

# Mitchell Hamline School of Law

## 2024 Campus Security Report

(Report Date: September 24, 2024)

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	Fire/Medical/Police
651-290-6330	Security desk
612-286-3047	Security Emergency Phone

## **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 (security desk) or 612-286-3047 (security emergency phone) 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, tattoos, 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; 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](mailto: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. Bob Rogers, Safety and Security Supervisor, 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 within 6 block radius of campus. Contact the officer at the Summit Avenue front entrance or call 651-290-6330.
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.
  - e. Once building is closed, depart campus and do not loiter on campus.
- 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 612-286-3047 (security emergency phone).

- 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 612-286-3047 (security emergency phone).
- 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, 7:30a.m.- 10:30 p.m.; Saturday/Sunday, 9:00 a.m. – 4:00 p.m. Building hours may be modified from time to time for specific reasons including exams, vacation periods and holidays. The community will be notified in advance of any modifications.
  - c. Students, faculty and staff are encouraged to report needed repairs to the facilities department.
2. Policies and procedures for safe access to buildings.
  - a. Keys are issued to authorized faculty, staff and students only.
  - b. The following doors are the only permissible doors to enter the building:
    - i. Door #1 – Main entrance to the building (Students and Visitors)
    - ii. Door #5 – East side of the LEC Building near the Portland Avenue parking lot (Faculty and Staff)
    - iii. Door #9 – Northwest side of the 1953 Building near the Portland Avenue parking lot (Faculty and Staff)

- iv. Door #15 – South side of the 1931 Building on the main parking lot (Faculty and Staff)
- 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.
- 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 to Bob Rogers, Director of Security (763-242-1561)

## **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. SEX DISCRIMINATION, SEXUAL HARASSMENT AND SEXUAL MISCONDUCT POLICY

### I. Purpose and Statement of Non-Discrimination Policy

Mitchell Hamline (“the School”) does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admissions and employment. The School prohibits all forms of sex discrimination and sexual harassment against employees, students, and third parties, including discrimination or harassment based on actual or perceived sex, gender, gender identity, sexual orientation, and gender expression, and discrimination or harassment based on current, potential, or past pregnancy or related conditions. The School is committed to responding to all complaints of sex discrimination and sexual harassment, including complaints of sexual assault, stalking, dating violence, domestic violence.

The School also prohibits sexual misconduct, as defined by the Minnesota Campus Sexual Misconduct Policy Law, which includes sexual violence, intimate partner violence, domestic violence, sexual assault, sexual harassment, nonconsensual distribution of sexual images, sexual extortion, nonconsensual dissemination of a deepfake depicting intimate parts or sexual acts, sex trafficking, or stalking.

The School also prohibits retaliation, including peer retaliation, against any employee, student, or third party 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.

This Policy concerns all instances of sex discrimination, including sexual harassment, and sexual misconduct. For other situations, please see the following policies:

[Non-Discrimination and Non-Harassment Policy](#)

[Problematic Consensual Romantic Relationship Policy](#)<sup>1</sup>

Any student or employee who is found to have violated this Policy is subject to disciplinary or corrective action, up to and including separation from the School.

Any student or employee who needs an ADA 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.

Questions about this Policy and related processes may be directed to:



Christine Szaj, Vice President of Institutional Management; Title IX Coordinator  
875 Summit Ave, St. Paul, MN 55105  
651-695-7733  
[christine.szaj@mitchellhamline.edu](mailto:christine.szaj@mitchellhamline.edu)

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

Director of Human Resources; Deputy Title IX Coordinator  
875 Summit Ave, St. Paul, MN 55105  
651-290-6322

## II. Scope of Policy

This Policy applies to incidents of sex discrimination, sexual harassment, and 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 and in School-sponsored programs held in locations away from the St. Paul Campus (excluding programs outside the United States), and other School-hosted social functions or events sponsored by the School but held at other locations. This Policy also applies to any off-campus conduct, including conduct outside the United States, that interferes with the rights of students and employees to be free from a hostile education or employment environment within the School's Education Program and Activities.

Note that the School would respond to allegations of sex discrimination, sexual harassment, and sexual misconduct even if the alleged conduct occurred outside the application of this Policy but affected individuals in a School-sponsored program.

The Complaint Resolution Process described in Section VIII of this Policy applies to all complaints of sex discrimination, sexual harassment, and sexual misconduct, except complaints of sexual harassment or sexual misconduct involving student Complainants or Respondents. The Complaint Resolution Process described in Section IX of this Policy applies to complaints of sexual harassment or sexual misconduct involving student Complainants or Respondents. Note that **sex discrimination**, **sexual harassment**, and **sexual misconduct** have different definitions. For clarity about the definition of each term, please consult the definitions in Section III, below.

The process described in Section VIII of this Policy also applies to all complaints of retaliation related to sex discrimination, sexual harassment, and sexual misconduct, unless the retaliation complaint is consolidated

with a complaint of sexual harassment or sexual misconduct involving a student Complainant or a student Respondent. If the retaliation complaint is consolidated with a complaint of sexual harassment or sexual misconduct involving a student Complainant or a student Respondent, the process described in Section IX of this Policy apply.

The Informal Resolution Process described in Section VI is available to resolve any complaint of sex discrimination, sexual harassment, or sexual misconduct.

### **III .Definitions**

#### **A. Definitions of Prohibited Conduct**

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

**Sex discrimination** occurs when an individual is treated adversely because of that person's sex, gender, sexual orientation, gender identity, or gender expression. sex discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, and pregnancy or related conditions. This includes treating an individual adversely in any respect because of their sex, gender, sexual orientation, gender identity, or gender expression.

**Sexual harassment** is a form of sex discrimination. Sexual harassment means harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sexual harassment may occur in the following ways:

1. Quid pro quo harassment. An employee of the School conditions the provision of an aid, benefit, or service of the School on an individual's participation in unwelcome sexual conduct.
2. Hostile environment harassment. Unwelcome sex-based conduct occurs that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the School's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of several factors:
  - The degree to which the conduct affected the Complainant's ability to access the School's education program or activity;
  - The type, frequency, and duration of the conduct;
  - The parties' ages, roles within the School's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - The location of the conduct and the context in which the conduct occurred.
3. Other sexual harassment in the School's education program or activity. This includes sexual violence in the form of sexual assault, dating violence, domestic violence, and stalking.

**Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. This includes the following crimes:

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.
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.

**Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on a consideration of the following factors:

- The length of the relationship;
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship;

**Domestic violence** means felony or misdemeanor crimes committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the School, or a person similarly situated to a spouse of the victim;
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

**Sexual exploitation**, a form of sexual harassment, 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; lying about contraception; or knowingly transmitting a sexually transmitted disease to another person.

**Sexual intimidation**, a form of sexual harassment, involves threatening another person that the perpetrator will commit a sex act against them or engaging in indecent exposure.

**Sexual misconduct** means the conduct covered by this term in the Minnesota Campus Sexual Misconduct Policy Law, including sexual violence, intimate partner violence, domestic violence, sexual assault, sexual harassment, nonconsensual distribution of sexual images, sexual extortion, nonconsensual dissemination of a deepfake depicting intimate parts or sexual acts, sex trafficking, or stalking.

**Retaliation** means intimidation, threats, coercion, or discrimination against any person by the School, a student, or an employee or other person authorized by the School to provide aid, benefit, or service under the School's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

## **B. Definitions of Process Participants**

**Advisor** means a person selected by a Complainant or Respondent to assist that party during a Complaint Resolution Process. An Advisor may accompany a party to all meetings during a Complaint Resolution Process or Informal Resolution Process and may assist a party with preparing statements and other materials during the process. An Advisor may be, but is not required to be, an attorney. See Section VII (J) for more information about Advisors.

