

## Mitchell Hamline School of Law Security Department

### Campus Security Report 2017

The Following Information Is Provided Pursuant to the Student Right to Know and Campus Security Act.

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#### 1. EMERGENCY PHONE NUMBERS

911 (4911)	Fire/Medical/Police
651-290-6330	Security desk
651-224-8763	Security telephone interconnect
651-227-9171	Campus switchboard

#### 2. MISSION STATEMENT

The mission of the security department of Mitchell Hamline School of Law is to provide a safe and secure environment for all members of the community which enables students, faculty, staff and visitors to pursue their educational or occupational goals.

#### 3. CAMPUS SECURITY

Mitchell Hamline encourages all students and the law school community to be fully aware of the safety issues on the campus and to take action to prevent and to report illegal and inappropriate activities. Personal awareness and applying personal safety practices are the foundation of a safe community.

Pursuant to the Student Right to Know and campus Security Act, Mitchell Hamline monitors and records incidents of criminal activity and publishes this report including a three-year statistical history on the campus. This includes Mitchell Hamline's monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the law school and that are engaged in by students

attending the law school, including those student organizations with off-campus housing facilities. Please refer to Section 8 of this document for the crime statistics. A copy of the report is available upon request from the Dean of Students Office or Human Resources.

Additionally, the following links provide information on sex offender registration for the State of Minnesota: [www.doc.state.mn.us](http://www.doc.state.mn.us) and [www.dps.state.mn.us/bca](http://www.dps.state.mn.us/bca).

## 4. CRIME REPORTING PROCEDURES AND POLICIES

### A. REPORTING PROCEDURES

1. All criminal activity occurring on campus should be reported immediately to law school security at 651-290-6330 or 651-224-8763 and/or to the police. Everyone on campus (including students, faculty, staff and visitors) is encouraged to immediately report any potential criminal activity to campus security and/or the police. Security staff will assist the complainant in completing criminal reports. These reports will also be forwarded to the police. Reports will assist the police with investigations. Every effort should be made to ensure that physical evidence is maintained and protected. Immediate reports will assist in preserving evidence. Campus security works closely with the police and state, local, and federal law enforcement agencies.
2. Mitchell Hamline will accept third-party reports in certain cases in order to protect the victim's identity. Mitchell Hamline encourages that these reports be made promptly and accurately.
3. If you are a victim of crime or you witness a crime:
  - A. Preserve the crime scene. Do not touch any items involved in the incident. Close off the area of the incident and do not allow anyone in the crime area until campus security and/or the police arrive.
  - B. Maintain all physical evidence. Do not wash off or destroy what may be critical evidence.
  - C. Report as much detail as possible to ensure accurate reporting: If you are a victim of a crime, your immediate recall of the event is often the best. Write down as much information as you can remember after a crime. If you cannot identify the perpetrator by name, try to recall as many details as possible, including:
    1. gender
    2. approximate age
    3. height
    4. weight/build
    5. description of face, including eye color, hair color/hair style
    6. dress/clothing
    7. facial hair
    8. glasses
    9. distinguishing marks and gait, including scars ☐ voice

- D. Attempt to obtain a description and license number of any vehicle involved. Note the direction taken by the offenders or vehicles and report those to campus security or the police
- E. Counselors are required to provide statistical information relating to crimes on campus but may continue to honor the confidentiality of victims.
- F. All employees, faculty or staff who become aware of an allegation of violation of law school policy, student code of conduct, civil or criminal law should report the allegation to their supervisor and campus security.
- G. All persons in the Mitchell Hamline community are encouraged to assist anyone in reporting alleged criminal activity by contacting campus security and/or police, as well as providing assistance in making the report.

#### ***B. LAW SCHOOL RESPONSE TO CRIMES***

- 1. Regardless of whether a victim chooses to report a crime to campus security or local law enforcement, Mitchell Hamline will, if appropriate, provide the victim with options for, and available assistance in, changing academic, living, transportation, and working situations if requested and if reasonably available.
- 2. All allegations will be investigated. These investigations may be made in conjunction with the police.
- 3. Reports will be classified by the Director of Facilities in conjunction with the appropriate police agency according to the FBI Uniform Crime Reporting Definitions.
- 4. When alleged perpetrators are identified as students, the case will be forwarded to the Dean of Students for investigation and appropriate action.
- 5. The law school will issue a timely warning to members of the campus community in cases of reported murder, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft and any hate crimes (manifesting evidence of prejudice based on race, religion, sexual orientation or ethnicity) of murder, forcible rape or aggravated assault.

#### ***C. CRIME REPORTING POLICY***

- 1. Mitchell Hamline will issue annually a consolidated report of crimes reported to the security office and other law enforcement agencies for property or facilities. The annual report includes reported crimes alleged to have occurred on the campus and facilities owned by Mitchell Hamline and/or recognized student organizations. It includes burglary, hate crimes, sex offenses, drug, alcohol and weapon violations, domestic violence, dating violence, and stalking incidents.
- 2. The Director of Facilities serves as the primary liaison for campus security to all law enforcement agencies.

3. When reports are made to security personnel they will notify security management and/or law school administration.

## 5. SAFETY OF AND ACCESS TO CAMPUS FACILITIES

### A. PERSONAL SECURITY RECOMMENDATIONS

1. Security staff is available to assist you in protecting yourself by providing escorts. However, only you can protect yourself by being aware of your surroundings and taking appropriate steps to keep yourself safe.
2. Call for an escort! The security officer is available when the building is open. Escort services are available during evening classes. Contact the officer at the Summit Avenue front entrance or call 651-290-6330 or 651-224-8763.
3. Security staff is on duty when buildings are open.
4. Protect your office:
  - a. Lock your door and desk even if you are only going out for a short time or only going a short distance. It only takes seconds to walk into an open room and steal valuables.
  - b. Do not prop open locked exterior building doors. These doors are locked and alarmed for your protection and the protection of other community personnel.
  - c. Never open locked exterior doors of the building for strangers or non-residents. Always escort your guest to and from the main entrance doors.
5. Do not loan your keys to anyone. They may not be careful with them and may misplace them giving the wrong person access.
6. Do not leave your keys lying around in public places or in your jacket pocket when you are not wearing it.
7. Do not put your name or address on key rings as they may be used to steal your property if found by the wrong person.
8. Protect your automobile
  - a. Try to park your car in a well-lit area.
  - b. Avoid leaving property where it is visible.
9. Protect yourself when walking
  - a. Avoid walking alone after dark. If you must travel alone at night use the Mitchell Hamline escort service.
  - b. Refrain from taking shortcuts and walk where there is plenty of light and traffic.

- c. Be alert to your surroundings. If you suspect you are being followed, run in a different direction, go to the other side of the street and yell for help, or head quickly for a lighted area or a group of people.
- d. Have your keys ready when returning to your vehicle and keep your personal or valuable items concealed and close to your body.

