

Mitchell Hamline School of Law

2022 Campus Security Report

The following Information Is provided pursuant to the Student Right to Know and Campus Security Act.

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I. EMERGENCY PHONE NUMBERS

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

II. MISSION STATEMENT (Security Department)

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.

III. 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 10 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, information on [community notification](#) and registration for offenders for the State of Minnesota is available the [Minnesota Department of Corrections](#) website:

IV. 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 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 and 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 if the counselor meets the requirement of a “confidential resource.” Mitchell Hamline’s confidential resources are: Don DeBoer; Iesha McLeod; Abby J. Schnedler; Jon Vaughan-Fier; and Jennifer Waltman in Counseling Services. See <https://mitchellhamline.edu/counseling-services/> or call 651-290-8656 or email counseling@mitchellhamline.edu.
- F. All employees, faculty or staff who become aware of an allegation of violation of law school policies, 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 and Security 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, murder, forcible rape, and any hate crimes (manifesting evidence of prejudice based on race, ethnicity, religion, sexual orientation, gender identity, or disability).

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. [John Bentfeld](#), Director of Facilities and Security, 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.

V. 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 Friday, 7:00a.m.- 11:00 p.m.; Saturday/Sunday, 8:00 a.m. – 11:00 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. **Note: As of August 1, 2021, building access is limited to students, faculty, staff, and visitors who are fully vaccinated.** See [COVID-19 website](#) for additional information.
 - 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. The following doors are the only permissible doors to enter the building:
 - i. Door #1 – Main entrance to the building
 - ii. Door #5 – East side of the LEC Building near the Portland Avenue parking lot

- iii. Door #9 – Northwest side of the 1953 Building near the Portland Avenue parking lot
- iv. Door #15 – South side of the 1931 Building on the main parking lot
- c. Access/ID cards must be used at each of the entrances listed above. Anyone without a valid MHSL ID badge must enter through the main entrance (Door #1) and sign in at the Front Desk and follow COVID-19 protocols.
- d. Exterior building doors should not be blocked open when the doors are locked and alarmed.
- e. Building evacuation is mandatory for all fire alarms.
- f. In areas that have outside windows, employees should close and lock them before leaving the building.
- g. Problems related to people in buildings after hours should immediately be reported to campus security at 651-290-6330 or 651-224-8763.

VI. 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.

VII. 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.

VIII. POLICIES: (A) TITLE IX SEXUAL HARASSMENT Policy and (B) SEX DISCRIMINATION AND SEXUAL MISCONDUCT Policy

A. TITLE IX SEXUAL HARASSMENT POLICY (STUDENT RESPONDENT)

Revised: August 14, 2020

Updated August 2021

I. Policy Statement

Mitchell Hamline (“School”) does not discriminate, and is Prohibited by Title IX from discriminating, on the basis of sex in its education programs and activities, including in admission and employment, that it operates. As such, the School is committed to responding to complaints of Sexual Harassment, including Sexual Assault, Stalking, Dating Violence, Domestic Violence, and related retaliation. This Policy is meant to give the School a means of providing a prompt, fair, and impartial investigation and resolution of complaints of Sexual Harassment.

This Policy concerns instances when a Student is a Respondent of a report of Sexual Harassment, including Sexual Assault, Stalking, Dating Violence, Domestic Violence, or related retaliation and the conduct occurred within the United States. For other situations, please see the following policies:

- Title IX Sexual Harassment Policy (Employee or Third Party Respondent)
- Sex Discrimination and Sexual Misconduct Policy (Student Respondent)
- Sex Discrimination and Sexual Misconduct Policy (Employee or Third Party Respondent)
- Non-Discrimination and Non-Harassment Policy
- Problematic Consensual Romantic Relationship Policy¹

¹ The School does not prohibit relationships between employees and Students, faculty, and staff, or supervisors and Employees. That said, individuals must recognize that, in many of these types of relationships, there inherently exists a power differential that cannot be ignored and that may lend itself to various forms of Sexual Harassment. For more information, please consult the School's [Problematic Consensual Romantic Relationship Policy](#).

Any inquiries relating to the application of Title IX and its operating regulations should be referred to the School's Title IX Coordinator², the Assistant Secretary for Civil Rights of the Office of Civil Rights³, or both.

II. Scope and Applicability

This Policy applies to conduct by Students that takes place within the United States in all of the education (*i.e.*, degree and non-degree programs) and non-education programs of the School, including employment, and will be enforced on School Campus and Non-Campus property, including remote locations such as the Mobile Law Office, and in School-sponsored programs held in locations away from the St. Paul Campus, and other School-hosted social functions or events sponsored by the School but held at other locations within the United States. The policy also applies to conduct that occurs in certain circumstances as defined in this Policy in a Non-Campus Building or Property or on Public Property, including School-sanctioned Student organization events within the United States. This Policy also applies to any off-Campus conduct within the United States that causes or threatens to cause a substantial and material disruption at the School, or interferes with the rights of Students and Employees to be free from a hostile learning and working environment taking into consideration the totality of the circumstances on and off Campus.

Generally, the specific procedures for investigating and responding to a Complaint differ based on the nature of the parties' relationship to the School.

² The School's Title IX Coordinator is Christine Szaj. Her e-mail address is christine.szaj@mitchellhamline.edu and her office address is 875 Summit Ave., St. Paul, MN 55105.

³ The Assistant Secretary for Civil Rights of the Office of Civil Rights of the Department of Education is Kenneth L. Marcus.

Complainant	Respondent	Applicable Policy
Student	Student ⁴	Title IX Sexual Harassment Policy (Student Respondent)
Employee	Student	Title IX Sexual Harassment Policy (Student Respondent)
Employee	Employee or Third Party	Title IX Sexual Harassment Policy (Employee or Third Party Respondent)
Student	Employee or Third Party	Title IX Sexual Harassment Policy (Employee or Third Party Respondent)

III. Definitions

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

A. **Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the School conditioning the provision of an aid, benefit, or service of the School on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School's education program or activity; or
3. Any of the following crimes:
 - a. **Sexual Assault:**
 - (1) **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - (2) **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

⁴ If the Respondent is both a Student and a Student Employee, this Policy applies (except for Respondents who are full-time Employees who are also taking classes at the School and who should consult the School's Title IX Sexual Harassment Policy (Employee or Third Party Respondent)). A Respondent who is both a Student and a Student Employee may be subject to any of the sanctions applicable to Students or Employees.

- (3) **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - (4) **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.
 - b. **Dating Violence** means violence committed by a person
 - (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim and
 - (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (a) The length of the relationship,
 - (b) The type of relationship, and
 - (c) The frequency of interaction between the persons involved in the relationship.
 - c. **Domestic Violence** means felony or misdemeanor crimes of violence committed by:
 - (1) a current or former spouse or intimate partner of the victim,
 - (2) a person with whom the victim shares a child in common,
 - (3) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
 - (4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of Minnesota, or
 - (5) any other person against an adult or youth victim who is protected from that person's acts under Minnesota's domestic or family violence laws.
 - d. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to
 - (1) fear for their or her safety or the safety of others; or
 - (2) suffer substantial emotional distress.
- B. **Consent** is defined by Minnesota law (Minn. Stat. § 609.341, subd. 4) and 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 this section cannot consent to a sexual act. Corroboration of the victim's testimony is not required to show lack of consent. Under Minnesota law, "**mentally incapacitated**" means that a person under the influence of alcohol, a narcotic, anesthetic, or any other substance, administered to that person without the person's agreement, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration.

- C. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment. While a Title IX Coordinator can, in certain circumstances, sign a Formal Complaint, doing so does not make the Title IX Coordinator the Complainant.
- D. **Respondent** means the person who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
- E. **Formal Complaint** means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the School investigate the allegation of Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in an Education Program or Activity of the School. As described more below, a Formal Complaint may be filed with the Title IX Coordinator or another person designated under this Policy in person, by mail, or by electronic mail, using the contact information listed in this Policy. As used in this definition, “**document filed by a Complainant**” means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the School) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party.
- F. **Employee**, for the purposes of this Policy, means all non-Student employees of the School⁵, including faculty, staff, adjuncts, and administrators.
- G. **Third Party**, for the purposes of this Policy, includes certain third-party affiliates, including volunteers, vendors, visitors, and independent contractors.
- H. **Student**, for the purposes of this Policy, means all students at the School, except for full-time Employees of the School who are also taking classes at the School (for the purposes of this Policy, those individuals are considered Employees). The term “Student” otherwise includes all individuals taking classes at the School, including all degree and non-degree Students.
- I. **Campus** means
 - 1. Any building or property owned or controlled by the School within the same reasonably contiguous geographic area of the School and used by the School in direct support of, or in a manner related to, the School’s educational purposes and
 - 2. Property within the same reasonably contiguous geographic area of the School that is owned by the School but controlled by another person, is used by Students, and supports School purposes.
- J. **Non-Campus Building or Property** means
 - 1. Any building or property owned or controlled by a student organization recognized by the School and

⁵ The definition of “Employees” includes full-time Employees of the School who are also taking classes at the School.