**Complainant** means a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX, or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating in or attempting to participate in the School's education program or activity when the alleged sex discrimination occurred. Where a process involves more than one Complainant, references in this Policy to the singular "Complainant" include the plural, as applicable.

**Campus Authorities** means the Security Department at the School, as well as the Title IX Coordinator, the Deputy Title IX Coordinators, the Vice Dean of Administration, the Vice Dean of Academics, and the President and Dean of the School.

**Decisionmaker** means the person appointed by the Title IX Coordinator to make a determination at the end of a Complaint Resolution Process about whether sex discrimination, sexual harassment, or sexual misconduct occurred, in violation of this Policy.

**Deputy Title IX Coordinators** means the persons, in addition to the Title IX Coordinator, responsible for reports and complaints regarding conduct that occurred against a student and/or employee, regardless of the perpetrator of that conduct. In certain circumstances, the Title IX Coordinator may delegate some of their responsibilities to the Deputy Title IX Coordinators. The Director of Human Resources will typically serve as the Deputy Title IX Coordinator when an employee is either the Respondent or the Complainant in a situation.

**Employee**, for the purposes of this Policy, means all non-student employees of the School, including faculty, staff, adjuncts, and administrators. It also includes full-time employees who are taking classes at the School.

**Investigator** means the person appointed by the Title IX Coordinator to investigate a complaint of sex discrimination, sexual harassment, or sexual misconduct. The Investigator may be an employee of the School or a person external to the School retained specifically for this purpose.

**Party** means a Complainant or Respondent. Where a process involves more than one Complainant and/or more than one Respondent, references in this Policy to the singular “party” include the plural, as applicable.

**Respondent** means a person who is alleged to have violated the School’s prohibition on sex discrimination. Where a process involves more than one Respondent, references in this Policy to the singular “Respondent” include the plural, as applicable.

**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.

**Title IX Coordinator** means the person who is primarily responsible for addressing issues of sex 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 process 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.

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

### **C. Definitions used in the Complaint Resolution Process**

**Coercion or force** includes conduct, intimidation, and expressed or implied threats of physical or emotional harm that would reasonably place an individual in fear of immediate or future harm and that are used in order to persuade or compel someone to engage in sexual contact. Any sexual contact occurring after a person has engaged in coercion or force will be presumed non-consensual, even if the particular sexual contact that occurs is different from the form of sexual contact in which the individual was attempting to engage, and even if the other individual uses words or actions that would otherwise appear to convey consent.

**Complaint** means an oral or written request to the School that objectively can be understood as a request for the School to investigate and make a determination about alleged discrimination under Title IX or its regulations.

**Consent** means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with another party. Consent does not mean the existence of a prior or current social relationship between the Complainant and the other party or that the Complainant failed to resist a particular sexual act. A person who is mentally incapacitated or physically helpless cannot consent to a sexual act. Corroboration of the Complainant's testimony is not required to show lack of consent. Consent is also defined by Minnesota law (Minn. Stat. § 609.341, subd. 4).

**Disciplinary sanctions** are consequences imposed on a Respondent following a determination under the School's Complaint Resolution Process that the Respondent violated the School's prohibition on sex discrimination.

**Incapacitation** means an individual's physical and/or mental inability to make informed, rational judgments that is known or reasonably should have been known to the individual initiating sexual contact. An individual who is incapacitated is unable to give consent to sexual contact. States of incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual contact.

Regardless of their own level of intoxication, individuals who are initiating sexual contact are always responsible for obtaining consent before proceeding. Intoxication is never an excuse for or a defense to committing sexual assault or any other sexual harassment. Use of drugs or alcohol does not diminish one's

responsibility to obtain consent, or reduce one's personal accountability or criminal liability. The issue is whether the individual initiating sexual contact knew, or a reasonable sober person in the position of the individual initiating sexual contact should have known, that the other person was incapacitated.

**Informal Resolution** means any voluntary, structured interaction between a Complainant and Respondent intended to resolve allegations of sex discrimination, sexual harassment, or sexual misconduct without engaging in a Complaint Resolution Process. The Informal Resolution Process is intended to be flexible while also providing for a full range of possible outcomes and may happen in the form of mediation, shuttle diplomacy, or other means devised by and agreed to by the parties. Typically, the Title IX Coordinator or Deputy Coordinator facilitates Informal Resolution, but the Title IX Coordinator may designate a trained, external facilitator. Informal Resolution may be used to address any form of sex discrimination, sexual harassment, or sexual misconduct. The School reserves the right to determine whether Informal Resolution is appropriate for each specific case.

**Process** means all activities related to a non-criminal resolution of a University disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings.

**Relevant** means related to the allegations of sex discrimination under investigation as part of these Complaint Resolution Processes. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a Decisionmaker in determining whether the alleged sex discrimination occurred.

**Remedies** means measures provided, as appropriate, to a Complainant or any other person the School identifies as having had their equal access to the School's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the School's education program or activity after the School determines that sex discrimination occurred.

**Supportive measures** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant before or after the filing of a complaint or to a Respondent when applicable. Such measures are designed to provide support to the parties during the School's Complaint Resolution Process, including the Informal Resolution Process, and to restore or preserve equal access to the School's education program or activity. Supportive measures may include measures designed to protect the safety of all parties or the School's educational environment, or deter sexual harassment. Supportive measures may not unreasonably burden a Complainant or Respondent.

#### **D. Other Definitions**

**Campus** means 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 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. *Campus* does not include sites used for study abroad programs.

**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.

**Non-Campus building or property** means any building or property owned or controlled by a student organization recognized by the School, and any building or property 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.

**Pregnancy and related conditions** include pregnancy, childbirth, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

**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.

#### **IV. Reporting Sex Discrimination, Sexual Harassment, and Sexual Misconduct**

##### **A. Overview**

Any person may report an incident of sex discrimination, sexual harassment, or sexual misconduct, 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 sex discrimination, sexual harassment, or sexual misconduct. There are no time limitations on when a report to the School may be made, but delaying a report may impact the School's ability to access evidence and thoroughly investigate the claims.

##### **B. Reporting Responsibilities**

All faculty and all staff with managerial responsibilities who have information about conduct that reasonably may constitute sex discrimination, sexual harassment, or sexual misconduct are required to promptly report all known details to the Title IX Coordinator or a Title IX Deputy. Before obtaining information from an individual sharing a report of sex discrimination, sexual harassment, or sexual misconduct, faculty and staff



with required reporting responsibilities should inform the individual of the faculty or staff member's reporting obligations unless circumstances prevent such immediate disclosure.

When staff who do not have managerial responsibilities, including student employees, receive information about conduct that reasonably may constitute sex discrimination, sexual harassment, or sexual misconduct, they must either:

- promptly report all known details to the Title IX Coordinator or a Title IX Deputy; or
- provide the contact information of the Title IX Coordinator and information about how to make a complaint of sex discrimination to the person who provides the information that may constitute sex discrimination, sexual harassment, or sexual misconduct.

Students who are not also employees of the School are not required to report information about conduct that reasonably may constitute sex discrimination, sexual harassment, or sexual misconduct or provide information about how to make a complaint. However, students are encouraged to report that information to the Title IX Coordinator or to provide the Title IX Coordinator's contact information to the individual reporting the conduct.

An employee or student who has personally been subject to conduct that reasonably may constitute sex discrimination, sexual harassment, or sexual misconduct does not have an obligation to report that information.

### **C. Reporting Responsibilities Regarding Pregnant Students**

When a student informs any employee of the student's pregnancy or related condition, the employee must provide the student with the Title IX Coordinator's contact information and inform the student that the Title IX Coordinator can coordinate support and modifications to ensure that the student maintains equal access to the School's Education Program and Activities, unless the employee reasonably believes the Title IX Coordinator has already been notified.