10. Help us protect you

- a. Watch for suspicious persons in and around law school buildings and in parking lots. Do not pursue them. Call campus security immediately. Also call security if you should enter your office and find a stranger.
- b. Suspicious activity
  - i. If you see any suspicious activity or people on or near campus call Mitchell Hamline security immediately at 651-290-6330 or 651-224-8763. Do not assume that what you observe is innocent activity or that it has already been reported.
  - ii. Do not assume the person is a visitor or law school staff member that you have not seen before.
- c. Suspicious people may be
  - i. Loitering about at unusual hours and locations; running, especially if something of value is being carried.
  - ii. Exhibiting unusual mental or physical symptoms. Person(s) could be under the influence of drugs or otherwise needing medical or psychiatric assistance.
  - iii. Carrying property that might be suspicious, depending on the circumstances, going from room to room trying door handles.
- c. Door-to-door soliciting is not permitted in campus facilities. Violations of this rule should be reported to campus security immediately.
- d. Report all thefts and property loss immediately to campus security at 651-290-6330 or 651-224-8763.
- e. Be security conscious at all times.

***B. SECURITY CONSIDERATIONS OF CAMPUS FACILITIES***

1. Building access and maintenance.

- a. Mitchell Hamline campus is for the use of the students, faculty, staff and their escorted visitors or those on official business with the law school.

- b. Access to campus buildings is limited to normal business hours: Monday through Thursday, 7:00a.m.- midnight; Friday and Saturday, 7:00 a.m.-10:00 p.m. Building hours may be modified from time to time for specific reasons including exams, vacation periods and holidays. The community will be notified in advance of any modifications.
  - c. Students, faculty and staff are encouraged to report needed repairs to the facilities department.
- 2. Policies and procedures for safe access to buildings.
  - a. Keys are issued to authorized faculty, staff and students only.
  - b. Exterior building doors should not be blocked open when the doors are locked and alarmed.
  - c. Building evacuation is mandatory for all fire alarms.
  - d. In areas that have outside windows, employees should close and lock them before leaving the building.
  - e. Problems related to people in buildings after hours should immediately be reported to campus security at 651-290-6330 or 651-224-8763.

## 6. SECURITY EDUCATION AND PROGRAMS

Mitchell Hamline encourages students and staff/faculty to be responsible for their individual security and the security of others.

Mitchell Hamline, through its security department and office of student affairs is responsible for providing educational programs on crime prevention, personal safety and the awareness of dating violence, domestic violence, sexual assault, and stalking. The Mitchell Hamline counseling center is available for students.

A full description of the educational programs is included in sub-section XIV under Part 6 of this report (see, PROGRAMS DESIGNED TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING)

## 7. DRUG FREE CAMPUS

While on campus premises, all faculty, staff, students and visitors may not use, possess, manufacture, distribute, dispense, or be under the influence of alcohol or illegal drugs. The Vice President of Finance may approve the use of alcohol for a law school sponsored event.

If a person is in violation of this policy, the police may be called to assist. A copy of the full policy is available in Human Resources.

## 8. SEXUAL HARASSMENT, HARASSMENT AND DISCRIMINATION, AND SEXUAL VIOLENCE POLICY

Mitchell Hamline publishes two policies, one for students and one for employees. The [student policy](#) appears on the law school website and is reprinted below. The employee policy is distributed to each employee annually, is available through Human Resources, and is also reprinted below.

## *A. STUDENT POLICY*

It is the policy of the Mitchell Hamline Law school of Law ("law school") to maintain a learning environment that is free from sexual harassment (see note 1 below), sexual intimidation, sexual exploitation, harassment, discrimination or sexual violence based on actual or perceived race, color, creed, religion, national origin, sex/gender (see note 2 below), gender identity, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age, family care leave status or veteran status or any other protected class defined by law. The law school prohibits any form of harassment, violence or discrimination based on actual or perceived protected class status. The law school is committed to properly investigating and addressing incidents of sexual misconduct. Retaliation against a person who reports or complains about sexual harassment, harassment, discrimination, or sexual violence or who participates in or supports the investigation of a complaint is also prohibited and will not be tolerated.

In addition, Mitchell Hamline also prohibits dating violence, domestic violence, sexual assault, and stalking.

It is a violation of this policy for any student, faculty member or staff member to: (1) harass a student through conduct or communication (e.g., physical, verbal, graphic or written); or to (2) discriminate against a student based on that individual's actual or perceived protected class status; or to (3) inflict, threaten to inflict or attempt to inflict violence against a student.

This policy applies to all of the academic and nonacademic (extracurricular) programs of the law school and will be enforced on law school property, including the law school-hosted social functions, or events sponsored by the law school but held at other locations. The policy also applies to conduct that occurs in certain circumstances as defined in this policy in a non-campus building or on non-campus property or on public property. The policy also applies to any off-campus conduct that causes or threatens to cause a substantial and material disruption at the law school, or interferes with the rights of students to be free from a hostile learning environment taking into consideration the totality of the circumstances on and off campus.

The law school will investigate all complaints of sexual harassment, harassment, discrimination, or sexual violence—whether formal or informal, verbal or written—based on a student's actual or perceived protected class status, and will discipline or take appropriate action against any student who is found to have violated this policy. Follow-up will be provided for the complainant and respondents of sexual harassment, harassment, discrimination, or sexual violence. The law school will investigate and, when appropriate, will conduct prompt, fair, and impartial investigation proceedings for complaints of dating violence, domestic violence, sexual assault, and stalking.

Online Reporting - Students, faculty, or staff who wish to report an incident of sexual misconduct including sexual assault, dating violence, domestic violence, stalking, or sexual harassment may do so through this [online form](#). Reports may be made anonymously; however, such reports may not lead to an investigation, or if an investigation is commenced, it will be based on information reported and may limit action taken. All reports will be forwarded to the Title IX Coordinator.

Any student who needs a reasonable accommodation to be able to make or respond to a complaint, or engage in any other activity detailed in this Policy, should contact the law school's Title IX Coordinator (Christine Szaj) or Human Resources Manager (Andrea Bien) to confidentially request an accommodation.

(Note 1) Title IX as well as other laws require that the law school not discriminate on the basis of sex in the law school's education programs and activities as well as employment. Inquiries regarding the application of Title IX may be made to the Title IX coordinator identified in Section II below.

(Note 2) Id.

## **I. DEFINITIONS**

All crimes detailed in this Policy can occur between different sexes or same sex individuals.

A. Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of education, or
2. Submission to or rejection of such conduct is used as a basis for educational decisions affecting the individual, or
3. Such conduct unreasonably interferes with an individual's educational performance, or creates an intimidating, hostile or offensive educational environment.