2. Any building or property (other than a branch campus) owned or controlled by the School that is used in direct support of, or in relation to, the School's educational purposes, is used by Students, and is not within the same reasonably contiguous geographic area of the School.
- K. **Public Property** means all public property that is within the same reasonably contiguous geographic area of the School, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the School if the facility is used by the School in direct support of, or in a manner related to, the School's education purposes.
- L. **Education Program or Activity** includes locations, events, or circumstances over which the School exercised substantial control over both the Respondent and the context in which the Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the School. This definition includes both education and employment activities within the United States.
- M. **Campus Authorities** means the Security Department at the School, as well as the Title IX Coordinator, the Deputy Title IX Coordinators, the Vice Dean, Academic and Faculty Affairs, and the Dean and President of the School.
- N. **Title IX Coordinator** means the person who is primarily responsible for addressing issues of gender-based Discrimination and/or Sexual Harassment, including coordinating the School's efforts to comply with its obligations under Title IX and its governing regulations. This includes coordination of training, education, communications, and the effective implementation of Supportive Measures and administration of the Complaint procedures for the handling of suspected or alleged violations of this Policy. In certain circumstances, the Title IX Coordinator may delegate some responsibilities to their Deputy Title IX Coordinators.
- O. **Deputy Title IX Coordinators** means the persons, in addition to the Title IX Coordinator, responsible for reports and Formal Complaints regarding conduct that occurred against a Student and/or Employee, regardless of the perpetrator of that conduct.⁶ In certain circumstances, the Title IX Coordinator may delegate some of their responsibilities to their Deputy Title IX Coordinators.
- P. **Actual Knowledge** means notice of Sexual Harassment or allegations of Sexual Harassment to the School's Title IX Coordinator or any other official of the School who has authority to institute corrective measures on behalf of the School, i.e., the Campus Authorities. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the School with actual knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or

⁶ As addressed in the Title IX Sexual Harassment Policy (Employee or Third Party Respondent) Policy, in cases where the Respondent or Complainant is an Employee, Michael Freer will typically serve as the Deputy Title IX Coordinator.

to inform a Student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the School. As used in this definition, “Notice” includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator.

- Q. A **Deliberately Indifferent** response to a School’s Actual Knowledge of Sexual Harassment in an Education Program or Activity only occurs if the School’s response to Sexual Harassment is clearly unreasonable in light of the known circumstances.
- R. **Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant before after the filing of a Formal Complaint (or when no Formal Complaint is ever filed) or to a Respondent when applicable. Such measures are designed to restore or preserve equal access to the School’s Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School’s educational environment, or deter Sexual Harassment.

IV. Reporting Sexual Harassment

A. Making Reports

Any person may report an incident of Sexual Harassment, including Sexual Assault, Stalking, Dating Violence, and Domestic Violence, whether or not the reporting person is the person alleged to be the victim of the Sexual Harassment. As addressed more below, when the School has Actual Knowledge of Sexual Harassment in an Education Program or Activity of the School against a person in the United States, the School will act promptly in a manner that is not deliberately indifferent.

A report under this Policy should be made to the Title IX Coordinator, a Deputy Title IX Coordinator, or another below-listed Campus Authority in person, by mail, by telephone, or by e-mail.

Christine Szaj, Title IX Coordinator; Vice President, Institutional Management
875 Summit Ave, St. Paul, MN 55105
christine.szaj@mitchellhamline.edu

Lynn LeMoine, Deputy Title IX Coordinator; Dean of Students
875 Summit Ave, St. Paul, MN 55105
651-290-7668
lynn.lemoine@mitchellhamline.edu

Michael Freer⁷, Deputy Title IX Coordinator; Director, Human Resources
875 Summit Ave, St. Paul, MN 55105
651-290-6322
michael.freer@mitchellhamline.edu

Jim Hilbert, Vice Dean, Academic and Faculty Affairs
875 Summit Ave, St. Paul, MN 55105
651-290-7507
jim.hilbert@mitchellhamline.edu

Anthony Niedwiecki, Dean and President
875 Summit Ave, St. Paul, MN 55105
651-290-7510
anthony.niedwiecki@mitchellhamline.edu

Such report may be made at any time (including during non-business hours) by using a telephone number; e-mail address; (or, if by mail) the office address, of the individuals listed above.

Reports of Sexual Harassment can be made online via the [Sexual Misconduct/Sexual Harassment Reporting Form](#). Reports made via this channel will be forwarded to the School's Title IX Coordinator.

Any Complaints involving conduct of the President and Dean should immediately be reported to an Officer of the Board of Trustees, whose contact information can be found on the [Board of Trustees page of the Law School Catalog](#).

Properly reporting Complaints is of vital importance. If Complaints are improperly reported—*i.e.*, if they are reported to the wrong individual, the Complainant risks the possibility that the Complaint will not come to the attention of the appropriate management, and therefore not be acted upon.

Any Employee who receives a report or witnesses conduct that involves Sexual Harassment regarding a Student is required to immediately report it to the Title IX Coordinator or a Deputy Coordinator.

A person who reports an incident to the School shall be provided access to their report upon request, consistent with state and federal laws governing privacy of and access to

⁷ Michael Freer will typically serve as the Deputy Title IX Coordinator in situations when an Employee is either the Respondent or the Complainant.

education records. A request for access to a report should be made to the Title IX Coordinator.

B. Anonymous Complaints

Reports of Sexual Harassment can be made online via the [Sexual Misconduct/Sexual Harassment Reporting Form](#). Reports may be made anonymously⁸; however, the reporter is encouraged to provide as much information as possible. All reports will be forwarded to the Title IX Coordinator.

Because it is required that a Formal Complaint must be signed by the Complainant or otherwise indicate the Complainant's identity, an anonymous complaint will not trigger the School's Formal or Informal Grievance processes detailed below. The School is not obligated to investigate an anonymous report, unless a Formal Complaint is submitted per this Policy.

C. Other Resources

Appendix A includes a list of confidential School resources; county resources regarding orders of protection, no contact orders, or restraining orders, and community/external resources.

Making a Complaint under this Policy does not preclude a Complainant from contacting any other resource, including but not limited to those listed in Appendix A.

D. Formal Complaints

As set forth in the definitions above, a Formal Complaint must include the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the Formal Complaint.

E. Prohibition Against False Reports

The willful filing of a false report is a violation of this Policy, as well as the Student Code of Conduct. Charging an individual with a Code of Conduct violation for making a

⁸ Anyone who wishes to obtain confidential assistance from outside the School may also consider contacting SOS Ramsey County at 651-266-1000.

materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute prohibited retaliation.⁹

F. Statement on Confidentiality

The School will keep confidential the identity of any individual who has made a report or Formal Complaint of Sexual Harassment, any individual who has been reported to be the perpetrator of Sexual Harassment, and any witness, except as may be permitted or required under law, or to carry out the purposes of Title IX and its operating regulations, including the need to conduct any investigation, hearing, or judicial proceeding arising thereunder.

The School will make these same efforts to protect the confidentiality of parties to Formal Complaints when adhering to its legal obligations of recordkeeping and reporting crimes.

V. The School's Initial Response to a Complainant (Regardless of Whether a Formal Complaint Has Been Filed)

A. The School's Initial Communications with the Complainant

1. Offering Supportive Measures

Regardless of whether a Formal Complaint has been (or will be) filed, when the School has Actual Knowledge of Sexual Harassment in an Education Program or Activity of the School against a person in the United States and knows the identity of the Complainant, the Title IX Coordinator will promptly contact the Complainant to:

- discuss the availability of Supportive Measures,
- consider the Complainant's wishes with respect to Supportive Measures, and
- inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint.

Supportive Measures may include support in accessing fair and respectful counseling and health services; responding to individual safety concerns; academic and work accommodations; and increased security and monitoring of the Campus as needed.