### **D. How to Report**

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

Christine Szaj, Vice President of Institutional Management; Title IX Coordinator

875 Summit Ave, St. Paul, MN 55105

651-695-7733

[christine.szaj@mitchellhamline.edu](mailto:christine.szaj@mitchellhamline.edu)

Lynn LeMoine, Dean of Students; Deputy Title IX Coordinator

875 Summit Ave, St. Paul, MN 55105

651-290-7668

[lynn.lemoine@mitchellhamline.edu](mailto:lynn.lemoine@mitchellhamline.edu)

Director of Human Resources; Deputy Title IX Coordinator  
875 Summit Ave, St. Paul, MN 55105  
651-290-6322

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 may be reported to an Officer of the Board of Trustees or to the Title IX Coordinator. Contact information for members of the Board of Trustees can be found on the [Board of Trustees webpage](#). Upon receiving a report involving the President and Dean, the Title IX Coordinator will immediately report the information to President of the Board of Trustees.

#### **E. Anonymous Complaints**

Reports of sex discrimination, sexual harassment, or sexual misconduct can be made online via the [Sexual Misconduct/Sexual Harassment Reporting Form](#). Reports may be made anonymously, but the reporter is encouraged to provide as much information as possible. All reports will be received by the Title IX Coordinator.

Because a complaint must be initiated by an individual who experienced the conduct or by the Title IX Coordinator under certain circumstances, an anonymous complaint will not necessarily trigger the School's Complaint Resolution Processes detailed below.

The School may have limited ability to respond to an anonymous report.

#### **F. 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 report or complaint under this Policy does not preclude a Complainant from contacting any other resource, including but not limited to those listed in Appendix A.

#### **G. Notifying Law Enforcement**

Any individual who believes they have been the victim of conduct that may constitute a crime 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. The School can provide assistance with notifying law enforcement authorities if desired.

#### **H. 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 materially false statement in bad faith in the course of a Complaint Resolution Process under this Policy does not constitute prohibited retaliation.

### **I. Recurring Conduct**

If the sex discrimination, sexual harassment, or sexual misconduct reoccurs, the recurrence should immediately be reported according to the reporting Procedure above.

### **J. Statement on Confidentiality**

The School will keep confidential the identity of any individual who has made a report or 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 under this Policy. The School will make these same efforts to protect the confidentiality of parties to complaints when adhering to its legal obligations of recordkeeping and reporting crimes.

### **K. Access to Report**

A person who reports an incident to the School will be provided access to their report upon request, consistent with state and federal laws governing privacy of and access to education records. A request for access to a report should be made to the Title IX Coordinator.

## **V. Initial Response to a Report of Sex Discrimination, Sexual Harassment, or Sexual Misconduct**

### **A. Initial Contact with Title IX Coordinator**

After receiving notification of conduct that may reasonably constitute sex discrimination, sexual harassment, or sexual misconduct, the Title IX Coordinator will promptly contact the Complainant to explain the options for addressing a report. Generally, options include but are not limited to:

- Taking no action;
- Arranging supportive measures to help the Complainant navigate the School environment and continue to participate in the School's Education Program and Activities;
- Requesting that the Title IX Coordinator or a Title IX Deputy Coordinator have a conversation with the Respondent about the conduct;
- Engaging in an Informal Resolution Process with the Respondent;
- Initiating a Complaint Resolution Process under this Policy that will result in a determination of whether the Respondent is responsible for sex discrimination, sexual harassment, or sexual misconduct.

The School will also 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.

The Complainant has the right to decide whether to take any action to address the alleged conduct, whether to seek supportive measures, and whether to be involved in a process addressing the conduct. Under some circumstances, as described in Sections VIII and IX below, the Title IX Coordinator may determine that the School will initiate a Complaint Resolution Process to address the discrimination or harassment even if the Complainant decides not to participate in the process.

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.

If appropriate, the Title IX Coordinator will meet with the Respondent to inform them of the report and to discuss the availability of supportive measures during any ensuing process.

When responding to a report of sex discrimination, sexual harassment, or sexual misconduct, and throughout any Complaint Resolution Process, the Title IX Coordinator will treat the Complainant and Respondent equitably.

#### **B. Supportive Measures**

Supportive measures are available to a Complainant at any time after a report of sex discrimination, sexual harassment, or sexual misconduct. If an Informal Resolution Process or Complaint Resolution Process has been initiated, Supportive measures are also available to a Respondent.

Supportive measures may include, but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus safety escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and Education Programs related to sexual harassment.

Supportive measures may not unreasonably burden either party. They will be designed to protect the safety of the parties and the educational environment and to provide support during the Complaint Resolution Process or Informal Resolution Process. Supportive measures may not be imposed for punitive or disciplinary reasons.

The School will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing any party of supportive measures provided to another party, unless necessary to provide the Supportive Measure or restore or preserve a party's access to the School's Education Programs or Activities.

If the Complainant or Respondent is a student with a disability, the Title IX Coordinator will consult, as appropriate, with the disability services staff to determine how to best implement 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.

### **C. Opportunity to Challenge Supportive Measures**

Both the Complainant and the Respondent may seek modification or reversal of the School's decision to provide, deny, modify, or terminate supportive measures applicable to them. The Title IX Coordinator will receive requests to seek modification or reversal of supportive measures and will designate an impartial employee to decide whether to grant the modification or reversal request. The impartial employee will not be the same employee who made the challenged decision and will be an employee with the authority to modify or reverse the decision. The decision will be modified or reversed if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measure provided in this Policy.

Complainants and Respondents may seek additional modification or termination of supportive measures applicable to them if circumstances change materially.

### **D. Importance of Preserving Evidence**

Regardless of whether a Complainant decides to file a complaint, they will be notified of the importance of preserving evidence as may be necessary to aid in the investigation of a criminal accusation or in obtaining a protective order.

### **E. Right to Notify (or Choose Not to Notify) Law Enforcement**

Regardless of whether a Complainant decides to file a 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.

### **F. Emergency Removal**

Regardless of whether a complaint is filed, the School retains the right to remove a Respondent from the School's education program or activity on an emergency basis. The School will perform an individualized safety and risk analysis, evaluating whether an imminent and serious threat to the physical health or safety of a Complainant, any students, employees, or other individual arising from the allegations of sex discrimination, sexual harassment, or sexual misconduct exists that justifies removal. The School will provide the Respondent with an opportunity to challenge the decision immediately following the removal.

### **G. Administrative Leave**

The School retains the right to place an employee Respondent on administrative leave from employment responsibilities during the pendency of a Complaint Resolution Process.

#### **H. Privacy**

The School will not disclose personally identifiable information obtained when responding to a report or complaint of sex discrimination, sexual harassment, or sexual misconduct under this Policy except:

- When the School has obtained prior written consent from a person with the legal right to consent to the disclosure. This may include disclosures to boards of bar examiners or other licensing agencies.
- When the information is disclosed to someone with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- To carry out the purposes of the Policy, including action taken to address conduct that may constitute sex discrimination;
- As required by Federal law, Federal regulations, or the terms and conditions of a Federal award;
- To the extent such disclosure is not otherwise in conflict with Title IX, when required by State or local law or when permitted under FERPA.

### **VI. Informal Resolution Process**

#### **A. Overview**

At any time prior to reaching a determination regarding responsibility for sex discrimination, sexual harassment, or sexual misconduct through the Complaint Resolution Processes described in Sections VIII and IX, below, the parties may choose to enter into an Informal Resolution Process that does not involve the full investigation and adjudication described in those Processes. The School encourages the use of the Informal Resolution Process, recognizing that parties' participation in the Informal Resolution Process is voluntary and the Process will only be implemented with the full written consent of all parties, in accordance with the requirements of this section.