Some examples of conduct that may constitute sexual harassment include the following:

1. Repeated and unwelcome suggestions regarding, or invitations to, social engagements or social events; or
2. Any indication, express or implied, that any aspect of academic progress or personal safety depends or may depend on the granting of sexual favors or on a willingness to accept or tolerate conduct or communication of a sexual nature; or
3. Unwelcome or coerced physical proximity or physical contact which is of a sexual nature or sexually motivated; or
4. The deliberate use of offensive or demeaning terms which have a sexual connotation; or



5. The deliberate creation of an intimidating, hostile or offensive atmosphere, through conduct or communication of a sexual nature; or

6. Inappropriate remarks of a sexual nature.

B. Discrimination occurs when an individual is treated adversely or differently because of that person's race, color, creed, religion, sex, age, national origin, disability, marital status, familial status, sexual orientation, status with regard to public assistance, membership or activity in a local commission, or any other protected class status defined by applicable law. Harassment includes conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, creed, religion, sex, age, national origin, disability, marital status, sexual orientation, status with regard to public assistance, membership or activity in a local commission, or any other protected class status defined by applicable law and that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive educational environment; or
2. Has the purpose or effect of unreasonably interfering with an individual's educational performance; or
3. Otherwise adversely affects an individual's educational opportunities, including academic, extracurricular, and other programs of the law school.

Some examples of conduct that may constitute discrimination or harassment include the following:

1. Treating an individual differently in any other respect because of protected class status; or
2. Using epithets, slurs, threatening or intimidating acts, including written or graphic material directed to an individual because of protected class status; or
3. Written, verbal or physical acts directed to an individual because of protected class status that purport to be jokes or pranks.

C. Sexual violence is defined as a violation of Minnesota Criminal Sexual Conduct Statutes and may include a range of sexual conduct, including but not limited to acquaintance rape, or other forcible or non-forcible sex offenses. In general, sexual violence means sexual contact achieved without consent or with the use of physical force, coercion, deception, threat, and/or the victim is mentally incapacitated or impaired, physically impaired (due to the influence of drugs or alcohol), or asleep or unconscious.

D. Sexual Assault is an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Some examples of forcible sexual offenses include:

- **Forcible Rape:** The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
- **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against that person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Sexual Assault with an Object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against this person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Some examples of non-forcible sexual offenses include:

- **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

In addition, sexual assault means the attempt to engage in any of the above-listed forcible and non-forcible sexual offenses.

E. Sexual Exploitation is taking non-consensual sexual advantage of another person. For example, sexual exploitation includes taking non-consensual video and/or audio recordings, photographs, or images of an individual while that individual is engaged in intimate or sexual utterances, sounds, or activities; voyeurism; or distributing intimate or sexual information about a person without his or her consent.

F. Sexual Intimidation involves threatening another person that you will commit a sex act against them; engaging in indecent exposure; or stalking another person who reasonably perceives the stalker is pursuing a romantic and/or sexual relationship. Stalking is further defined below.

G. Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

H. Domestic Violence is defined as any of the following, if committed against a family or household member by a family or household member: (1) physical harm, bodily injury or assault; (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or (3) terroristic threats, criminal sexual conduct, or interference with an emergency call.

I. Stalking means to engage in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.

J. Consent means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act. Past consent does not imply future consent. A person who is mentally incapacitated or physically helpless, as defined by Minnesota law, cannot consent to a sexual act. Corroboration of the victim's testimony is not required to show lack of consent. Consent can be withdrawn at any time.

K. Campus means any building or property owned or controlled by the law school within the same reasonably contiguous geographic area of the law school and used by the law school in direct support of, or in a manner related to, the law school's educational purposes, and property within the same reasonably contiguous geographic area of the law school that is owned by the law school but controlled by another person, is used by students, and supports Law school purposes (such as a food or other retail vendor).

L. Non-campus Building or Property means any building or property owned or controlled by a student organization recognized by the law school; and any building or property (other than a branch campus) owned or controlled by the law school that is used in direct support of, or in relation to, the law school's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the law school.

M. Public Property means all public property that is within the same reasonably contiguous geographic area of the law school, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the law school if the facility is used by the law school in direct support of, or in a manner related to the law school's educational purposes.

## **II. REPORTING PROCEDURES FOR INCIDENTS OF SEXUAL HARASSMENT, HARASSMENT, AND/OR DISCRIMINATION (please see Section III for reporting Sexual Violence)**

A. If a student believes that he or she has been subject to sexual harassment, harassment or discrimination by another student, faculty member, staff member or any other person whom the student encounters in the course of education, he or she may report the conduct as set out below. If a student observes sexual harassment, harassment, or discrimination he or she may report the conduct to any of the following administrators:

- Christine Szaj, Title IX Coordinator and Vice President Community Relations and Operations, (651)290-6362;
- Lynn LeMoine, Assistant Title IX Coordinator; Dean of Student Affairs and Student Life, (651)290-7668/office; (651)447-8839/cell
- Andrea Bien, Director of Resources, (651)290-6322
- Any Associate Dean
- Mark Gordon, President and Dean, (651)290-6310

Any law school employee who receives a report or complaint of sexual harassment, harassment, or discrimination regarding a student is required to immediately report it to the Title IX Coordinator. If complaints are made to anyone else, the complainant risks the possibility that it will not come to the attention of the appropriate management, and therefore not be acted upon.

The student also has the right to decline to notify any authorities. As necessary, the law school reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim or complainant.

B. If a student believes that he or she has been a victim of a forcible or non-forcible sex offense, including dating violence, domestic violence, sexual assault, or stalking, on campus, and in certain circumstances as defined in this policy in or on non-campus buildings or property, or on public property, he or she should, if desired, report the incident to the law school as outlined in section II. A. or local police agencies.

C. If a student believes that he or she has been a victim of the criminal offenses of larceny- theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and/or any other crime involving bodily injury to any person, in which the victim believes he or she was selected because of his or her actual or perceived gender, sexual orientation, or gender identity, he or she should, if desired, report the incident to the law school as outlined in section II. A. or local police agencies.

D. The willful filing of a false report will be considered to be a violation of Law school policy.

E. Although confidentiality cannot be assured, the law school will respect the confidentiality of the alleged complainant, the reporter (if someone other than the alleged complainant), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the law school's obligations to investigate, to take appropriate action, to publish recordkeeping, and to comply with any legal obligations.

### **III. REPORTING PROCEDURES FOR INCIDENTS OF SEXUAL VIOLENCE**

#### **A. Reporting Complaints**

1. We encourage victims of sexual violence to seek immediate medical and emotional assistance, including treatment for injuries and preventative treatment for sexually transmitted diseases. Assistance is available by calling 911, the Saint Paul Police (651-291-1111), Mitchell Hamline Campus Security (651-290-6330 or 651-224-

8763), and/or Regions Hospital (651-254-5000). Medical treatment, including rape kits, may help victims preserve evidence of sexual violence and misconduct. Law school security staff responding to an incident of sexual violence will inform the victim of his or her options to notify law enforcement authorities, seek medical assistance, and the law school's reporting process; and security staff will assist the victim with these contacts if the victim requests such assistance.

It is important for victims to preserve any evidence resulting from a sexual violence which would be needed for criminal prosecution. Campus security will provide assistance in preserving materials considered relevant to the internal complaint process and, when requested by the police, provide assistance in obtaining, securing and maintaining evidence needed for criminal prosecution.