The School will maintain as confidential any Supportive Measures provided to the Complainant,¹⁰ to the extent that maintaining such confidentiality would not impair the

⁹ A determination of responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

¹⁰ While this section concerns Supportive Measures offered to a Complainant before the filing of a Formal Complaint, a Respondent may also receive Supportive Measures if a grievance process is

ability of the School to provide the Supportive Measures. The Title IX Coordinator (or, when so delegated, a Deputy Title IX Coordinator or other Campus Authority) is responsible for coordinating the effective implementation of Supportive Measures.

The School will treat the Complainant with dignity and will not make any suggestion that the Complainant is at fault for the alleged incident or that the Complainant should have acted in a different manner to avoid such an incident.

In addition, the School will provide the Complainant with a copy of the Complainant's Rights & Options document, that is included at Appendix B and required under federal and state law.¹¹

2. The Importance of Preserving Evidence

Regardless of whether a Complainant decides to file a Formal Complaint, they will be notified of 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 protective order.

3. The Right to Notify (or Choose Not to Notify) Law Enforcement

Regardless of whether a Complainant decides to file a Formal Complaint, they have the right to (a) notify and/or file charges with proper law enforcement authorities, including Campus Security and local police; (b) be promptly assisted by Campus Security in notifying and/or filing charges with law enforcement authorities of the victim so chooses, and (c) decline to notify such authorities.

4. Explain How to File a Formal Complaint.

If the Complainant has not filed a Formal Complaint, the School will explain to the Complainant how to go about doing so. While the Complainant is not required to file a Formal Complaint, neither the Formal Grievance process nor the Informal Grievance process detailed below can take place without the filing of a Formal Complaint.

B. The School's Right to Emergency Removal

Regardless of whether a Formal Complaint is filed, the School retains the right to remove a Respondent from the School's Education Program or Activity on an emergency basis, provided that the School undertakes an individualized safety and risk analysis,

commenced and the School will maintain as confidential any Supportive Measures provided to the Respondent, as well, to the extent that maintaining such confidentiality would not impair the ability of the School to provide the Supportive Measures.

¹¹ If a Formal Complaint is filed, the Respondent will be provided a copy of the Respondent's Rights & Options document, that is included at Appendix C.

determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

VI. Notice of the Filing of a Formal Complaint

Upon receipt of a Formal Complaint, the School will provide the following written notice to the parties who are known:

- Notice of the School's grievance process, including any informal resolution process;
- Notice of the allegations potentially constituting Sexual Harassment, including sufficient details¹² known at the time and with sufficient time to prepare a response before any initial interview;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Notice to the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;
- Notice to the parties that they may inspect and review evidence; and
- Any provision in the School's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of an investigation, the School decides to investigate additional allegations about the Respondent or Complainant that were not in this initial notice, the School will provide supplemental notice of those additional allegations to the parties whose identities are known.

VII. Dismissal of a Formal Complaint

While the School is obligated to investigate the allegations in a Formal Complaint, it is also obligated to dismiss a Formal Complaint if:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved, or
- The conduct alleged did not occur in the School's Education Program or Activity, or did not occur against a person in the United States.

¹² Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment as defined above, and the date and location of the alleged incident, if known.

Such a dismissal does not preclude the School from taking action under a separate provision of its Code of Conduct, including but not limited to its Sex Discrimination and Sexual Misconduct Policies.

Likewise, the School may—but is not required to—dismiss a Formal Complaint or any allegations therein if, at any time during an investigation or a hearing:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein,
- The Respondent is no longer enrolled or employed by the School, or
- Specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If a Formal Complaint is dismissed under this part of the Policy, the School will promptly send written notice of dismissal and reasons therefore simultaneously to the parties.

A party may appeal the dismissal of a Formal Complaint as set forth below.

VIII. Consolidation of Formal Complaints

The School can consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.¹³

IX. The School's Grievance Procedures For Responding to Formal Complaints

The School's response will treat Complainants and Respondents equitably by offering Supportive Measures to a Complainant (and, when applicable, to a Respondent) and following the School's grievance process, as detailed below, before the imposition of any possible disciplinary sanctions or other actions (save Supportive Measures) against a Respondent.

When a Formal Complaint has been filed, the School will engage in a grievance procedure as outlined herein. The School's grievance procedures detailed herein provide for the prompt and equitable resolution of Student and Employee complaints alleging action prohibited under this Policy.

¹³ Where a grievance process involves more than one Complainant or more than one Respondent, references in this Policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

In every case, there will be a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

A. General Overview of the Grievance Process

1. Formal and Informal Processes

When a Formal Complaint is filed—and it is not dismissed as set forth above—then the Formal Complaint will be considered via either the Formal Resolution Process or, when available and consented to by the parties, the Informal Resolution Process.

2. Training of Individuals Participating in the Grievance Processes

Any individual designated by the School as a Title IX Coordinator, investigator, or decision-maker, or any other person designated by the School to facilitate an informal resolution process will not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent.

Campus Authorities, investigators, decision-makers, and any individuals who facilitate an Informal Resolution process will receive comprehensive annual training on the definitions of, issues related to, and how to prevent and respond to Sexual Harassment (including the crimes of Sexual Assault, Dating Violence, Domestic Violence, and Stalking); the scope of the School's Education Program or Activity; how to conduct a grievance process including investigations, hearings, appeals, and Informal Resolution processes, as applicable; how to protect the safety of the parties; and how to serve impartially and in a way that promotes accountability, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.¹⁴ This training will be done in collaboration with the Bureau of Criminal Apprehension or another law enforcement agency with expertise in criminal sexual conduct.

Campus Security officers' training will also include a presentation on the dynamics of sexual assault, neurobiological responses to trauma, and best practices for preventing, responding to, and investigating sexual assault. The training for campus administrators responsible for investigating or adjudicating complaints on Sexual Assault shall include presentations on preventing Sexual Assault, responding to incidents of Sexual Assault, the dynamics of Sexual Assault, neurobiological responses to trauma, and compliance with state and federal laws on Sexual Assault.

¹⁴ Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an Informal Resolution process will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

B. Formal Resolution Process

The Formal Resolution Process consists of an investigation, a hearing, and a determination of responsibility.

1. Timeframe for Typical Formal Resolution Process

Generally, a Formal Resolution process will be completed within 60 calendar days from receipt of a Formal Complaint. This timeline includes the period from commencement of an investigation and hearing through the determination of responsibility, including appeals. The timeline may be extended if necessary, including a temporary delay or the limited extension of time for good cause.¹⁵ The parties will be notified in writing of any extension of the timeframe and the reasons for such extension.

2. Standard of Evidence

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 Formal Complaints.

3. Investigation of Formal Complaint

a. Burden of Proof

The School (and not either of the parties) bears the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility.

The School cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are maintained in connection with the provision of treatment to the party, unless the School obtains that party's voluntary, written consent to do so for the grievance process.

b. Gathering Evidence

While the School bears the burden of gathering evidence to investigate a Formal Complaint, the parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence

The School will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

¹⁵ "Good cause" may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

The School will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

Questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege will not be allowed, required, or relied upon, unless the person holding the privileged has waived the privilege.

c. The Party's Advisors

The School will provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

The School will not limit the choice or presence of advisor for either party in any meeting or grievance proceeding. If an advisor learns of confidential information in the course of their role, they may not disclose such information other than for advising the Complainant or Respondent.

d. The Parties' Right to Review Evidence

The School will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the School does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to completion of an investigative report, the School will send each party and the party's advisor, if any, the evidence subject to inspection and review in electronic format or hard copy and the parties will be given at least 10 days to submit a written response, which the investigator will consider before completing the investigative report. Likewise, the School will make all such evidence subject to the parties' inspection and review available at any hearing so that each party has equal opportunity to refer to such evidence during the hearing, including for purposes of cross examination.

4. Investigative Report

Investigators will receive training on issues of relevance in order to create investigative reports that fairly summarize relevant evidence.

The School's investigator will create an investigative report that fairly summarizes relevant evidence.

At least 10 days prior to a hearing, the School will send simultaneously to each party and the party's advisor (if any) the investigative report in an electronic format or a hard copy, for each party's review and written response.

After the School has sent the Investigative Report to the parties and before reaching a Determination Regarding Responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with answers, and allow for additional, limited follow-up questions from each party. Typically, this request will be made before the hearing.

5. Hearings

The School's Formal Grievance process provides for a hearing.

a. The Hearings Will Be Live

While live hearings can take place with all parties and witnesses physically present in the same geographic location, the School may, in its discretion, allow any or all parties, witnesses, and other participants to appear at a live hearing virtually, with technology enabling participants to simultaneously see and hear each other.

During hearings where all or some parties and witnesses are required to be physically present in the same geographic location, either party may request—and the School must allow—the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.