The School has the discretion to determine whether it is appropriate to offer an Informal Resolution Process in each situation and may decline to offer the Informal Resolution Process despite one or more of the parties' wishes. The School may decline to offer the Informal Resolution Process if, for instance, it determines that the alleged conduct would present a future risk of harm to others.

When a report or complaint of sex discrimination, sexual harassment, or sexual misconduct is resolved through an Informal Resolution Process, the Title IX Coordinator will also take steps, as appropriate, to ensure that the sex discrimination, sexual harassment, or sexual misconduct does not continue or recur.

The Informal Resolution Process may be used to address complaints of retaliation related to sex discrimination, sexual harassment, or sexual misconduct.

#### **B. Consent by the Parties**

All parties must provide voluntary, written consent to participate in the Informal Resolution Process. The School cannot require the parties to participate in an Informal Resolution.

The School may not require a party to waive the right to investigation and adjudication of a complaint, as outlined in the complaint Resolution Process, as a condition of enrollment, continuing enrollment, employment, continuing employment, or provision of any other right.

#### **C. Timeframe of the Informal Resolution Process**

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

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

#### **D. Notice to the Parties**

Before initiating an Informal Resolution Process, the School will provide written notice to the parties that explains the following:

- The allegations;
- The requirements of the Informal Resolution Process;
- The right of any party to withdraw from the Informal Resolution Process at any time prior to agreeing to a resolution and to resume the Complaint Resolution Process;
- That the parties' agreement to a resolution at the conclusion of the Informal Resolution Process precludes the parties from initiating or resuming a Complaint Resolution Process arising from the same allegations;
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notice that an Informal Resolution agreement is binding only on the parties;
- What information the School will maintain from the Informal Resolution Process and whether and how the School could disclose such information for use in the Title IX Complaint Resolution Process if such a process is initiated or resumed.

#### **E. Informal Resolution Process Facilitator**

The facilitator for the Informal Resolution Process will be the Title IX Coordinator or a person designated by the Title IX Coordinator. A facilitator designated by the Title IX Coordinator may be an employee of the School or may be an external consultant. The facilitator will not be the same person as the Investigator or Decisionmaker in the School's Complaint Resolution Process.

The facilitator for 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. The facilitator will be trained consistent with the Title IX regulations.

#### **F. Description of Process**

The facilitator, in consultation with the Title IX Coordinator, will work with the parties to determine a structure for the Informal Resolution Process that all parties agree to. Working with the facilitator, the parties generally have latitude to determine the structure of the process, which may include mediation or other alternative dispute resolution procedures. The parties are not required to meet face-to-face during the process.

The parties have the right to withdraw from an Informal Resolution Process at any time and resume the Complaint Resolution Process. Once the parties have arrived at an agreement and finalized an agreement, the process is concluded, and the parties are precluded from entering a Complaint Resolution Process arising from the same allegations.

#### **G. Potential Terms and Outcomes of an Informal Resolution Process**

The parties generally have latitude to determine the terms and potential outcomes of an Informal Resolution agreement. The facilitator can assist the parties in developing possible terms and outcomes. Potential terms and outcomes may include, but are not limited to:

- Restrictions on contact between the parties;
- Restrictions on participation in School activities or programs;
- Priority in class registration, to ensure parties are not registered for the same classes;
- Restrictions on physical presence in certain areas;
- Required attendance at educational programs;
- Required assessment and/or counseling;
- Non disparagement;
- Reimbursement of expenses;
- Agreement not to sue;
- Apology and recognition of harm;
- Impact of not following terms.

At the conclusion of an Informal Resolution Process, the parties will be asked to sign an Informal Resolution outcome agreement. The School will simultaneously provide the parties with copies of the final, signed agreement.

The Title IX Coordinator or their designee is responsible for ensuring that the terms of an Informal Resolution agreement are adhered to.



The School reserves the right to take other appropriate prompt and effective steps to end any sex discrimination and prevent its recurrence even if the matter is resolved by the parties through an Informal Resolution Process.

Records about Informal Resolution Processes will be maintained by the Title IX Coordinator or Deputy Title IX Coordinator, consistent with this Policy’s recordkeeping provision, and will only be shared with School employees who have a need to know. Records from an Informal Resolution Process, including statements made by the parties during the process, will not be shared in a later Complaint Resolution Process.

**VII. General Principles Applicable to All Formal Complaint Resolution Processes**

**A. Overview of Formal Complaint Resolution Processes**

The School has adopted Complaint Resolution Processes that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

**Complaint Resolution Process A** set out in Section VIII applies to all complaints of sex discrimination brought by employees, students, or third parties, and to complaints of sexual harassment or sexual misconduct that do not involve student Complainants or student Respondents.

**Complaint Resolution Process B** set out in Section IX applies to all complaints of sexual harassment and sexual misconduct that involve student Complainants or student Respondents. Note that **sex discrimination**, **sexual harassment**, and **sexual misconduct** are different terms and have different definitions. For clarity about the definition of each term, please consult the definitions in Section III, above.

<b>Complaint Resolution Process A (Section VIII)</b>	<b>Complaint Resolution Process B (Section IX)</b>	<b>Informal Resolution Process (Section VI)</b>
Sex discrimination complaints— Any Complainant	Sexual harassment and sexual misconduct complaints— students	Available to resolve any complaint of sex discrimination, sexual harassment, or sexual misconduct
Sexual harassment or sexual misconduct complaints— Non-students (employees, third parties)		

Retaliation complaints—Any Complainant (unless consolidated with a Process B complaint, in which case Process B applies)		
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When a Complainant or Respondent is both a student and an employee of the School, the School will make a fact-specific inquiry to determine whether the process described in Section VIII or Section IX applies. In making this determination, the School will consider whether the party’s primary relationship with the School is to receive an education and whether the alleged sexual harassment occurred while the party was performing employment-related work.

The Complaint Resolution Process A set out in Section VIII also applies to complaints of retaliation brought in relation to a report or complaint of sex discrimination, sexual harassment, or sexual misconduct. However, if the retaliation complaint is consolidated with a complaint of sexual harassment involving a student Complainant or a student Respondent, the Complaint Resolution Process B set out in Section IX applies.

When a sex discrimination complaint alleges that a School’s policy or practice discriminates on the basis of sex, the School is not considered a Respondent under these procedures.

**B. Training of Individuals Involved in Implementing Formal Complaint Resolution Processes**

All Investigators, Decisionmakers, Title IX Coordinators or Deputy Title IX Coordinators, and other persons responsible for implementing the School’s Complaint Resolution Processes will be trained annually, as required by Federal Title IX regulations. Any materials used to train Title IX Coordinators, Investigators, Decisionmakers, and any person who facilitates an Informal Resolution Process will not rely on sex stereotypes and will promote impartial investigations and adjudications. All materials used to train Title IX personnel will be available upon request.

**C. Bias and Conflict of Interest**

The School requires that any Title IX Coordinator, Investigator, or Decisionmaker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. A Decisionmaker may be the same person as the Title IX Coordinator or Investigator.

**D. Standard of Proof**

In implementing these Complaint Resolution Processes, the School will use the clear and convincing standard of proof to determine whether sex discrimination, sexual harassment, or sexual misconduct occurred. Applying this standard, the Decisionmaker will evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the Decisionmaker is not persuaded under the applicable standard by the

evidence that sex discrimination, sexual harassment, or sexual misconduct occurred, whatever the quantity of the evidence is, the Decisionmaker will not determine that sex discrimination, sexual harassment, or sexual misconduct occurred.