The victim may report to the police, to the law school, or both. The law school recognizes that the decision to report sexual violence to the police is the right of the victim. However, the law school strongly encourages the immediate reporting of sexual violence to the following:

- Christine Szaj, Title IX Coordinator and Vice President, Community Relations and Operations, (651)290-6362;
- Lynn LeMoine, Assistant Title IX Coordinator; Dean of Student Affairs and Student Life, (651)290-7668/office; (651)447-8839/cell
- Andrea Bien, Director of Human Resources, (651)290-6322
- Any Associate Dean
- Mark Gordon, President and Dean, ((651)290-6310

Any law school employee who receives a report or complaint of sexual harassment, harassment, or discrimination regarding a student is required to immediately report it to the Title IX Coordinator. If complaints are made to anyone else, the complainant risks the possibility that it will not come to the attention of the appropriate management, and therefore not be acted upon.

Online reporting - Students, faculty, or staff may elect to report an incident of sexual misconduct including sexual assault, dating violence, domestic violence, stalking, or sexual harassment through this [online form](#). Reports may be made anonymously; however, such reports may not lead to an investigation, or if an investigation is commenced, it will be based on information reported and may limit action taken. All reports will be forwarded to the Title IX Coordinator.

2. If a student reports to the law school that the student has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, the law school will provide the student with a written explanation of the student's rights and options.

3. When applicable, the law school will notify the victim of his or her rights and the law school's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court (see Resources Section below).

4. Although confidentiality cannot be assured, investigations will be conducted with sensitivity to confidential issues and investigative information will be communicated as appropriate to those with a need to know.
5. If the sexual violence reoccurs, it should immediately be reported to any of the individuals listed above. The Reporting Procedure described above should also be used if a student believes he or she has been subjected to prohibited retaliation or intimidation.
6. In some cases, unless prohibited by law, an individual may pursue criminal action and a Law school internal complaint concurrently. In certain circumstances, the law school is prohibited from waiting for a criminal case to conclude before proceeding in its own internal investigation.
7. Pursuant to the law, the law school will collect, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing, among other things, information relating to the campus crime statistics of the law school and statistics concerning the occurrence on campus, in or on non-campus buildings or property, and on public property all criminal offenses reported to campus security authorities related, among other things, to forcible or non-forcible sex offenses, dating violence, domestic violence, sexual assault, and stalking.

## B. Resources

Victims may wish to utilize the following services:

### Confidential Law School Resources:

Counseling Services (651) 290-8656 -- Counseling services are offered on a consistent basis and are a valuable on-campus resource for ongoing support during a Law school disciplinary proceeding or criminal process.

### Off Campus Resources:

- Local Police
  - 9-1-1
  - Non-Emergency Number (651) 291-1111
- Ramsey County Sexual Offense Services (651) 643-3006 - Please Note: This is a 24-hour crisis line.
- Lawyers Concerned for Lawyers (651) 646-5590 or 1-866-525-6466
- Minnesota Coalition Against Sexual Assault (651) 209-9993
- Minnesota Office of Justice, Crime Victim Services (800) 247-0390 (extension 3 for information and referral)
- National Domestic Violence Hotline (800) 799-SAFE (7233)
- National Sexual Assault Hotline (800) 656- HOPE (4673)

### County Resources regarding orders of protection, no contact order, or restraining orders:

- Ramsey County Domestic Abuse and Harassment Office (651) 266-5130
- Hennepin County Domestic Abuse Service Center (612) 348-5073

#### IV. INVESTIGATION

A. Upon receipt of a report or complaint, the law school will promptly undertake or authorize a fair and impartial investigation. The investigation may be conducted by (a) the Dean or the Dean's designee(s), or (b) a "consultant" who is not an employee of the law school, but who is retained by the law school for the purpose of conducting an investigation, or (c) a combination of the above. If the allegation is one of domestic violence, dating violence, sexual assault, or stalking, the investigation and disciplinary proceeding will be conducted by an official who receives annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct a prompt, fair, and impartial investigation proceeding that protects the safety of victims and promotes accountability.

B. The investigation will generally be completed within 60 calendar days from receipt of the complaint. If the investigation proceeding will be delayed, the law school will provide the participants with notice of the delay and the reason for the delay.

C. The investigation may, as appropriate, consist of personal interviews with the alleged complainant, the reporter (if someone other than the alleged complainant), the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

D. If the investigation is based on an allegation of domestic violence, dating violence, sexual assault, or stalking, the Complainant and the Respondent are entitled to the same opportunities to have others present during a Law school disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.

E. In determining whether alleged conduct constitutes a violation of this policy, the law school may consider the facts and surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances using a preponderance of the evidence (i.e., more likely than not) standard to evaluate complaints. During the investigation, the law school will never consider evidence about the complainant's prior sexual conduct with anyone other than the alleged perpetrator.

F. The law school, at its discretion, may take immediate steps, based on the severity of the allegations, to protect the parties involved in the complaint process pending completion of an investigation.

G. To ensure the law school can gather the information necessary to uphold Law school policies, each faculty, staff, or student who is requested to participate in a fact finding is required to fully cooperate with the investigator. Unless otherwise directed by the investigator, faculty, students, or staff will be expected to limit their discussion of the matter under investigation to those who need to know the information for the purposes of assisting in the resolution of the complaint. Nothing in this paragraph is intended to limit or restrict in any

way a complainant from contacting at any time the police or governmental agencies responsible for the enforcement of any applicable laws.

H. The Complainant and the Respondent will be simultaneously notified of any change to the results of the investigation that occurs prior to the time that the results become final.

## **V. ACTION by MITCHELL HAMLINE**

A. Upon completion of the investigation, the investigator will make a report to the Dean. If the complaint involves the Dean, the report must be filed directly with the Board of Trustees.

B. Upon completion of the investigation, the Dean or Dean's designee will simultaneously inform the alleged complainant and respondent of the results of the investigation. If the investigation was the result of an allegation of domestic violence, dating violence, sexual assault, or stalking, the report will be made in writing and the sanctions, if any, will be detailed and the rationale for the decision will be given.

C. If a complaint is substantiated, the law school will take appropriate and effective action depending on the circumstances. Such action may include, but is not limited to, training, counseling, suspension, expulsion, or other appropriate action.

D. In appropriate situations, the law school will provide written notifications to victims about options for, and available assistance in, changing academic, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to Law school administration or local law enforcement.

E. Pursuant to applicable law, the law school will make timely reports to the campus community on certain crimes considered to be a threat to other students and employees, including forcible and nonforcible sex offenses that are reported to campus security or local law police agencies. These reports will be provided to students and employees in a timely manner, will withhold the name(s) of the victim(s) as confidential, and will aid in the prevention of similar occurrences.