Decision-makers will receive training on any technology to be used at a live hearing.

b. The Hearings Will Be Recorded

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

c. Cross Examination Must Be Live; Failure to Submit to Cross-Examination Eliminates the Decision Maker's Ability to Rely on That Person's Statements

Each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Cross-examination at the hearing must be conducted directly, orally, and in real time by the party's advisor of choice, and never by a party personally.

While a party always has the right to decide when to repeat a description of an incident, if a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s)

cannot draw an inference about the determination regarding responsibility based solely on a party's or witnesses' absence from the live hearing or refusal to answer cross-examination or other questions.

d. Advisors Will Be Provided for the Purposes of Cross-Examination

If a party does not have an advisor present at a live hearing, the School will provide—without fee or charge—the party with an advisor of the School's choice, who may be, but is not required to be, an attorney, and who will pose cross-examination questions on behalf of that party.

e. Evidence Must Be Relevant

Only relevant cross-examination and other questions may be asked of a party or a witness. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Decision-makers will receive training on issues of relevance of questions and evidence, including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant. Questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege will not be allowed, required, or relied upon, unless the person holding the privileged has waived the privilege.

Before a party or witness answers a cross-examination or other question, the decision-maker(s) must decide whether the question is relevant. If the decision-maker(s) decides that a question is not relevant, they must explain the rationale for that decision.

6. Determination Regarding Responsibility

The decision-maker—who cannot be the Title IX Coordinator or investigator(s)—is charged with issuing a written determination regarding responsibility.

In making its determination, the decision-maker will follow the preponderance of the evidence standard of review. All evidence, including inculpatory and exculpatory evidence, will be given an objective evaluation. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness. The written determination will include:

- Identification of the allegations potentially constituting Sexual Harassment;

- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the School's Code of Conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the School's Education Program or Activity will be provided by the School to the Complainant; and
- The School's procedures and permissible bases for the Complainant and Respondent to appeal.

The written determination will be provided to each party simultaneously.

The written determination is final either: (a) on the date the School provides the parties with a written determination of the result of an appeal, if an appeal is filed or (b) if an appeal is not filed, on the date on which an appeal would no longer be timely.

Each party will be notified in writing, simultaneously, when a written determination is final.

7. Appeals

Both the Complainant and the Respondent are entitled to appeal a determination regarding responsibility, or the School's dismissal of a Formal Complaint or any allegations therein, on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The appeal should be filed in writing, either electronically or by mail, with the Title IX Coordinator within 5 business days of the parties being notified of the results of the investigation. If the appeal is sent by mail, it must be postmarked within 5 business days of the parties being notified of the results of the investigation. If the appeal is sent by mail, it must be postmarked within 5 business days of the parties 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.

If an appeal is filed, the School will:

- Notify the other party in writing when the appeal is filed and implement appeal procedures equally for both parties;
- Ensure that the decision-maker for the appeal is not the same person as the decision-maker who reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator; and
- Ensure that the decision-maker for the appeal complies with the same standards required of decision-maker at the non-appeal level relating to no conflicts or bias.

Each party will have 5 business days to submit a written statement in support of, or challenging, the outcome.

An appeal will typically be resolved within 10 business days of filing. The timeline may be extended if necessary, including a temporary delay or the limited extension of time for good cause.¹⁶ The parties will be notified in writing of any extension of the timeframe and the reasons for such extension.

The decision-maker will issue a written decision describing the result of the appeal and the rationale for the result and will provide the written decision simultaneously to both parties.

8. Implementation of Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies. In accordance with applicable law, the School reserves the right to issue, among others, 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
- Dismissal

¹⁶ “Good cause” may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Where a determination of responsibility for Sexual Harassment has been made against a Respondent, the School may provide remedies to a Complainant. Any such remedies will be designed to restore or preserve equal access to the School's Education Program or Activity. The Title IX Coordinator is responsible for effective implementation of any remedies set forth in the written determination.

No disciplinary sanctions or other actions that are not Supportive Measures will be implemented against a Respondent before the grievance process is final.

C. Informal Resolution Process of a Formal Complaint

At any time prior to reaching a determination regarding responsibility for conduct alleged via a Formal Complaint, the School may facilitate an Informal Resolution process that does not involve the full investigation and adjudication of the Formal Resolution process detailed above.¹⁷

1. Consent by the Parties

The parties must all provide voluntary, written consent to participate in the Informal Resolution process.

The School may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of Sexual Harassment as outlined in the above Formal Resolution process. Similarly, the School cannot require the parties to participate in an informal resolution of a Formal Complaint of Sexual Harassment.

2. Typical Timeframe of the Informal Resolution Process

Generally, an Informal Resolution process will be completed within 60 calendar days from receipt of a Formal Complaint. This timeline may be extended if necessary, including a temporary delay or the limited extension of time for good cause.¹⁸

The parties will simultaneously be notified in writing of any extension of the timeframe and the reasons for such extension.

¹⁷ When an Employee is the Respondent, the Informal Resolution Process Cannot be used. See Title IX Sexual Harassment Policy (Employee or Third Party Respondent).

¹⁸ "Good cause" may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

3. Notice to the Parties

The School must provide the parties with written notice disclosing:

- the allegations and
- the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The School will simultaneously provide the parties with a written summary of the outcome of an Informal Resolution process.

X. Prohibition of Retaliation

Neither the School nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or its operating regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, constitutes retaliation. Any complaint alleging retaliation may be filed according to this Policy.¹⁹

XI. Waiver of Drug/Alcohol Violations

The School strongly encourages Students to report instances of Sexual Harassment, including Sexual Assault, Dating Violence, Domestic Violence, and Stalking. As such, witnesses or Complainants who report such incidents under this Policy in good faith will not be disciplined by the School for any violation of its drug and alcohol policies in which they might have engaged in connection with the reported incident.

XII. Cooperation with Law Enforcement

The School has entered into a memorandum of understanding with the St. Paul Police Department, which delineates responsibilities and requires information sharing, in

¹⁹ The exercise of rights protected under the First Amendment does not constitute prohibited retaliation under this Policy.

accordance with applicable privacy law, about certain crimes, including but not limited to Sexual Assault.

At the direction of law enforcement authorities, Campus Authorities will provide complete and prompt assistance in obtaining, securing, and maintaining evidence in connection with a Sexual Assault incident. Campus Authorities will assist in preserving for a Sexual Assault Complainant materials relevant to its School grievance process.

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 grievance process while the law enforcement agency gathers evidence. The School will promptly resume its grievance process 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 Complainant and the Campus community and the avoidance of retaliation.

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

XIII. 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

A Complainant may also have rights under the Crime Victims Bill of Rights, including the right to assistance from the Crime Victims Reparations Board and the Commissioner of Public Safety. For example, victims of Domestic Violence, Sexual Assault, and Stalking have the right to:

- Be informed by the prosecutor of any decision to decline or dismiss a case along with information about seeking an order for protection or harassment restraining order at no cost;
- Terminate a lease without penalty or payment to escape a violent situation;
- If a Domestic Violence victim, get a free copy of the incident report the responding law enforcement agency is required to write;
- If a domestic abuse victim, ask that the prosecutor file a criminal complaint;
- If a Sexual Assault victim, have a confidential sexual assault exam at no cost and receive notice of rights and resources from the medical facility; and
- If a Sexual Assault victim, refuse a polygraph exam without impacting whether the investigation or prosecution will proceed.

Additional information is available in the [Minnesota Crime Victims Bill of Rights](#).

XIV. School Reporting Obligations

Under the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), the School has a legal duty to track and publish information about certain types of crimes, including but not limited to Sexual Assault, Domestic Violence, Dating Violence, and Stalking. 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 Non-Campus Buildings or Property, and on Public Property, all criminal offenses reported to Campus Authorities or local authorities related, among other things, to Dating Violence, Domestic Violence, Sexual Assault, and Stalking. The School will not disclose the Complainant’s name or other personally identifiable information in its report.

In addition to its reporting obligations under the Clery Act, under Minnesota Law, the School has a legal duty to track and report similar information about Sexual Assault on its website and to the Minnesota Office of Higher Education.

The School also 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 School community. The School will make every effort to ensure that a Complainant’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.