#### **E. Burden of Proof**

The burden is on the School—not the parties—to conduct an investigation under these Complaint Resolution Processes that gathers sufficient evidence to determine whether sex discrimination, sexual harassment, or sexual misconduct occurred.

#### **F. Equitable Treatment and Presumption of Non-Responsibility**

The School will treat Complainants and Respondents equitably when implementing these Complaint Resolution Processes. The School presumes that the Respondent is not responsible for the alleged sex discrimination, sexual harassment, or sexual misconduct until a determination is made at the conclusion of the Complaint Resolution Process.

#### **G. Evaluation of Evidence**

During all Complaint Resolution Processes, the School will perform an objective evaluation of all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence.

#### **H. Credibility Determinations**

Decisionmakers will not make credibility determinations based on a person's status as a Complainant, Respondent, or witness.

#### **I. Limitation on Imposing Disciplinary Sanctions**

The School may not impose any disciplinary sanctions on a Respondent for sex discrimination, sexual harassment, or sexual misconduct under this Policy unless a Decisionmaker determines at the conclusion of a Complaint Resolution Process that the Respondent engaged in prohibited sex discrimination, sexual harassment, or sexual misconduct.

#### **J. Advisors**

The School will provide the parties with the same opportunities to have others present during any Complaint Resolution Process, including the opportunity to be accompanied to any related meetings or proceedings by the Advisor of their choice. An Advisor may be, but is not required to be, an attorney.

The School will not limit the choice or presence of the Advisor for either party in any meeting or 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.

#### **K. Privacy**

The School will take reasonable steps to protect the privacy of the parties and witnesses during the Complaint Resolution Process. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in the Complaint Resolution Process. The parties cannot engage in retaliation, including against witnesses.

The School will also take reasonable steps to prevent and address any unauthorized disclosure of information and evidence obtained solely through the Complaint Resolution Process. Disclosures for purposes of administrative proceedings or litigation related to the complaint are authorized.

#### **L. Waiver of Drug and 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.

#### **IX. Formal Complaint Resolution Process A (All Sex Discrimination; Sexual Harassment: Non-Student; Sexual Misconduct: Non-Student; Retaliation)**

The process described in this Section applies to all complaints of sex discrimination, sexual harassment, and sexual misconduct, except complaints of sexual harassment or sexual misconduct involving student Complainants or Respondents. Note that **sex discrimination**, **sexual harassment**, and **sexual misconduct** are different terms and have different definitions. For clarity about the definition of each term, please consult the definitions in Section III, above.

For complaints of **sexual harassment** or **sexual misconduct** involving student Complainants or Respondents, refer to Complaint Resolution Process B in Section IX of this Policy.

##### **A. Commencing a Formal Complaint Resolution Process (Process A)**

Any of the following persons may make a complaint of sex discrimination, sexual harassment, or sexual misconduct under this process:

- an employee of the School who is alleged to have been subjected to conduct that could constitute sex discrimination, sexual harassment, or sexual misconduct; or
- a parent, guardian or authorized legal representative with the legal right to act on behalf of a Complainant; or
- a person other than a student or employee of the School who is alleged to have been subjected to conduct that could constitute sex discrimination, sexual harassment, or sexual misconduct at a time

when that person was participating or attempting to participate in the School's education program or activity, and the person allegedly responsible for sexual harassment was not a student;

- the School's Title IX Coordinator, under the circumstances described below.

With respect to complaints of sex discrimination other than sexual harassment, in addition to the persons listed above, the following persons have the right to make a complaint under this process:

- any student of the School; or
- any person other than a student or employee who was participating or attempting to participate in the School's education program or activity at the time of the alleged sex discrimination.

A Complaint Resolution Process to address a complaint of sex discrimination, sexual harassment, or sexual misconduct begins when a Complainant requests that the School move forward with a Complaint Resolution Process. A Complainant can make this request to the Title IX Coordinator or a Title IX Deputy Coordinator, either in writing or in person.

If a Complainant does not request that the School move forward with a Complaint Resolution Process to address reported conduct, or the allegations in a complaint are withdrawn, the School may still move forward with a complaint if, after a fact-specific determination, the Title IX Coordinator concludes that a process is necessary to address reported conduct. To make this determination, the Title IX Coordinator will consider, at a minimum, the following factors:

- The Complainant's request not to proceed with initiating a complaint;
- The Complainant's reasonable safety concerns about initiating a complaint;
- The risk that additional discriminatory conduct would occur if a complaint is not initiated;
- The severity of the conduct, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to stop the conduct and prevent its recurrence;
- The age and relationship of the parties, including whether the Respondent is an employee of the School;
- The scope of the alleged sex discrimination, including information suggesting a pattern of conduct, ongoing or recurring conduct, or conduct alleged to have impacted multiple individuals;
- The availability of evidence to assist a Decisionmaker in determining whether sex discrimination occurred; and
- Whether the School could end the alleged sex discrimination and prevent its recurrence without initiating a Complaint Resolution Process.

If, after considering all relevant factors, the Title IX Coordinator concludes that the alleged conduct presents an imminent and serious threat to the health or safety of the Complainant or another person, or that the

alleged conduct prevents the School from ensuring equal access to its education program or activity, then the Title IX Coordinator may initiate a complaint.

Additionally, after reviewing a complaint, the Title IX Coordinator may conclude that the School will not move forward with a Complaint Resolution Process if they reasonably determine that the conduct alleged in the complaint could not constitute sex discrimination, sexual harassment, or sexual misconduct.

If the Title IX Coordinator decides to initiate a complaint, the School will ensure that the Complainant is notified before the complaint is initiated and that appropriate measures are taken to address any reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures.

Two main steps occur after the Complaint Resolution Process is initiated by a complaint: (1) investigation and (2) adjudication. The investigation stage includes notice to the parties, assignment of an appropriate Investigator, and commencement of the fact-finding process. Adjudication includes a determination of responsibility, imposition of sanctions, and an optional appeal.

#### **B. Timeframes for the Formal Complaint Resolution Process A**

Typically, the overall Complaint Resolution Process will be completed within 90 calendar days from receipt of the complaint. This timeline includes the period from commencement of an investigation through the determination and appeal. The timeframe for each major stage of the process is set out in the discussion of each stage.

Timeframes for each stage of the process may be extended for good cause, when necessary, including when additional time is necessary to ensure the integrity and completeness of the investigation. "Good cause" may also 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, among other reasons. The parties will be notified in writing of any extension of the timeframe and the reasons for the extension.

#### **C. Notices to parties**

After a Complaint Resolution Process is initiated, the School will provide notice of the allegations to the parties. The notice will include the following:

- The School's Complaint Resolution Process A;
- Availability of the Informal Resolution Process;
- Sufficient information, available at the time, to allow the parties to respond to the allegations, including the identities of parties involved in the incident(s), the conduct alleged to be discriminatory, and the relevant dates and locations;

- A statement that retaliation is prohibited;
- A statement that the parties are entitled to an equal opportunity to access an investigation report that describes the evidence collected during the investigation, including any documentary evidence attached to the investigation report, and that parties may request access to the evidence itself.

If, during an investigation, the School decides to investigate additional allegations of sex discrimination by the Respondent towards the Complainant that are not described in the initial notice, the School will provide additional notice of the new allegations to the parties.

#### **D. Dismissal of a complaint**

The School may dismiss a complaint made under this section for any of the following reasons:

- The School is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in the School's educational program or activity or is not employed by the School;
- The Complainant voluntarily withdraws any or all of the allegations in the complaint, and the Title IX Coordinator declines to initiate a complaint;
- After making reasonable efforts to clarify the allegations with the Complainant, the Title IX Coordinator determines that the alleged conduct, even if proven, would not constitute sex discrimination.