F. In accordance with applicable law, the law school retains the right to issue possible sanctions or engage in protective measures following a final determination of a Law school disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking. The law school reserves the right to issue any of the following sanctions in any order in these circumstances depending on the facts:

- No-contact directive
- Restriction of privileges
- Probation
- Written Warning
- Suspension
- Expulsion



## **VI. APPEALS**

If the Complainant or Respondent is dissatisfied with the determinations made under this policy, that person may file an appeal. The Appeal should be filed in writing with the Title IX Coordinator within 5 business days of being notified of the results of the investigation. The Appeal should set forth the grounds on which the Appeal is being filed and all of the facts and arguments in support of the Appeal. A delay in filing the Appeal may be grounds for rejection of that Appeal. The Appeal will be forwarded to the investigators who may attempt to resolve the matter informally, or it may be referred to the Chair of the Code Committee to resolve the matter. Before an Appeal is determined, the Respondent may be given the opportunity to review the Appeal and, should he or she wish, to submit a written opposition to the Appeal. The Appeal review should be completed with 10 business days of receipt of the Appeal, or, when applicable, receipt of written opposition.

The ONLY grounds for appeal are as follows:

- A procedural error occurred that significantly impacted the outcome of the investigation. A summary of the error and its potential impact must be included;
- To consider new evidence, unavailable during the original investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
- The sanctions imposed are substantially disproportionate to the severity of the violation.

The law school will simultaneously notify the Appellant and Respondent of its decision. The Appeal decision is final.

## **VII. LAW SCHOOL REPORTING OBLIGATIONS**

Victims of sex discrimination should also be aware that, under the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), Law school administrators must issue timely warnings to students and employees for certain types of incidents reported to them that pose a substantial threat of bodily harm or danger to members of the law school community. The law school will make every effort to ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

The law school is required by federal law to report statistics regarding incidents of sexual violence. Annually, the law school reports such statistics to students, faculty, and staff.

## **VIII. COOPERATION WITH LAW ENFORCEMENT**

The law school will comply with law enforcement’s request for cooperation and such cooperation may require the law school to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency gathers evidence. The law school will promptly resume its Title IX investigation as soon as

notified by the law enforcement agency that it has completed the evidence gathering process, which typically takes three to ten calendar days, although the delay in the law school's investigation could be longer in certain instances.

The law school will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the campus community and the avoidance of retaliation.

When appropriate or legally obligated, the law school may share investigative information with the law enforcement.

## **IX. ATTEMPTED VIOLATIONS**

In most circumstances, the law school will treat attempts to commit any of the violations listed in this policy as if those attempts had been completed.

## **X. NO REPRISAL**

There will be no retaliation against any complainant or reporter of sexual harassment, harassment, discrimination, or sexual violence under this policy, nor against any person who participates in an investigation. The law school will take appropriate action against any student who retaliates against any person who makes a good-faith report, who testifies, assists or participates in an investigation, or who testifies, assists or participates in a process relating to the report. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. In addition, neither the law school, nor any officer, employee, or agent of the law school may retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights to avail themselves of the law school's grievance procedures.

## **XI. CONFLICT OF INTEREST**

If there is a conflict of interest with respect to any party affected by this policy, appropriate accommodations will be made, such as, but not limited to, appointing or contracting with a Consultant to conduct the investigation, or recusing the person from the process for whom a conflict or potential conflict of interest exists.

## **XII. ALTERNATIVE COMPLAINT PROCEDURES**

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include, but is not limited to, filing a charge with the United States Department of Education Office for Civil Rights (OCR).

The OCR office for Minnesota is located at:

U.S. Department of Education Office for Civil Rights Citigroup Center

500 W. Madison Street, Suite 1475  
Chicago IL 60661-4544

Tel: 312.730.1560  
TDD: 877.521.2172

Email: OCR.Chicago@ed.gov

### **XIII. WAIVER OF DRUG/ALCOHOL VIOLATIONS**

The law school strongly encourages students to report instances of sexual harassment, sexual misconduct, dating or domestic violence or stalking. As such, students who report such information will not be disciplined by the law school for any violation of its drug and alcohol policies in which they might have engaged in connection with the reported incident.

### **XIV. PROGRAMS DESIGNED TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

Pursuant to the Clery Act, the law school has designed and implemented programs meant to prevent domestic violence, dating violence, sexual assault, and stalking. Notably, the law school has created education programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. These education programs include primary prevention and awareness programs for all incoming students and new faculty, adjunct faculty, and staff. In these programs, participants will:

1. Be provided a statement that the law school prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;
2. Receive documentation with the definitions of domestic violence, dating violence, sexual assault, stalking, and consent;
3. Learn safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual to encourage bystanders to intervene and to overcome any barriers to intervening;
4. Receive information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
5. Learn the possible sanctions or protective measures that the law school may impose following a final determination of a Law school disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking;

6. Be informed regarding the procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including receiving information in writing about

- The importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order;
- To whom the alleged offense should be reported;
- Options regarding law enforcement and campus authorities, including notification of the victim's option to notify proper law enforcement authorities, including on-campus officials and local police; be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and decline to notify such authorities;

7. Be notified that, when applicable, victims have rights and the law school has responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court;

8. Learn procedures for Law school disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, which shall include a clear statement that the proceedings will provide a prompt, fair, and impartial investigation and resolution; and will be conducted by officials who receive annual training on the issues related to these crimes and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;

9. Be notified of the fact that the Complainant and Respondent are entitled to the same opportunities to have others present during a Law school disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice;

10. Be notified that both the Complainant and Respondent shall be simultaneously informed, in writing, of – the outcome of any Law school disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking; the law school's procedures for the accused and the victim to appeal the results of the law school disciplinary proceeding; of any change to the results that occurs prior to the time that such results become final; and when such results become final;

11. Obtain information about how the law school will protect the confidentiality of Complainants, including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about the Complainant, to the extent permissible by law;

12. Receive written notification about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community; and

13. Receive written notification of Complainants' options for, and available assistance in, changing academic, transportation, and working situations, if so requested by the Complainant and if such accommodations are

reasonably available, regardless of whether the Complainant chooses to report the crime to campus officials or local law enforcement.

14. The law school will also offer ongoing prevention and awareness campaigns for students and faculty, adjunct faculty, and staff and will provide attendees with, at minimum, the same information listed above. These campaign programs will occur on a regular basis and no less frequently than once per year.