XV. Programs Designed to Prevent Domestic Violence, Dating Violence, Sexual Violence, and Stalking

Per Minnesota law, all Students must receive training on Sexual Assault within 10 days after the start of a Student's first semester of classes.²⁰

Pursuant to the Clery Act, the School has implemented 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 Employees. In these programs, participants will:

- Be provided a statement that the School prohibits the offenses of Domestic Violence, Dating Violence, Sexual Assault, and Stalking;
- Receive the definitions of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Consent, as set forth under Minnesota law;
- 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;
- Receive information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- Learn about possible sanctions or protective measures that the School may impose following a decision on responsibility of an incident of Rape, acquaintance rape, Domestic Violence, Dating Violence, Sexual Assault, or Stalking;
- Learn about procedures victims of a sex offense, Domestic Violence, Dating Violence, Sexual Assault, or Stalking should follow, including information 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 Security, including notification of the victim's option to:
 - Notify proper law enforcement authorities, including Campus Security and local police,

²⁰ This training will include information about topics including but not limited to Sexual Assault, Consent, preventing and reducing the prevalence of Sexual Assault, procedures for reporting Campus Sexual Assault, and Campus resources on Sexual Assault, including organizations that support victims of Sexual Assault. The training will include information about best practices for interacting with victims of Sexual Assault, including how to reduce the emotional distress resulting from the reporting, investigatory, and disciplinary process.

- Be promptly assisted by Campus Security in notifying law enforcement authorities if the victim so chooses, and
 - Decline to notify such authorities
- Where applicable, the rights of victims and the School's responsibilities regarding orders for protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.
- Learn procedures for School grievance processes in cases of alleged Domestic Violence, Dating Violence, Sexual Assault, or Stalking, including the fact that
 - the proceedings shall:
 - Provide a prompt, fair, and impartial investigation and resolution and
 - Be conducted by officials who receive annual training on the issues related to Domestic Violence, Dating Violence, Sexual Assault, and Stalking and how to conduct an investigation and hearing process that protects the safety of the parties and promotes accountability.
 - In the proceedings, the Complainant and Respondent may have an advisor of their choice, who may be, but is not required to be, an attorney present during the grievance process; and
 - In the proceedings, the Complainant and Respondent shall be simultaneously informed, in writing, of—the outcome of any School grievance process that arises from an allegation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking; the School's procedures for Complainant and Respondent to appeal the results of the determination of responsibility; any change to the results that occurs prior to the time that such results become final; and when such results become final.
- Obtain information about how the School will protect the confidentiality of Complainants and Respondents, including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about the parties, to the extent permissible by law;
- Receive written notification of Students and Employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims of Sexual Assault, Dating Violence, Domestic Violence, and Stalking both on-campus and in the community.
- Receive written notification of victims of Sexual Assault, Dating Violence, Domestic Violence, and Stalking 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 campus police or local law enforcement.

The School also offers ongoing prevention and awareness campaigns for Students and Employees and will provide attendees with, at minimum, the same information listed

above. These campaign programs occur on a regular basis and no less frequently than once per year.

[See Appendices below]

Appendix A. Resources and Contact Information

Confidential 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 School disciplinary proceeding or criminal process.

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

Community/External Resources

[St Paul Police](#)

Emergency 4911 (on Campus) and 911 (off Campus)

Non-Emergency Number:

651-291-1111

[Casa de Esperanza](#)

St. Paul, MN

651-772-1611

24-hour Bilingual (English and Spanish) helpline

[Day One Services](#)

1-866-223-1111

Crisis Support, information on shelters, safety planning, and orders for protection

[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

[St Paul/Ramsey County Domestic Abuse Intervention Project](#) (24-hour crisis line)

651-645-2824

888-575-3367

[Minnesota Coalition Against Sexual Assault \(MNCASA\)](#)

651-209-9993

[National Domestic Violence Hotline](#)

1-800-799-SAFE (7233)

[OutFront Minnesota](#)

(24-hour anti-violence crisis support line for LGBT Victims)

612-822-0127 (option 3)
1-800-800-0350 (Option 3)

[Rape, Assault, and Incest National Network \(RAINN\)](#)

1-800-656-4673
24-hour hotline; free and confidential
Online chat available.

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

Regions Hospital Emergency Room
651-254-3306
640 Jackson Street
St. Paul, MN 55101

United Hospital Emergency Room
651-241-8755
333 North Smith Avenue
St. Paul, MN 55102

[Sexual Offense Services of Ramsey County](#)

24-hour hotline; free and confidential
555 Cedar Street
St. Paul, MN 55101
651-266-1000

Appendix B. A Complainant's Rights & Options

Pursuant to the Clery Act and Minnesota law, Students or Employees who report to the School that they have been a victim of Domestic Violence, Dating Violence, Sexual Assault, or Stalking—whether the offense occurred on or off Campus—shall be provided with a written explanation of their rights and options. These include the rights and options to:

- Be treated with dignity by Campus Authorities, including the right to be free from suggestions by Campus Authorities that the Complainant is at fault for the alleged crimes or violations that occurred or that the Complainant should have acted in a different manner to avoid such an incident;
- Learn about possible sanctions or protective measures that the School may impose following a decision on responsibility of a School grievance process regarding Rape, acquaintance rape, Domestic Violence, Dating Violence, Sexual Assault, or Stalking;
- Learn about procedures victims should follow if a sex offense, Domestic Violence, Dating Violence, Sexual Assault, or Stalking has occurred, including information 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 Complainant's option to:
 - Notify and/or file charges with proper law enforcement authorities, including Campus Security and local police,
 - Be assisted by Campus Security in notifying and/or filing charges with law enforcement authorities if the Complainant so chooses, and
 - Decline to notify such authorities
 - Where applicable, the rights of victims and the School's responsibilities regarding orders for protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.
- Be provided complete and prompt assistance of Campus Authorities, at the direction of law enforcement authorities, to obtain, secure, and maintain evidence in connection with a Sexual Assault incident. This also includes Campus Authorities' assistance in preserving for a Sexual Assault Complainant materials relevant to a School grievance process.
- Learn procedures for School grievance processes in cases of alleged Domestic Violence, Dating Violence, Sexual Assault, or Stalking, including the fact that
 - the proceedings shall:
 - Provide a prompt, fair, and impartial investigation and resolution and
 - Be conducted by officials who receive annual training on the issues related to Domestic Violence, Dating Violence, Sexual Assault, and Stalking and how to conduct an investigation and hearing process that protects the safety of the parties and promotes accountability.
 - In the proceedings, the Complainant and Respondent may have an advisor of their choice, who may be, but is not required to be, an attorney present during the grievance process; and
 - In the proceedings, the Complainant and Respondent shall be simultaneously informed, in writing, of—the outcome of any School grievance process that

arises from an allegation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking; the School's procedures for the Complainant and Respondent to appeal the results of the School determination of responsibility; any change to the results that occurs prior to the time that such results become final; and when such results become final.

- The School's proceedings will forbid retaliation and establish a process for addressing complaints of retaliation.
- Be ensured that the Complainant may decide when to repeat a description of the incident of Sexual Assault;
- Obtain information about how the School will endeavor to protect the confidentiality of parties, including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law;
- Receive written notification about existing fair and respectful counseling, health, mental health, victim and sexual assault advocacy, free legal resources and assistance, and other services available for victims both on-campus and in the community.
- Receive written notification about 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 police or local law enforcement.
- If the Complainant chooses to transfer to another postsecondary education and if the Complainant so chooses, the School will provide the Complainant with information about resources for victims of sexual assault at the institution to which the Complainant is transferring.
- Consistent with laws governing access to student records, a Student Complainant or other Student who reported an incident of Sexual Assault will be provided with access to the Student's description of the incident as it was reported to the School, including if that student transfers to another postsecondary School.
- A Complainant may also have rights under the Crime Victims Bill of Rights, including the right to assistance from the Crime Victims Reparations Board and the Commissioner of Public Safety. For example, victims of Domestic Violence, Sexual Assault, and Stalking have the right to:
 - Be informed by the prosecutor of any decision to decline or dismiss a case along with information about seeking an order for protection or harassment restraining order at no cost.
 - Terminate a lease without penalty or payment to escape a violent situation.
 - If a Domestic Violence victim, get a free copy of the incident report the responding law enforcement agency is required to write.
 - If a domestic abuse victim, ask that the prosecutor file a criminal complaint.
 - If a Sexual Assault victim, have a confidential sexual assault exam at no cost and receive notice of rights and resources from the medical facility.
 - If a Sexual Assault victim, refuse a polygraph exam without impacting whether the investigation or prosecution will proceed.

Additional information is available in the [Minnesota Crime Victims Bill of Rights](#).