If a complaint is dismissed because the Complainant voluntarily withdraws the allegations, the Title IX Coordinator will obtain the Complainant's withdrawal in writing.

Generally, a decision to dismiss a complaint will be made within 30 calendar days of the filing of the complaint. A Complainant may decide to voluntarily withdraw allegations at any time, however, which may lead to a decision to dismiss.

When a complaint is dismissed, the Title IX Coordinator will promptly notify the Complainant of the basis for the dismissal. If the complaint has been dismissed after the Respondent has been notified of the complaint, the Title IX Coordinator will also promptly notify the Respondent of the dismissal and the basis for the dismissal in writing. The parties will be notified simultaneously.

The Title IX Coordinator will notify the parties of the right to appeal a dismissal.

#### **E. Appeal of a Complaint Dismissal**

The dismissal of a complaint may be appealed by the Complainant or by the Respondent, if the Respondent has been notified of the allegations.

An appeal may be made on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.
- 

To appeal a complaint dismissal, a party should submit to the Title IX Coordinator a written appeal request that includes a brief explanation of the basis of the appeal. The request must be submitted within three business days of notification of the dismissal. The Title IX Coordinator will notify the parties of the appeal. The appeal notification will include notice of the allegations, as described in the Notice section above, if notice of the allegations was not previously provided to the Respondent. The parties then have five business days to submit a written statement in support of or challenging the complaint dismissal to the Decisionmaker for the appeal.

The Decisionmaker for the appeal will be appointed by the Title IX Coordinator, and will be either an employee of the School or an external consultant. The Decisionmaker shall not have taken part in an investigation of the allegations, the decision to dismiss the complaint, or any Informal Resolution Process related to the complaint. The Decisionmaker for the appeal will be trained, as required by the Title IX regulations, and will be free of bias and conflicts of interest.

Within five business days of the deadline for parties to submit a written statement on the appeal, the Decisionmaker will notify the parties of the result of the appeal and the rationale for the result in writing.

After the dismissal of a complaint, the School will offer supportive measures to the parties, as appropriate. The Title IX Coordinator will take other appropriate steps to ensure that sex discrimination does not continue or recur within the School's educational program.

Appeal procedures will be implemented equally for the parties.

#### **F. Consolidation of Complaints**

The School may consolidate complaints of sex discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations arise out of the same facts or circumstances.

If one of the complaints to be consolidated is a complaint of sexual harassment involving a student Complainant or student Respondent, the Complaint Resolution Process B, found in Section IX, applies to the investigation and resolution of the complaint.



## **G. Investigation**

An investigation is a fact-finding process that leads to a determination of whether a particular action or incident constitutes a violation of this Policy. During the investigation, an Investigator will meet with parties and witnesses to collect information and evidence that will assist a Decisionmaker with making a determination.

At the beginning of the investigation process, the Title IX Coordinator will appoint an Investigator. The Investigator may be an employee of the School or may be an external consultant. The Investigator will be trained to conduct Title IX investigations, including how to conduct an investigation that is adequate, reliable, and impartial. The Investigator will be free of bias or conflicts of interest. The investigator will not have participated in any Informal Resolution Process between the parties.

During the investigation, the Investigator will gather evidence by conducting individual interviews with the parties and with other individuals who the Investigator determines may have knowledge of the events. The Investigator will also collect evidence in the form of text messages, social media messages, emails, videos, photos, security cameras, and other sources, as appropriate. The investigation may also consist of any other methods 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 an investigation is expected to fully cooperate with the Investigator.

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

Generally, the investigation phase of a Complaint Resolution Process will conclude in 30 calendar days.

## **H. Privacy During the Investigation**

The School recognizes the need for privacy during an investigation and will take steps to protect the privacy of the parties. However, the School does not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in the Complaint Resolution Process.

Unless otherwise directed by the Investigator, students and employees who participate in an investigation as witnesses 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 Section 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.

### **I. Evidence Collected During the Investigation**

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

The following types of evidence, and questions seeking that evidence, are not allowed during an investigation and will not be accessed or considered during the Complaint Resolution Process:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the School obtains that party's or witness's voluntary, written consent for use in its Complaint Resolution Process; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sexual harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sexual harassment or preclude determination that sexual harassment occurred.

Evidence of a Respondent's prior sex-based conduct may be admitted as pattern evidence if, after an objective evaluation, it is determined to be relevant to the allegations under investigation and may aid the Decisionmaker in determining whether the conduct occurred. Decisions about pattern evidence will be made on a case-by-case basis.

### **J. Close of Evidence**

Before the Investigator drafts an investigation report, the Title IX Coordinator and Investigator will confer and determine a "close of evidence" date (the deadline for submitting further evidence). The Title IX Coordinator will inform the parties of the pending close of the investigation phase and close of evidence date so that the parties will have an opportunity to submit any additional evidence and/or suggest additional witnesses to be interviewed. The parties will not be permitted to introduce additional evidence after the close of evidence date unless the School deems it necessary in meeting its burden of proof and burden of gathering evidence sufficient to reach a determination.

#### **K. Investigation Report and Review**

The Investigator will review all of the evidence gathered through the investigation and determine what evidence is relevant. The Investigator will also determine whether any of the evidence is impermissible under the previous section and should be excluded. The Investigator will then produce a written investigation report that accurately describes the relevant and permissible evidence and includes, by attachment or other means, any relevant documentary evidence.

The parties will then have the opportunity to access the investigation report and any documentary evidence included with the report. Access to the report will be facilitated by the Title IX Coordinator, who will arrange for a reasonable time period for the review, typically ten business days. The parties may submit a written response to the investigation report by the end of the review period. The parties' responses will be attached to the report before the report is forwarded to the Decisionmaker. Parties may be assisted in their review of the report and in preparing their response to the report by an Advisor of their choice.

In addition to accessing the investigation report, upon request to the Title IX Coordinator, either party may also access the relevant and not impermissible evidence. Parties will have an equal opportunity to access the relevant evidence.

The School will take reasonable steps to prevent and address any unauthorized disclosure of information and evidence obtained through the Complaint Resolution Process, including during the evidence review and response period. In order to prevent unauthorized disclosure of information obtained during this evidence review period, the School may put various restrictions in place including, but not limited to, restricting access to, watermarking, and/or limiting parties' ability to electronically share the report and evidence.

#### **L. Decisionmaker for the Complaint**

The Title IX Coordinator will appoint a Decisionmaker to evaluate the evidence, decide whether a policy violation has occurred, and, if so, determine sanctions. The Decisionmaker will be either an employee of the School or an external consultant. The Investigator may serve as the Decisionmaker. If the Title IX Coordinator appoints an external consultant to determine whether a policy violation has occurred, a separate Decisionmaker will be appointed to determine sanctions. In this instance, the Decisionmaker determining sanctions will be an employee of the School. If the Title IX Coordinator appoints an employee of the School to determine whether a policy violation has occurred, that employee Decisionmaker will also determine sanctions, if a policy violation has occurred.

The Decisionmaker may not have taken part in any Informal Resolution Process related to the complaint. The Decisionmaker for the complaint will be trained, as required by the Title IX regulations, and will be free of bias and conflicts of interest.

### **M. Determination of Responsibility**

At the end of the investigation report review period, the Title IX Coordinator will forward the report, any documentary evidence attached to the report, and any responses from the parties to the Decisionmaker. The Decisionmaker will evaluate all relevant and not impermissible evidence for persuasiveness, and, applying the clear and convincing standard of proof, determine whether sex discrimination, sexual harassment, or sexual misconduct occurred.