## **XV. QUESTIONS**

Please direct any questions to:

- Christine Szaj, Title IX Coordinator and Vice President, Community Relations and Operations ([christine.szaj@mitchellhamline.edu](mailto:christine.szaj@mitchellhamline.edu));
- Lynn LeMoine, Assistant Title IX Coordinator and Dean of Student Affairs and Student Life ([lynn.lemoine@mitchellhamline.edu](mailto:lynn.lemoine@mitchellhamline.edu)); or
- Andrea Bien, Director of Human Resources ([andrea.bien@mitchellhamline.edu](mailto:andrea.bien@mitchellhamline.edu))

*September 2016*

### STATEMENT OF THE RIGHTS OF THE ALLEGED VICTIM:

- The right to choose to report an incident to law school officials and the option to notify local law enforcement. This also includes the right not to report, if this is the victim's desire;
- The right to a prompt, fair, and impartial investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to law school administrators;
- The right to be notified of the timeframes for all major stages of the investigation;
- The right to present witnesses and evidence;
- In instances of reports of domestic violence, dating violence, sexual assault, or stalking, the right to have another person present (in a support or advisory role) during all phases of the investigation;
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community;
- The right to notification of and options for, and available assistance in, changing classes after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available. Accommodations may include:
  - Exam (paper, assignment) rescheduling;
  - Transferring class sections;
  - Alternative course completion options.
- The right to a campus no contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior;
- The right to a written notice of the outcome and, when applicable, resulting sanction of the investigation, generally within 24 hours of the decision. After a disciplinary proceeding involving an allegation of sexual assault, dating violence, domestic violence, or stalking, this right includes the right to be informed of the outcome in writing, including a summary of any sanctions and the rationale for the decision.

- The right to appeal (see note 3 below) the findings and sanction, in accordance with the standards for appeal established in this policy;
- The right to preservation of privacy, to the extent possible and allowed by law.

*(Note 3) Appeals are not intended to be full re-investigation of the complaint. In most cases, appeals are confined to a review of the written documentation and the appeal notice.*

#### STATEMENT OF THE ACCUSED INDIVIDUAL'S RIGHTS:

- The right to a prompt, fair, and impartial investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to law school administrators against the accused individual;
- The right to be notified of the timeframes for all major stages of the investigation;
- The right to present witnesses and evidence;
- In instances of reports of domestic violence, dating violence, sexual assault, or stalking, the right to have another person present (in a support or advisory role) during all phases of the investigation;
- The right to be informed of and have access to campus resources for counseling and advisory services;
- The right to appeal (see note 4 below) the findings and sanction, in accordance with the standards for appeal established in this policy;
- The right to a decision based solely on evidence presented during the investigative process.

Such evidence shall be credible, relevant, based in fact, and without prejudice;

- The right to a written notice of the outcome and, when applicable, resulting sanction of the investigation, generally within 24 hours of the decision. After a disciplinary proceeding involving an allegation of sexual assault, dating violence, domestic violence, or stalking, this right includes the right to be informed of the outcome in writing, including a summary of any sanctions and the rationale for the decision.
- The right to preservation of privacy, to the extent required by law.

This document is provided to Respondents in conjunction with Mitchell Hamline's TITLE IX Sexual Harassment, Harassment & Discrimination, and Sexual Violence Policy for Students

*(Note 4) Appeals are not intended to be full re-investigation of the complaint. In most cases, appeals are confined to a review of the written documentation and the appeal notice.*

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#### **B. EMPLOYEE POLICY**

It is the policy of Mitchell Hamline School of Law ("Mitchell Hamline" or "school") to maintain a working environment that is free from sexual harassment<sup>1</sup>, harassment, discrimination or sexual violence based on actual

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<sup>1</sup> Title IX, as well as other laws, require that the school not discriminate on the basis of sex in the school's employment, as well as in its education programs and activities. Inquiries regarding the application of Title IX or reports of Title IX violations may be made to the Deputy Title IX Coordinator identified in Section II below.

or perceived race, color, creed, religion, national origin, sex/gender<sup>2</sup>, gender identity, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age, membership or activity in a local human or civil rights commission, gender identity, or any other protected class defined by law. The school prohibits any form of harassment, violence or discrimination based on actual or perceived protected class status. **Retaliation against a person who reports or complains about sexual harassment, harassment, discrimination, or sexual violence or who participates in or supports the investigation of a complaint is also prohibited and will not be tolerated.**

In addition, the school also prohibits dating violence, domestic violence, sexual assault, and stalking.

Any member of the Mitchell Hamline community found to have violated this policy is subject to disciplinary or corrective action, up to and including termination.

## **I. DEFINITIONS**

All crimes detailed in this Policy can occur between individuals of the same or different genders.

**A. Sexual Harassment** is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment, or
2. Submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual, or
3. Such conduct unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive working environment.

Some examples of conduct that may constitute sexual harassment include the following:

1. Repeated and unwelcome suggestions regarding, or invitations to, social engagements or social events; or
2. Any indication, express or implied, that any aspect of employment conditions or personal safety depends or may depend on the granting of sexual favors or on a willingness to accept or tolerate conduct or communication of a sexual nature; or
3. Unwelcome or coerced physical proximity or physical contact which is of a sexual nature or sexually motivated; or
4. The deliberate use of offensive or demeaning terms which have a sexual connotation; or
5. The deliberate creation of an intimidating, hostile or offensive atmosphere, through conduct or communication of a sexual nature; or

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<sup>2</sup> *Id.*

6. Inappropriate remarks of a sexual nature.

**B. Discrimination** occurs when an individual is treated adversely or differently because of that person's race, color, creed, religion, sex, age, national origin, disability, marital status, familial status, sexual orientation, status with regard to public assistance, membership or activity in a local commission, or any other protected class status defined by applicable law. Harassment includes conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, creed, religion, sex/gender, gender identity, age, national origin, disability, marital status, familial status, sexual orientation, status with regard to public assistance, membership or activity in a local commission, or any other protected class status defined by applicable law and that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment; or
2. Has the purpose or effect of unreasonably interfering with an individual's job performance; or
3. Otherwise adversely affects an individual's employment opportunities.

Some examples of conduct that may constitute discrimination or harassment include the following:

1. Failure of refusal to hire, train, or promote because of an individual's protected class status; or
2. Limiting salary increases because of an individual's protected class status; or
3. Disciplining or terminating an individual because of protected class status; or
4. Treating an individual differently in any other respect because of protected class status; or
5. Epithets, slurs, threatening or intimidating acts, including written or graphic material directed to an individual because of protected class status; or
6. Written, verbal, or physical acts directed to an individual because of protected class status the purport to be jokes or pranks.

**C. Sexual violence** is defined as a violation of Minnesota Criminal Sexual Conduct Statutes and may include a range of sexual conduct, including but not limited to acquaintance rape, or other forcible or non-forcible sex offenses. In general, sexual violence means sexual contact achieved without consent or with the use of physical force, coercion, deception, threat, and/or the victim is mentally incapacitated or impaired, physically impaired (due to the influence of drugs or alcohol), asleep, or unconscious.

**D. Sexual Assault** is an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Some examples of forcible sexual offenses include:

- Forcible Rape: The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
- Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against that person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.



- **Sexual Assault with an Object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that persons' will; or not forcibly or against this person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the persons' will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Some examples of nonforcible sexual offenses include:

- **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

In addition, **sexual assault** means the attempt to engage in any of the above-listed forcible and non-forcible sexual offenses.