Appendix C. A Respondent's Rights & Options

Respondents of complaints of Domestic Violence, Dating Violence, Sexual Assault, or Stalking—whether the offense occurred on or off Campus—have the following options:

- Be treated with dignity by Campus Authorities;
- Learn about possible sanctions or protective measures that the School may impose following a decision on responsibility of a School grievance process regarding Rape, acquaintance rape, Domestic Violence, Dating Violence, Sexual Assault, or Stalking;
- Learn procedures for School grievance processes in cases of alleged Domestic Violence, Dating Violence, Sexual Assault, or Stalking, including the fact that
 - the proceedings shall:
 - Provide a prompt, fair, and impartial investigation and resolution and
 - Be conducted by officials who receive annual training on the issues related to Domestic Violence, Dating Violence, Sexual Assault, and Stalking and how to conduct an investigation and hearing process that protects the safety of the parties and promotes accountability.
 - In the proceedings, the Complainant and Respondent may have an advisor of their choice, who may be, but is not required to be, an attorney present during the grievance process; and
 - In the proceedings, the Complainant and Respondent shall be simultaneously informed, in writing, of—the outcome of any School grievance process that arises from an allegation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking; the School's procedures for the Complainant and Respondent to appeal the results of the School determination of responsibility; any change to the results that occurs prior to the time that such results become final; and when such results become final.
 - The School's proceedings will forbid retaliation and establish a process for addressing complaints of retaliation.
- Obtain information about how the School will endeavor to protect the confidentiality of parties, including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law;
- Receive written notification about existing fair and respectful counseling, health, mental health, free legal resources and assistance, and other services available both on-campus and in the community.

Receive written notification about options for, and available assistance in, changing academic, transportation, and working situations, if so requested by the Respondent and if such accommodations are reasonably available.

B. Sex Discrimination and Sexual Misconduct Policy (Student Respondent)

Revised: August 14, 2020

Updated: August 2021

I. Purpose and Notice of Non-Discrimination

It is the policy of Mitchell Hamline School of Law (“School”) to maintain an environment free from discrimination, including but not limited to when misconduct is based on actual or perceived race, color, creed, religion, national origin, sex, gender, gender identity, gender expression, marital status, familial (or parental) status, disability, status with regard to public assistance, sexual orientation, age, family care leave status or veteran status, membership or activity in a local human or civil rights commission, or any other protected class defined by law. Consistent with this commitment, the School prohibits Sexual Misconduct¹, *i.e.*, misconduct based on actual or perceived sex, gender, gender identity, sexual orientation, and gender expression.² The School prohibits all forms of Sexual Misconduct against Employees, Students, and Third Parties. This Policy concerns incidents when Students are accused of Sexual Misconduct. For other situations, please see the following policies:

- Sex Discrimination and Sexual Misconduct Policy (Employee or Third Party Respondent)
- Title IX Sexual Harassment Policy (Student Respondent)
- Title IX Sexual Harassment Policy (Employee or Third Party Respondent)
- Non-Discrimination and Non-Harassment Policy
- Problematic Consensual Romantic Relationship Policy³

The School prohibits Retaliation associated with incidents reported or investigated under this Policy. Complaints of such Retaliation will be investigated under this Policy.

The School is committed to investigating, resolving, and preventing all Complaints of Sexual Misconduct—whether formal or informal, verbal, or written—including when

¹ For complaints regarding incidents of sexual harassment, including sexual assault, stalking, dating violence, and domestic violence that take place within the United States, please see the School’s Title IX Sexual Harassment Policies.

² For complaints regarding any forms of harassment or discrimination besides that based on actual or perceived sex, gender, gender identity, sexual orientation, and gender expression, please see the School’s Non-Discrimination and Non-Harassment Policy.

³ The School does not prohibit relationships between employees and Students, faculty, and staff, or supervisors and Employees. That said, individuals must recognize that, in many of these types of relationships, there inherently exists a power differential that cannot be ignored and that may lend itself to various forms of Sexual Misconduct. For more information, please consult the School’s [Problematic Consensual Romantic Relationship Policy](#).

those acts are based on someone's actual or perceived protected class status, and the School will discipline or take appropriate action against any Student who violates this Policy.⁴ The School will investigate and, when appropriate, will conduct prompt, fair, and impartial investigation proceedings for Complaints of Sexual Misconduct.

If a School investigation reveals that Sexual Misconduct created a hostile education or employment environment, the School will take prompt and effective steps to end the misconduct, eliminate the hostile environment, prevent the misconduct from recurring and, when appropriate, remedy the effects of the hostile environment.

Any Student or Employee who needs a reasonable accommodation to make or respond to a Complaint, or engage in any other activity detailed in this Policy, may contact the Title IX Coordinator or a Deputy Title IX Coordinator to request an accommodation. Any Student who is found to have violated this Policy is subject to disciplinary or corrective action, up to and including expulsion.

II. Scope and Applicability

This Policy applies to incidents of Sexual Misconduct that occur in all of the education (degree and non-degree) and employment programs of the School and will be enforced on School property, including remote locations such as the Mobile Law Office, and in School-sponsored programs held in locations away from the St. Paul Campus (including study abroad programs), and other School-hosted social functions or events sponsored by the 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, including School-sanctioned Student organization events. This Policy also applies to any off-campus conduct that causes or threatens to cause a substantial and material disruption at the School, or interferes with the rights of Students and Employees to be free from a hostile education or employment environment taking into consideration the totality of the circumstances on and off Campus.

Finally, this Policy applies to instances of sexual harassment, sexual assault, domestic violence, dating violence, and stalking that take place in School-sponsored programs outside of the United States (*i.e.*, study abroad programs).

Generally, the specific procedures for investigating and responding to a Complaint differ based on the nature of the parties' relationship to the School.

⁴ If a Complainant alleges that they were the victim of Sexual Misconduct by an Employee or Third Party, the Sex Discrimination and Sexual Misconduct Policy (Employee or Third Party Respondent) will apply.

Complainant	Respondent	Applicable Policy
Student	Student ⁵	Sex Discrimination and Sexual Misconduct Policy (Student Respondent)
Employee or Third Party	Student	Sex Discrimination and Sexual Misconduct Policy (Student Respondent)
Employee or Third Party	Employee or Third Party	Sex Discrimination and Sexual Misconduct Policy (Employee or Third-Party Respondent)
Student	Employee or Third Party	Sex Discrimination and Sexual Misconduct Policy (Employee or Third-Party Respondent) ⁶

This Policy will also address the reporting and subsequent investigation process for reports of sexual harassment, sexual assault, stalking, dating violence, and domestic violence that take place outside of the United States.

III. Definitions

Prohibited Conduct

Prohibited Conduct can occur between individuals of the same or different genders.

A. Sexual Misconduct, for purposes of this Policy, includes a variety of prohibited behaviors, including but not limited to Sexual Exploitation, Sexual Intimidation, Sex Discrimination, and any other non-consensual conduct of a sexual nature.⁷ Some occurrences of Sexual Misconduct may not be sexual in nature. Similarly, Sexual Exploitation constitutes Sexual Misconduct and may apply to situations where the sexual conduct itself was consensual, but a related conduct—which was not on its own sexual—nonetheless constitutes Sexual Exploitation (*e.g.*, videotaping or allowing friends to watch a consensual sexual activity without the Consent of the other person). Examples of Sexual Misconduct include:

⁵ If the Respondent is both a Student and a Student Employee, this Policy applies (except for Respondents who are full-time Employees who are also taking classes at the School and who should consult the School's Title IX Sexual Harassment Policy (Employee or Third Party Respondent)). A Respondent who is both a Student and a Student Employee may be subject to any of the sanctions applicable to Students or Employees.

⁶ If either the Complainant or Respondent is a Student, then the procedure for appeals set forth in this Policy applies.

⁷ For complaints regarding incidents of sexual harassment, sexual assault, stalking, dating violence, and domestic violence that take place within the United States, please see the School's Title IX Sexual Harassment Policies.

- **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; possession of child pornography; prostituting another person; exposing one's genitals in non-consensual circumstances; distributing intimate or sexual information about a person without their Consent; or knowingly transmitting a sexually transmitted disease to another person.
- **Sexual Intimidation** involves threatening another person that the perpetrator will commit a sex act against them or engaging in indecent exposure.
- **Sex Discrimination** occurs when an individual is treated adversely because of that person's sex, gender, sexual orientation, gender identity, or gender expression, or is subject to any other form of Sexual Misconduct. Some examples of conduct that may constitute Sex Discrimination include:
 - Treating an individual adversely in any other respect because of their sex, gender, sexual orientation, gender identity, or gender expression;
 - Using epithets, slurs, threatening or intimidating acts, including written or graphic material directed to an individual because of their sex, gender, sexual orientation, gender identity, or gender expression; or
 - Written, verbal or physical acts directed to an individual because of their sex, gender, sexual orientation, gender identity, or gender expression that purport to be jokes or pranks.