When the credibility of any party or witness is in dispute and is relevant to evaluating allegations of sex discrimination, sexual harassment, or sexual misconduct, the Decisionmaker will meet with parties or witnesses in separate, individual meetings to ask questions relevant to credibility. A party's Advisor may be present during the individual meeting. The parties will not be asked to meet together with the Decisionmaker.

Upon deciding whether sex discrimination, sexual harassment, or sexual misconduct has occurred, the Decisionmaker will notify the parties in writing of the determination. The written notification to the parties will include a rationale for the determination and will explain the procedures and permissible bases for the parties to appeal. When the Decisionmaker finds that a policy violation has occurred, the written notification will also include any disciplinary sanctions the School will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the School to the Complainant, and, if appropriate, to other students experiencing the effects of the sexual harassment.

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

Generally, the determination phase of a Complaint Resolution Process will conclude in 30 calendar days.

### **N. Appeals**

The determination of responsibility may be appealed by the Complainant or the Respondent. Appeals are not intended to be a full re-investigation of the complaint. In most cases, appeals are confined to a review of the appeal request, the investigation report and supporting documentation, and the parties' appeal statements.

An appeal may be made on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and

- The Title IX Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

To appeal a determination of responsibility, a party should submit to the Title IX Coordinator a written appeal request that includes a brief explanation of the basis of the appeal. The request must be submitted within three business days of notification of the determination of responsibility. The Title IX Coordinator will notify the parties of the appeal in writing, including the basis for the appeal. The parties then have five business days to submit a written statement in support of or challenging the determination of responsibility.

The Decisionmaker for the appeal will be appointed by the Title IX Coordinator, and will be either an employee of the School or an external consultant. The Decisionmaker shall not have taken part in an investigation of the allegations or any Informal Resolution Process related to the complaint. The Decisionmaker for the appeal will be trained, as required by the Title IX regulations, and will be free of bias and any conflicts of interest.

Within ten business days of the deadline for parties to submit a written statement on the appeal, the Decisionmaker will notify the parties of the result of the appeal and the rationale for the result in writing. The Decisionmaker may take, but is not limited to, the following actions:

- Affirm the determination of responsibility;
- Remand for additional procedures or additional investigation if any of the bases for appeal is satisfied.

Appeal procedures will be implemented equally for the parties.

### **O. Sanctions and Remedies**

The Title IX Coordinator will coordinate any disciplinary sanctions imposed on the Respondent and will notify the Complainant about any disciplinary sanctions.

Possible sanctions for employees include, but are not limited to:

- No-contact directive
- Probation
- Disciplinary Warning
- Suspension of promotion and salary increments
- Demotion
- Required counseling and/or assessment

- Unpaid Suspension
- Termination of employment
- Other available sanctions as specified by the School’s Faculty or Staff Handbook
- Discontinuation of relationship or association (in the case of a third party)

Possible sanctions for students include, but are not limited to:

- No-contact directive
- Restriction of privileges
- Required attendance at educational programs
- Restitution
- Revocation of an honor or degree
- Probation
- Written Warning
- Suspension
- Dismissal
- Any other sanctions listed in the [Student Code of Conduct](#) or deemed appropriate under the circumstances

Sanctions may be combined.

Where a determination of responsibility for sexual harassment has been made against a Respondent, the School may also provide remedies to a Complainant or to any other person whose access to the School’s education program or activity was limited or denied by the sex discrimination. Remedies will be designed to restore or preserve equal access to the School’s education program or activity. The Title IX Coordinator will coordinate the provision and implementation of remedies. Remedies may include any of the supportive measures listed in Section V.B, above. The Title IX Coordinator may also take other appropriate steps to ensure that sex discrimination does not continue or recur.

**P. Discipline for Conduct during the Complaint Resolution Process**

The School will not conclude that any participant in a process made false statements, and impose discipline as a result, based only on a determination that no sex discrimination, sexual harassment, or sexual misconduct occurred. Discipline for making false statements will occur only if an independent Student Code of Conduct or employee discipline process establishes that such statements were made.

**IX. Formal Complaint Resolution Process B (Sexual Harassment: Student; Sexual Misconduct: Student)**

The process described in this Section applies to complaints of **sexual harassment** or **sexual misconduct** involving student Complainants or Respondents. Note that **sex discrimination, sexual harassment, and**

**sexual misconduct** are different terms and have different definitions. The process described in Section VIII applies to all complaints of **sex discrimination**, including those involving students. For clarity about the definition of each term, please consult the definitions in Section III, above.

#### **A. Commencing a Formal Complaint Resolution Process**

Any of the following persons may make a complaint of sexual harassment under this process:

- A student of the School who is alleged to have been subjected to conduct that could constitute sexual harassment;
- A parent, guardian or authorized legal representative with the legal right to act on behalf of a Complainant;
- a person other than a student or employee of the School who is alleged to have been subjected to conduct that could constitute sexual harassment at a time when that person was participating or attempting to participate in the School's education program or activity, and the person allegedly responsible for sexual harassment was a student; or
- the School's Title IX Coordinator, under the circumstances described below.

A Complaint Resolution Process to address a complaint of sexual harassment involving a student begins when a Complainant requests that the School move forward with a Complaint Resolution Process. A Complainant can make this request to the Title IX Coordinator or a Title IX Deputy Coordinator, either in writing or in person.

If a Complainant does not request that the School move forward with a Complaint Resolution Process to address reported conduct, or the allegations in a complaint are withdrawn, the School may still move forward with a complaint if, after a fact-specific determination, the Title IX Coordinator concludes that a Complaint Resolution process is necessary to address reported conduct. To make this determination, the Title IX Coordinator will consider, at a minimum, the following factors:

- The Complainant's request not to proceed with initiating a complaint;
- The Complainant's reasonable safety concerns about initiating a complaint;
- The risk that additional discriminatory conduct would occur if a complaint is not initiated;
- The severity of the conduct, including whether the sexual harassment, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to stop the conduct and prevent its recurrence;
- The age and relationship of the parties, including whether the Respondent is an employee of the School;
- The scope of the alleged sexual harassment, including information suggesting a pattern of conduct, ongoing or recurring conduct, or conduct alleged to have impacted multiple individuals;

- The availability of evidence to assist a Decisionmaker in determining whether sex discrimination occurred; and
- Whether the School could end the alleged sexual harassment and prevent its recurrence without initiating a Complaint Resolution Process.

If, after considering all relevant factors, the Title IX Coordinator concludes that the alleged conduct presents an imminent and serious threat to the health or safety of the Complainant or another person, or that the alleged conduct prevents the School from ensuring equal access to its education program or activity, then the Title IX Coordinator may initiate a complaint.

Additionally, after reviewing a complaint, the Title IX Coordinator may conclude that the School will not move forward with a Complaint Resolution Process if they reasonably determine that the conduct alleged in the complaint could not constitute sexual harassment.

If the Title IX Coordinator decides to initiate a complaint, the School will ensure that the Complainant is notified before the complaint is initiated and that appropriate measures are taken to address any reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures.

Two main steps occur after the Complaint Resolution Process is initiated by a complaint: (1) investigation and (2) adjudication. The investigation stage includes notice to the parties, assignment of an appropriate Investigator, and commencement of the fact-finding process. Adjudication includes a determination of responsibility, imposition of sanctions, and an optional appeal.

### **B. Timeframes for the Formal Complaint Resolution Process B**

Typically, Complaint Resolution Process B will be completed within 90 calendar days from receipt of the complaint. This timeline includes the period from commencement of an investigation through the determination and appeal. The timeframe for each major stage of the process is set out in the discussion of each stage.