- E. Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- F. Domestic Violence** is defined as any of the following, if committed against a family or household member by a family or household member: (1) physical harm, bodily injury or assault; (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or (3) terroristic threats, criminal sexual conduct, or interference with an emergency call.
- G. Stalking** means to engage in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.
- H. Consent** means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act. A person who is mentally incapacitated or physically helpless, as defined by Minnesota law, cannot consent to a sexual act. Corroboration of the victim's testimony is not required to show lack of consent.
- I. Campus** means any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and property

within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

- J. Noncampus Building or Property** means any building or property owned or controlled by a student organization recognized by the institution; and any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.
- K. Public Property** means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

## **II. REPORTING PROCEDURES FOR INCIDENTS OF SEXUAL HARASSMENT, HARASSMENT, AND/OR DISCRIMINATION (please see Section III for reporting Sexual Violence)**

- A.** If a faculty or staff member believes that he or she has been subject to sexual harassment, harassment, or discrimination by any person whom the faculty or staff member encounters in the course of employment, he or she may report the conduct as set out below. If a faculty or staff member observes sexual harassment, harassment, or discrimination he or she is required to immediately report the conduct to the following:
- Human Resources
  - Title IX Coordinator
  - Any member of management
  - President & Dean

Any faculty or staff member who receives a report or complaint of sexual harassment regarding a faculty or staff member should also immediately report the incident to Human Resources. Human Resources coordinates the school's compliance with the employment provisions of Title IX of the Education Amendments of 1972 and all other applicable laws and regulations prohibiting discrimination in employment. Human Resources can be reached at 651-290-6322.

Complaints involving the President and Dean should immediately be reported to an Officer of the Board of Trustees, whose contact information can be found in the attached contact list.

If complaints are made to anyone else, the complainant risks the possibility that it will not come to the attention of the appropriate management, and therefore not be acted upon.

If the sexual harassment, harassment, or discrimination reoccurs, it should immediately be reported to any of the individuals listed above. The school does not tolerate any retaliation or intimidation directed towards anyone who makes a complaint or report or who participates in the investigation of a complaint. The Reporting Procedure described above should also be used if a faculty or staff member believes that he or she has been subjected to prohibited retaliation or intimidation.

As necessary, the school reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim or complainant.

- B.** If an employee believes that he or she has been a victim of a forcible or nonforcible sex offense, including dating violence, domestic violence, or stalking, on campus, in or on non-campus buildings or property, or on public property as defined in this policy, he or she should, if desired, report the incident to the school security authorities or local police agencies.
- C.** If a faculty or staff member believes that he or she has been a victim of the criminal offenses of larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and/or any other crime involving bodily injury to any person, in which the victim believes he or she was selected because of his or her actual or perceived gender, sexual orientation, or gender identity, he or she should, if desired, report the incident to the school security authorities or local police agencies.
- D.** The willful filing of a false report is a violation of school policy.
- E.** Although confidentiality cannot be assured, the school will respect the confidentiality of the complainant, the reporter (if someone other than the complainant), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school's obligations to investigate, to take appropriate action, to publish recordkeeping, and to comply with any legal obligations.

### **III. REPORTING PROCEDURES FOR INCIDENTS OF SEXUAL VIOLENCE**

#### **A. Reporting Complaints**

1. We encourage victims of sexual violence to seek immediate medical and emotional assistance. Among other places, assistance is available by calling 911, the Saint Paul Police (651-291-1111), school Security (651-290-6330 or 651-224-8763), and/or Regions Hospital (651-254-5000). School security staff responding to an incident of sexual violence will inform the victim of the options to notify law enforcement authorities, seek medical assistance, and be informed of the school's reporting process; and security staff will assist the victim with these contacts if the victim wants such assistance.

It is important for victims to preserve any evidence resulting from a sexual violence which could be needed for investigation or criminal prosecution. Campus security will provide assistance in preserving materials considered relevant to the internal complaint process and, when requested by the police, will provide assistance in obtaining, securing, and maintaining evidence needed for criminal prosecution.

A victim of sexual violence may report to the police, to the school, or both. The school recognizes that the decision to report sexual violence to the police is the right of the victim. However, the school strongly encourages the immediate reporting of sexual violence to the following:

- Human Resources (651-290-6322)
- Title IX Coordinator (651-290-6362)
- Any member of management
- President & Dean

Any school employee (including faculty and staff) who receives a report or complaint of sexual harassment regarding a faculty or staff member should immediately report it to Human Resources.

Complaints involving the President and Dean should immediately be reported to an Officer of the Board of Trustees, whose contact information can be found in the attached contact list.

If complaints are made to anyone else, the complainant risks the possibility that it will not come to the attention of the appropriate management, and therefore not be acted upon.

As necessary, the school reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim or complainant.

2. If an employee reports to the school that the employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, the school will provide that individual with a written explanation of the employee's right and options.
3. When applicable, the school will notify the victim of his or her rights and the school's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.
4. Although confidentiality cannot be assured, investigations will be conducted with sensitivity to confidential issues and investigative information will be communicated as appropriate to those with a need to know, pursuant to applicable law.
5. If the sexual violence reoccurs, it should immediately be reported to any of the individuals listed above. The Reporting Procedure described above should also be used if a faculty or staff member believes he or she has been subjected to prohibited retaliation or intimidation.
6. In some cases, unless prohibited by law, an individual may pursue criminal action and a school internal complaint concurrently.
7. Pursuant to the law, the school will collect, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing, among other things, information relating to the campus crime statistics of the school and statistics concerning the occurrence on campus, in or on noncampus buildings or property, and on public property all criminal offenses reported to campus security authorities related, among other things, forcible or nonforcible sex offenses, dating violence, domestic violence, sexual assault, and stalking.

## **B. Resources**

Victims may wish to utilize the following services:

### **School Resources:**

- Counseling Services (651) 290-8656
- Campus Security 651-290-6330 | 651-224-8763

### **Off Campus Resources:**

- Local Police
  - 9-1-1
  - Non-Emergency Number (651) 291-1111
- Ramsey County Sexual Offense Services (651) 643-3006
  - Please Note: This is a 24-hour crisis line
- Lawyers Concerned for Lawyers
  - (651) 646-5590 or 1-866-525-6466
- National Sexual Assault Hotline (800) 656-HOPE (4673)
- Minnesota Coalition Against Sexual Assault (651) 209-9993
- National Domestic Violence Hotline (800) 799-SAFE (7233)

### **County Resources regarding orders of protection, no contact order, or restraining orders:**

- Ramsey County Domestic Abuse and Harassment Office (651) 266-5130

## **IV. INVESTIGATION**

- Upon receipt of a report or complaint, the school will promptly undertake or authorize a fair and impartial investigation. The investigation may be conducted by (a) the Dean or the Dean's designee(s), or (b) a "Consultant" who is not an employee of the school, but who is retained by the school for the purpose of conducting an investigation, or (c) a combination of the above. If the allegation is one of domestic violence, dating violence, sexual assault, or stalking, the investigation and disciplinary proceeding will be conducted by an official who receives annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct a prompt, fair, and impartial investigation proceeding that protects the safety of victims and promotes accountability.
- The timing and specific nature of the investigation of any complaint will be determined by the investigator(s). Although the fact-finding will be conducted with sensitivity to confidential issues, information will be communicated as appropriate to those with a need to know. Because the circumstances of every complaint are different, discretion and flexibility will be utilized in conducting an appropriate fact-finding for each complaint.
- The investigation may, as appropriate, consist of personal interviews with the alleged complainant, the reporter (if someone other than the alleged complainant), the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