B. Retaliation means an adverse action taken against a Complainant, or a person who files a Complaint, and/or otherwise participates in an investigation or proceeding under this Policy, including Third-Parties.

Other Important Definitions

C. Complainant means an individual who is alleged to be the victim of conduct that could constitute Sexual Misconduct.

D. Complaint means any report of conduct that is in violation of this Policy.

E. Respondent means the person who has been accused of conduct prohibited by this Policy.

F. Employee, for purposes of this Policy, means all non-Student Employees of the School, including faculty, staff, adjuncts, and administrators.

G. Third Party, for purposes of this Policy, includes certain third-party affiliates, including volunteers, vendors, visitors, and independent contractors.

H. Student, for purposes of this Policy, means any individuals taking classes at the school, including all degree and non-degree Students. For purposes of this policy, “Student” does not include full-time Employees of the School who are also taking classes at the School (those individuals are considered “Employees”).

I. Campus means the entire physical grounds of the School, remote locations such as the Mobile Law Office, and facilities away from the main Campus where School-sponsored programs (*i.e.*, Student abroad programs) are held.

J. Campus Authorities means the security department at the School, as well as the Title IX Coordinator, the Deputy Title IX Coordinators, the Vice Dean, Academic and Faculty Affairs, and the Dean and President of the School.

K. Consent is defined by Minnesota law (Minn. Stat. § 609.341, subd. 4) and 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 this section cannot consent to a sexual act. Corroboration of the Complainant’s testimony is not required to show lack of consent. Under Minnesota law, **mentally incapacitated** means that a person under the influence of alcohol, a narcotic, anesthetic, or any other substance, administered to that person without the person's agreement, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration.

L. Title IX Coordinator means the person who is primarily responsible for addressing issues of sex-based Discrimination, including coordinating the School’s efforts to comply with its obligations under Title IX and its governing regulations. The School's Title IX Coordinator is Christine Szaj.

M. Deputy Title IX Coordinators means the persons, in addition to the Title IX Coordinator, responsible for Complaints under this Policy. The School’s Deputy Title IX Coordinator is Lynn LeMoine, Dean of Students (651-290-7668). In cases where the Complainant or Respondent is a School Employee, Michael Freer, Interim Director of Human Resources (651-290-6322) may be the Deputy Title IX Coordinator.

IV. Reporting Procedures for Incidents of Sexual Misconduct

Properly reporting Complaints is of vital importance. If Complaints are improperly reported—*i.e.*, reported to the wrong individual, the Complainant risks the possibility that the Complaint will not come to the attention of the appropriate person, and therefore not be acted upon.

As necessary, the School reserves the right to initiate a Complaint and to initiate conduct proceedings without a formal Complaint by the Complainant.

A. Forms of Reporting

1. Reporting Directly to a School Administrator Identified Below

Anyone who believes that they have been the victim of Sexual Misconduct or that they have observed Sexual Misconduct, may report the conduct to any of the following administrators:

Christine Szaj, Title IX Coordinator; Vice President, Institutional Management
875 Summit Ave, St. Paul, MN 55105
christine.szaj@mitchellhamline.edu

Lynn LeMoine, Deputy Title IX Coordinator; Dean of Students
875 Summit Ave, St. Paul, MN 55105
651-290-7668
lynn.lemoine@mitchellhamline.edu

Michael Freer⁸, Deputy Title IX Coordinator; Director, Human Resources
875 Summit Ave, St. Paul, MN 55105
651-290-6322
michael.freer@mitchellhamline.edu

Jim Hilbert, Vice Dean, Academic and Faculty Affairs
875 Summit Ave, St. Paul, MN 55105
651-290-7507
jim.hilbert@mitchellhamline.edu

Anthony Niedwiecki, Dean and President
875 Summit Ave, St. Paul, MN 55105
651-290-7510
anthony.niedwiecki@mitchellhamline.edu

Any Employee who receives a report or witnesses conduct that involves Sexual Misconduct regarding a Student is required to immediately report it to the Title IX Coordinator or a Deputy Title IX Coordinator.

⁸ Michael Freer will typically serve as the Deputy Title IX Coordinator in situations when an Employee is either the Respondent or the Complainant.

2. Complaints Regarding Conduct of the President and Dean

Any Complaints involving conduct of the President and Dean should immediately be reported to an Officer of the Board of Trustees, whose contact information can be found on the Board of Trustees web page.

3. Online Reporting

Reports can be made online via the [Sexual Misconduct/Sexual Harassment Reporting Form](#). All reports will be forwarded to the Title IX Coordinator.

Reports may be made anonymously; however, the reporter is encouraged to provide as much information as possible. Because of the nature of anonymous reports, the School may be limited in its ability to investigate and respond to an anonymous report.

4. Notifying Law Enforcement

Any individual who believes they have been the victim of Sexual Misconduct also retains the right to notify—or decline to notify—law enforcement authorities. In some cases, unless prohibited by law, an individual may pursue criminal action and a School internal Complaint concurrently. In certain circumstances, the School is prohibited from waiting for a criminal case to conclude before proceeding in its own internal investigation.

5. Additional Resources and Contact Information

Appendix A includes a list of confidential School resources; county resources regarding orders of protection, no contact orders, or restraining orders; and additional external resources.

Making a Complaint under this Policy does not preclude a Complainant from contacting any other resource, including but not limited to those listed in Appendix A.

B. Recurrence

If the Sexual Misconduct reoccurs, the recurrence should immediately be reported according to the Reporting Procedure above.

C. Reports of Crimes Due to Protected Status

If anyone believes that they have been a victim of a crime, including 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 Complainant believes they were selected because of their actual or perceived sex, gender, sexual orientation, gender identity, or gender expression, they should, if desired, report the incident to the Campus Authorities or local law enforcement.

D. Prohibition Against False Reports

The willful filing of a false report is a violation of this Policy.

E. Statement on Confidentiality

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 and the need to conduct an investigation and take any needed action.

V. Investigation and Resolution

Upon receipt of a Complaint, the Complainant may request that the School initiate the formal resolution process or the alternative resolution process, as described more below. The Complainant's choice of process is only one consideration regarding which process will be used.

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. If the School conducts an individualized safety and risk analysis and determines that there is an immediate threat to the physical health or safety of any Student, Employee, or other person arising from the allegations and that such immediate threat justifies removal, the School retains the right to remove a Respondent from the School's education program or activity on an emergency basis. In this instance, the School will provide the Respondent with notice of its decision and an opportunity to challenge the decision immediately following removal.

During the investigation, the School may implement interim actions, including but not limited to changing a Complainant's work or class schedule; issuing a timely warning if there exists an ongoing threat of danger to the community; providing information about legal options, including but not limited to orders for protection and harassment restraining orders; and notifying appropriate School administration or management personnel.

In appropriate situations, the School will provide written notifications to the parties about options for, and available assistance in, changing academic, transportation, and working situations, if so requested by the parties and if such accommodations are reasonably available, regardless of whether the Complainant chooses to lodge a formal Complaint.

A. Formal Resolution Process

A formal resolution process will take place (a) if the Complainant requests that the formal resolution process take place, (b) if the Respondent requests that the formal resolution takes place, or (c) the School determines that, despite the parties' desire to resolve the issue via alternative resolution, a formal resolution is needed.

There are two main steps that occur if the formal resolution process is initiated: (1) the initial investigation, and (2) adjudication. The initial investigation includes receipt of a Complaint, assignment of an appropriate investigator, notice to the parties, and commencement of the fact-finding process. Adjudication includes a determination of responsibility, imposition of possible sanctions, and the right of an appeal.

Generally, the investigation will be completed within 60 calendar days from receipt of the Complaint. This timeline includes the period from commencement of an investigation through the resolution. The timeline may be extended if necessary, which may be if additional time is necessary to ensure the integrity and completeness of the investigation among other reasons. The parties will be notified in writing of any extension of the timeframe and the reasons for such extension.

Initial Investigation

1. Receipt of Complaint

Upon receipt of a report or Complaint, the School will notify the Complainant, and when appropriate, obtain consent from the Complainant to promptly undertake or authorize a fair and impartial investigation. Where the Complainant requests anonymity or that an investigation not be pursued, the School will consider the following factors in determining whether to pursue an investigation: (1) the totality of the circumstances; (2) the presence of any known risks, (3) the potential impact of action on the Complainant, (4) any evidence showing the Respondent made statements of admission or accepted responsibility for the prohibited conduct, (5) the existence of any independent information or evidence, and (6) any other available and relevant information. Where the School determines that it must proceed with an investigation despite a Complainant's request to the contrary, the School will make reasonable efforts to protect the privacy of the Complainant. If the Complainant's identity may have to be disclosed, the School will notify the Complainant that the School intends to proceed with an investigation.

