) actions that adversely affect a term or condition of an individual's employment or education; and 2) denials of reasonable accommodations for an individual's pregnancy, childbirth, lactation, or related medical conditions. Reports of adverse actions based on sex, gender, pregnancy, gender identity, gender expression and sexual orientation will be addressed pursuant to the University's processes for responding to reports of discrimination and related retaliation.

The determination of whether conduct is unwelcome is made according to a subjective standard. In other words, the determination is made based on whether the complainant viewed the conduct as unwelcome. This subjective standard reflects understanding that an individual may submit to or participate in sexual conduct with an individual with greater power (e.g., an advisor, supervisor, instructor) because the subordinate individual fears potential negative repercussions if they refuse, and not because they welcome the conduct.

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 lead to a decision that a respondent engaged in one or more of the above-described forms of 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.
- A pattern of disparaging comments or jokes about certain genders or based on gender stereotypes.

- 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 of or about another person; (3) observation or recording of sexual activity or nudity where there is a reasonable expectation of privacy; and (4) knowingly transmitting sexual infections or diseases without the other person's knowledge.

Stalking

Stalking is a course of conduct directed at a specific individual that would cause a reasonable person to: 1) fear for their safety or the safety of others; or 2) suffer substantial emotional distress. A course of conduct is multiple 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. In determining whether an individual has engaged in a course of conduct, consideration is given to the number of acts, their level of severity, and the time period in which they occur.

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.

- a. **Title IX stalking** is a subset of stalking that occurs in the United States and: 1) on campus; 2) as part of the University's operations; 3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or 4) in buildings owned or controlled by a student organization that is officially recognized by the University.

Stalking will be designated Title IX stalking by the campus Title IX office if it meets the above definition and the complainant is participating or attempting to participate in a University education program or activity at the time the complainant files a formal complaint, or if it meets the above definition and the Title IX Coordinator signs a formal complaint.

Title IX-based prohibited conduct

Title IX-based prohibited conduct is a subset of prohibited conduct that includes Title IX sexual assault, Title IX sexual harassment, Title IX stalking, and Title IX relationship violence. Any prohibited conduct alleged in a formal complaint that can be designated as Title IX-based prohibited conduct, will be so designated by the campus Title IX office. In some cases, this policy calls for specific procedures that apply only to Title IX-based prohibited conduct. If conduct is designated as Title IX-based prohibited conduct, those specific procedures must apply.

University Employees

University employees include the following individuals:

- a. all individuals defined as employees by Board of Regents Policy: *Employee Group Definitions*, including:
 - a. faculty,
 - b. academic professionals,
 - c. academic administrators,
 - d. professionals in training (including postdoctoral associates),
 - e. civil service staff,
 - f. union-represented staff,
 - g. graduate assistants, and
 - h. student employees

- b. post-doctoral fellows;
- c. temporary employees; and
- d. third parties serving in instructional roles at the University.

University Property

University property includes any building or property that is owned or controlled by the University and is used by the University in direct support of, or in a manner related to, the University's educational purposes.

Responsibilities

Appellate Officer

Decides appeals of: 1) decisions to designate the alleged conduct as Title IX-based prohibited conduct or to not make that designation; 2) decisions to not initiate a grievance process, despite a complainant's request for a grievance process, because the alleged conduct, if substantiated, would not constitute prohibited conduct under the policy; 3) decisions to dismiss a formal complaint as set forth in Section VI.H.; and 4) Written Determinations.

Counseling Services Offices

Provide counseling services and referrals.

Campus Title IX Offices

Respond to reports of prohibited conduct through informal problem-solving or grievance processes.

Health Care Services

Provide health care and counseling, and referrals.

Human Resources

Assist in responding to alleged prohibited conduct committed by employees.

Police Departments

- Investigate reports 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

- Offer informal resolutions, as appropriate, where the campus Title IX office has recommended a finding on responsibility in a prohibited conduct case involving a student respondent.
- Implement disciplinary sanctions in prohibited conduct cases involving student respondents.

University Authority

- Offers informal resolutions.
- Decides upon and implements responsive action.

Victim/Survivor Services

- Maintain all contacts and reports as strictly confidential.
- Provide crisis intervention and advocacy.
- Assist complainant in contacting police and/or reporting to other University offices, if the complainant consents (some can assist in obtaining restraining orders).
- Assist complainant 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 Harassment, Sexual Assault, Stalking and Relationship Violence*
- Board of Regents Policy: *Employee Group Definitions*
- Board of Regents Policy: *Faculty Tenure*
- Administrative Policy: *Retaliation*
- Administrative Policy: *Graduate Assistant Employment*
- Administrative Policy: *Conflict Resolution for Faculty, P&A, Civil Service, and Student Workers*
- Contracts and Governing Documents:
 - *Civil Service Employment Rules*

- *All Collective Bargaining Contracts*
- *Academic Professional and Administrative employee policies and procedures*
- *Previous policy version and associated documents* for matters reported prior to January 1st 2018

History

Amended

October 2021 -

Changes were made to align our policy with the Title IX Regulations and Campus Save Act, Guidance from Office of Civil Rights, and recent court decisions. In addition, changes were made to improve the informal resolution process.

In addition, changes were made to improve the informal resolution process.

Amended

December 2020 - updated Privacy and Security in Statement.

Amended

August 2020 – Revised to comply with new federal Title IX regulations. This revised policy applies to reports received by the campus Title IX office on or after August 14, 2020, except that definitions from the policy in place at the time the alleged prohibited conduct occurred will be used to make the decision on responsibility.

Effective

January 2018 - New policy: 1. Consolidates information from two current administrative policies: Sexual Harassment, and Sexual Assault, Stalking and Relationship Violence. 2. Provides a detailed description as to how the University responds to sexual misconduct reports. 3. Incorporates the new standard language on retaliation. 4. Broadens employee's obligation to report sexual misconduct.