- D. In determining whether alleged conduct constitutes a violation of this policy, the school may consider the facts and surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances using a preponderance of the evidence standard to evaluate complaints.
- E. The school, at its discretion, may take immediate steps, based on the severity of the allegations, to protect the parties involved in the complaint process pending completion of an investigation.
- F. To ensure the school can gather the information necessary to uphold school policies, each faculty, staff, or student who is requested to participate in a fact finding investigation is required to fully cooperate with the investigator. Unless otherwise directed by the investigator, faculty, students, or staff will be expected to limit their discussion of the matter under investigation to those who need to know the information for the purposes of assisting in the resolution of the complaint. Failure to follow these requirements and other directions provided by the investigator may result in corrective action as stated below. Nothing in this paragraph is intended to limit or restrict a complainant from contacting the police or governmental agencies responsible for the enforcement of any applicable laws.

## **V. LAW SCHOOL ACTION**

- A. Upon completion of the investigation, the investigator will make a report to the Dean. If the complaint involves the Dean, the report must be filed directly with the Board of Trustees.
- B. Upon completion of the investigation, the Dean or the Dean's designee will inform the alleged complainant and respondent of the results of the investigation. If the investigation was the result of an allegation of domestic violence, dating violence, sexual assault, or stalking, the report will be made in writing and the sanctions, if any, will be detailed and the rationale for the decision will be given.
- C. If a complaint is substantiated, the school will take appropriate and effective action depending on the circumstances. Such action may include, a broad range of consequences, up to and including termination of employment. If necessary and if the matter is related to the faculty, a matter may be referred to the appropriate disciplinary authority as required by school policy, the Revised Tenure Code, and any existing faculty agreement.
- D. In appropriate situations, the school will provide written notifications to victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- E. Pursuant to applicable law, the school will make timely reports to the campus community on certain crimes considered to be a threat to other students and employees, including forcible and nonforcible sex offenses that are reported to campus security or local law police agencies. These reports will be provided to students and employees in a timely manner, will withhold the name(s) of the victim(s) as confidential, and will aid in the prevention of similar occurrences.

- F. In accordance with applicable law, the school retains the right to issue possible sanctions, up to and including termination, or engage in protective measures following a final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.

## **VI. LAW SCHOOL REPORTING OBLIGATIONS**

Victims of sex discrimination should also be aware that school administrators must issue timely warnings for certain types of incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community under the Federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The school will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

The school is required by federal law to report statistics regarding incidents of sexual violence. Annually, the school reports such statistics to students, faculty, and staff.

## **VII. COOPERATION WITH LAW ENFORCEMENT**

The school will comply with law enforcement's request for cooperation and such cooperation may require the school to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency gathers evidence. The school will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, which typically takes three to ten calendar days, although the delay in the school's investigation could be longer in certain instances.

The school will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the campus community and the avoidance of retaliation.

## **VIII. ATTEMPTED VIOLATIONS**

In most circumstances, the school will treat attempts to commit any of the violations listed in this policy as if those attempts had been completed.

## **IX. NO REPRISAL**

There will be no retaliation against any complainant or reporter of sexual harassment, harassment, discrimination or sexual violence under this policy, nor against any person who participates in an investigation. The school will take appropriate action against any faculty or staff member who retaliates against any person who makes a good-faith report, or participates in an investigation. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

## **X. CONFLICT OF INTEREST**

If there is a conflict of interest with respect to any party affected by this policy, appropriate accommodations will be made, such as, but not limited to, appointing or contracting with a consultant to conduct the investigation, or recusing the person from the process for whom a conflict or potential conflict of interest exists.

## **XI. ALTERNATIVE COMPLAINT PROCEDURES**

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include, but is not limited to, filing a charge with the United States Department of Education Office for Civil Rights (OCR).

The Regional OCR office for Minnesota is located at:

U.S. Department of Education  
Office for Civil Rights  
Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago IL 60661-4544  
Tel: 312.730.1700

TDD: 877.521.2172

Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

## **XI. QUESTIONS**

Please direct any questions to the Title IX Coordinator or Human Resources.

## **9. EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

In the event of a significant emergency or event that is determined to be an immediate threat to the health or safety of the Mitchell Hamline community, Mitchell Hamline will activate the various components of our emergency notification process. Depending on the particular circumstances of the situation/crime, especially those that pose an immediate threat to the law school community, an alert may be issued by several means. The alert may be communicated by an audible public address (PA) message, an E2 campus text message (to community members that have registered their cell or pager), a campus-wide email, Student News posting (students), or The summit posting (faculty and staff) may be sent. In addition, a copy of the alert notice may also be posted on the exterior perimeter doors to the law school.

The Director of Facilities, Vice President of Student Affairs and Dean of Students, Vice President of Finance, and Vice President of Human Resources determine when and how to issue timely warning notices and emergency



notifications. Without delay and taking into account the safety of the law school community, they will determine the content of the notification and initiate the emergency notification system.

Emergency policies, procedures, and notification systems are publicized to the Mitchell Hamline students and are evaluated as needed, and are tested on an annual basis. The tests generally are announced to the public, but occasionally they may be unannounced. Members of the Mitchell Hamline community are encouraged to immediately report crimes and other serious incidents to the Security Department so that a timely warning notice may be issued as appropriate

## 10. CRIME STATISTICS

Previous reporting requirements included tracking the number of reported crimes for murder, rape, robbery, assault, burglary, vehicle theft, and arrests for liquor, drug and weapon violations. The new reporting requirements are reflected in the chart for years 2014-16.

Reported Crime	On-campus			Non-campus Building or Property			Public Property		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
Murder	0	0	0	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses: Forcible	0	0	0	0	0	0	0	0	0
Sex Offenses: Non-Forcible	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	1	0	0	0	2	1
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	1	0	0	0	0	0	1	0	1
Arson	0	0	0	0	0	0	0	0	0
Liquor Law Violations Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referrals	0	0	0	0	0	0	0	0	0
Drug-Related Violations Arrests	0	0	0	0	0	0	0	0	0
Drug-Related Violations Referrals	0	0	0	0	0	0	0	0	0
Weapons Violations Arrests	0	0	0	0	0	0	0	0	0
Weapons Violations Referrals	0	0	0	0	0	0	0	0	0

HATE CRIMES: There were no hate crimes reported for 2014, 2015 or 2016.

Reported Crime	On-campus			Non-campus Building or Property			Public Property		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking Incidents	0	0	0	0	0	0	0	0	0