2. Assignment of Investigator

Depending on the parties involved, the investigation may be conducted by (a) the Dean or the Dean's designee(s), (b) an experienced external investigator, or (c) a combination of the above. The investigation will be conducted by someone who has been trained on

how to conduct a prompt, fair, and impartial investigation; how to provide safety to parties; and how to promote accountability.

3. Notice

The Title IX Coordinator will notify both the Complainant and Respondent, in writing, if the School commences a formal investigation. Such notice will: identify the Complainant (unless there is good reason not to do so) and the Respondent; specify the date, time, and location (if known), and nature of the prohibited conduct; specify the potential violation(s) of this Policy; and provide the name of the investigator. A copy of this Policy will also be provided to both the Complainant and Respondent.

Complainants and Respondents may choose to participate or decline to participate in the investigation. That said, participation of these parties is not mandatory for the investigation to proceed.

4. Commencement of Fact-Finding Process

The investigation may, as appropriate, consist of personal interviews with the alleged Complainant, the reporter (if someone other than the alleged Complainant), the Respondent, 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.

To ensure the School can gather the information necessary to uphold School policies, each Student or Employee who is requested to participate in a fact finding is required to fully cooperate with the investigator. Unless otherwise directed by the investigator, Students and Employees 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.

The Complainant and the Respondent will be simultaneously notified of any change to the investigation process.

Neither the Complainant nor the Respondent are entitled to have others present during a School disciplinary proceeding.

Adjudication

1. Prior or Subsequent Conduct

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. During the investigation, the School will never consider evidence about the Complainant's prior sexual conduct with anyone other than the Respondent.

2. Standard of Proof

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.

3. Written Report and Opportunity to Respond

Upon completion of the investigation, the investigator will submit a written report to the Title IX Coordinator that includes findings of fact related to the Complaint based on personal interviews, documentary evidence, and any other information found to be relevant to the investigation.

The Title IX Coordinator will provide the Complainant and Respondent an opportunity to review this report and prepare a written response which will be attached to the investigator's report. The Title IX Coordinator will forward this report and any written response to a member of the faculty designated as an adjudicator who will make a determination whether there is a violation under this Policy.

4. Disciplinary Sanctions by the School

If the adjudicator determines there has been a violation of this Policy, the adjudicator will also decide the appropriate sanction. In accordance with applicable law, the School retains the right to issue possible sanctions or engage in protective measures following a final determination of a School disciplinary procedure. Sanctions may include:

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

The adjudicator will submit to the Title IX Coordinator a written report that includes the final determination; sanction, if any; and rationale for the decision.

The Title IX Coordinator will inform the President and Dean of the results of the investigation.⁹ Upon completion of the adjudication, the Title IX Coordinator will simultaneously inform the Complainant and Respondent of the results of the investigation.

5. Appeals

If a Student is involved (either as the Complainant or the Respondent), then both the Complainant and Respondent have a right to 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 **ONLY** grounds for appeal are as follows:

- Procedural irregularity that significantly affected the outcome of the matter (the appealing party must include a summary of the irregularity and its potential impact in its appeal);
- New evidence that was not reasonably available at the time the decision was made, that could affect the outcome of the matter (the appealing party must include a summary of this new evidence and its potential impact in its appeal); or
- The investigator and/or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the matter (the appealing party must include a summary of this conflict of interest or bias and its potential impact in its appeal).

Appeals are not intended to be a full re-investigation of the Complaint. In most cases, appeals are confined to a review of the written document and the appeal notice.

The Title IX Coordinator, in its discretion, will determine the appropriate appeals officer depending on the nature of the parties' relationship to the school. Before an appeal is determined, the Respondent in this appeal may be given the opportunity to review the appeal and, should they wish, to submit a written opposition to the appeal to the Title IX Coordinator. The appeal review should be completed within 10 business days of receipt of the appeal, or, when applicable, receipt of written opposition.

The Title IX Coordinator will simultaneously notify the Complainant and Respondent of the School's decision. The appeal decision is final.

⁹ If the Complaint involves the President and Dean, the report must be made directly to the Board of Trustees.

B. Alternative Resolution Process

After making a Complaint, the Complainant may request that the School seek alternative resolution in place of a formal resolution process. To proceed in the alternative resolution process, the Respondent must agree, as well. Participation in alternative resolution is voluntary for both the Complainant and Respondent. The School cannot compel either the Complainant or the Respondent to engage in the alternative resolution process and will permit either party to withdraw from alternative resolution at any time.

The School retains full discretion regarding whether alternative resolution is appropriate in light of the specific circumstances of each case and, despite the parties' interest in resolving an issue via alternative resolution, the School maintains the right to require resolution via the formal resolution process. The School may terminate an ongoing alternative resolution at any time.

Alternative resolution agreements may include:

- Resolution with the assistance of third party, such as a mediator;
- Increased monitoring, supervision, and/or security;
- Targeted or broad-based educational programming or training;
- Educational program modifications; and
- Other remedial or protective measures.

If the alternative resolution process fails to achieve a resolution that is acceptable to the Complainant, Respondent, or the School, the Complaint may go through the formal resolution process. In addition, a party may appeal a resolution from the alternative resolution process via the formal resolution process' appeal procedure.

VI. 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 an investigation while the law enforcement agency gathers evidence. The School will promptly resume its 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 parties and the Campus community and the avoidance of retaliation.

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

VII. 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.

VIII. No Retaliation

There will be no Retaliation against any Complainant of Sexual Misconduct under this Policy, nor against any person who participates in an investigation. The School will take appropriate action against any Student, Employee, or, when appropriate, Third Party, 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. In addition, neither the School, nor any officer, Employee, or agent of the School may retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights to avail themselves of the School's Complaint procedure under this Policy.

IX. 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.

X. 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

XI. Waiver of Drug/Alcohol Violations

The School strongly encourages Students to report instances of Sexual Misconduct. As such, Students who report such information will not be disciplined by the School for any

violation of its drug and alcohol policies in which they might have engaged in connection with the reported incident.

XII. Questions

Please direct any questions to the Title IX Coordinator or a Deputy Title IX Coordinator.

See next page for Appendix A (Resources and Contact Information) .

Appendix A. Resources and Contact Information

Confidential 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 School disciplinary proceeding or criminal process.

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

Community/External Resources

[St Paul Police](#)

Emergency 4911 (on Campus) and 911 (off Campus)

Non-Emergency Number:

651-291-1111

[Casa de Esperanza](#)

St. Paul, MN

651-772-1611

24-hour Bilingual (English and Spanish) helpline

[Day One Services](#)

1-866-223-1111

Crisis Support, information on shelters, safety planning, and orders for protection

[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

[St Paul/Ramsey County Domestic Abuse Intervention Project](#) (24-hour crisis line)

651-645-2824

888-575-3367

[Minnesota Coalition Against Sexual Assault \(MNCASA\)](#)

651-209-9993

[National Domestic Violence Hotline](#)

1-800-799-SAFE (7233)

[OutFront Minnesota](#)

(24-hour anti-violence crisis support line for LGBT Victims)

612-822-0127 (option 3)

1-800-800-0350 (Option 3)

[Rape, Assault, and Incest National Network \(RAINN\)](#)

1-800-656-4673

24-hour hotline; free and confidential

Online chat available.

Ramsey County Domestic Abuse and Harassment Office

651-266-5130

Regions Hospital Emergency Room

651-254-3306

640 Jackson Street

St. Paul, MN 55101

United Hospital Emergency Room

651-241-8755

333 North Smith Avenue

St. Paul, MN 55102

[Sexual Offense Services of Ramsey County](#)

24-hour hotline; free and confidential

555 Cedar Street

St. Paul, MN 55101

651-266-1000

IX. 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, Dean of Students, Vice President of Finance and Administration, and Director 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.

X. CRIME STATISTICS (2019 – 2021)

Reported Crime	On-campus			Non-campus Building or Property			Public Property		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
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	1
Robbery	0	0	0	0	0	0	1	0	0
Burglary	1	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	2
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

(Continued on next page)

Reported Crime	On-campus			Non-campus Building or Property			Public Property		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
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

HATE CRIMES: There were no hate crimes reported for 2019, 2020, or 2021.