Times may be extended for good cause, when necessary, including when additional time is necessary to ensure the integrity and completeness of the investigation. "Good cause" may also 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, among other reasons. The parties will be notified in writing of any extension of the timeframe and the reasons for the extension.

### **C. Notices to Parties**



After a Complaint Resolution Process is initiated, the School will provide notice of the allegations to the parties. The notice will include the following:

- The School's Complaint Resolution Process B;
- Availability of the Informal Resolution Process;
- Sufficient information, available at the time, to allow the parties to respond to the allegations, including the identities of parties involved in the incident(s), the conduct alleged to be harassing, and the relevant dates and locations;
- A statement that retaliation is prohibited;
- A statement that the parties are entitled to an equal opportunity to access an investigation report that describes the evidence collected during the investigation, including any documentary evidence attached to the investigation report, and that parties may request access to the evidence itself;
- A statement that the Respondent is presumed not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Complaint Resolution Process and that prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;
- A statement that the parties may have an Advisor of their choice and that the Advisor may be, but is not required to be, an attorney;
- A statement that the parties are entitled to an equal opportunity to access an investigative report that accurately summarizes this evidence, and are entitled to an equal opportunity to access the relevant and not impermissible evidence upon request; and
- The School's [Student Code of Conduct](#) prohibits knowingly making false statements or knowingly submitting false information during the Complaint Resolution Process.

If, during an investigation, the School decides to investigate additional allegations of sex discrimination, sexual harassment, or sexual misconduct by the Respondent towards the Complainant that are not described in the initial notice, the School will provide additional notice of the new allegations to the parties.

If the School has reasonable concerns for the safety of any person as a result of providing this written notice of allegations, the School may delay providing the notice in order to address the safety concerns. Reasonable concerns must be based on individualized safety and risk analysis and not on speculation or stereotypes.

#### **D. Dismissal of a Complaint**

The School may dismiss a complaint made under this section for any of the following reasons:

- The School is unable to identify the Respondent after taking reasonable steps to do so;

- The Respondent is not participating in the School’s educational program or activity or is not employed by the School;
- The Complainant voluntarily withdraws any or all of the allegations in the complaint, and the Title IX Coordinator declines to initiate a complaint;
- After making reasonable efforts to clarify the allegations with the Complainant, the Title IX Coordinator determines that the alleged conduct, even if proven, would not constitute sexual harassment.

If a complaint is dismissed because the Complainant voluntarily withdraws the allegations, the Title IX Coordinator will obtain the Complainant’s withdrawal in writing.

When a complaint is dismissed, the Title IX Coordinator will simultaneously notify the parties of the dismissal and the basis for the dismissal. If a dismissal occurs before the Respondent has been notified of the allegations, the Title IX Coordinator will provide notice of dismissal only to the Complainant.

Generally, a decision to dismiss a complaint will be made within 30 calendar days of the filing of the complaint. A Complainant may decide to voluntarily withdraw allegations at any time, however, which may lead to a decision to dismiss.

**E. Appeal of a Complaint Dismissal**

The dismissal of a complaint may be appealed by the Complainant or by the Respondent, if the Respondent has been notified of the allegations. The Title IX Coordinator will notify the parties of the right to appeal a dismissal.

An appeal may be made on the following bases:

- Procedural irregularity that would change the outcome.
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

To appeal a complaint dismissal, a party should submit to the Title IX Coordinator a written appeal request that includes a brief explanation of the basis of the appeal. The request must be submitted within three business days of notification of the dismissal. The Title IX Coordinator will notify the parties of the appeal. The appeal notification will include notice of the allegations, as described in the Notice section above, if notice of the allegations was not previously provided to the Respondent. The parties then have five business

days to submit a written statement in support of or challenging the complaint dismissal to the Decisionmaker for the appeal.

The Decisionmaker for the appeal will be appointed by the Title IX Coordinator, and will be either an employee of the School or an external consultant. The Decisionmaker shall not have taken part in an investigation of the allegations, the decision to dismiss the complaint, or any Informal Resolution Process related to the complaint. The Decisionmaker for the appeal will be trained, as required by the Title IX regulations, and will be free of bias and conflict of interest.

Within five business days of the deadline for parties to submit a written statement on the appeal, the Decisionmaker will notify the parties of the result of the appeal and the rationale for the result in writing.

After the dismissal of a complaint, the School will offer supportive measures to the parties, as appropriate. The Title IX Coordinator will take other appropriate steps to ensure that sexual harassment does not continue or recur within the School's educational program.

Appeal procedures will be implemented equally for the parties.

#### **F. Consolidation of Complaints**

The School may consolidate complaints of sexual harassment against more than one Respondents, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations arise out of the same facts or circumstances.

#### **G. Investigation**

An investigation is a fact-finding process that leads to a determination of whether a particular action or incident constitutes a violation of this Policy. During the investigation, an Investigator will meet with parties and witnesses to collect information and evidence that will assist a Decisionmaker with making a determination.

At the beginning of the complaint and investigation Process, the Title IX Coordinator will appoint an Investigator. The Investigator may be an employee of the School or may be an external consultant. The Investigator will be trained to conduct Title IX investigations, including how to conduct an investigation that is adequate, reliable, and impartial. The Investigator will be free of bias or conflicts of interest. The Investigator will not have participated in any Informal Resolution Process between the parties.

During the investigation, the Investigator will gather evidence by conducting individual interviews with the parties and with other individuals who the Investigator determines may have knowledge of the events. The Investigator will also collect evidence in the form of text messages, social media messages, emails, videos,

photos, security cameras, and other sources, as appropriate. The investigation may also consist of any other methods 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 an investigation is required to fully cooperate with the Investigator.

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

Generally, the investigation phase of a Complaint Resolution Process will conclude in 30 calendar days.

#### **H. Privacy During the Investigation**

The School recognizes the need for privacy during an investigation and will take steps to protect the privacy of the parties. But the School does not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in the Complaint Resolution Process.

Unless otherwise directed by the Investigator, students and employees who participate in an investigation as witnesses 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 Section 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.

#### **I. Evidence Collected During the Investigation**

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

The following types of evidence, and questions seeking that evidence, are not allowed during an investigation and will not be accessed or considered during the Complaint Resolution Process:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the School obtains that party's or witness's voluntary, written consent for use in its Complaint Resolution Process; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sexual harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sexual harassment or preclude determination that sexual harassment occurred.

Evidence of a Respondent's prior sex-based conduct may be admitted as pattern evidence if, after an objective evaluation, it is determined to be relevant to the allegations under investigation and may aid the Decisionmaker in determining whether the conduct occurred. Decisions about pattern evidence will be made on a case-by-case basis.

#### **J. Close of Evidence**

Before the Investigator drafts an investigation report, the Title IX Coordinator and Investigator will confer and determine a "close of evidence" date (the deadline for submitting further evidence). The Title IX Coordinator will inform the parties of the pending close of the investigation phase and close of evidence date so that the parties will have an opportunity to submit any additional evidence and/or suggest additional witnesses to be interviewed. The parties will not be permitted to introduce additional evidence after the close of evidence date unless the School deems it necessary in meeting its burden of proof and burden of gathering evidence sufficient to reach a determination.

#### **K. Investigation Report and Review**

The Investigator will review all of the evidence gathered through the investigation and determine what evidence is relevant. The Investigator will also determine whether any of the evidence is impermissible under the previous section and should be excluded. The Investigator will then produce a written investigation report that accurately describes the relevant evidence and permissible evidence and includes, by attachment or other means, any relevant documentary evidence.

The parties will then have the opportunity to access the investigation report and any documentary evidence included with the report. Access to the report will be facilitated by the Title IX Coordinator, who will arrange for a reasonable time period for the review, typically ten business days.

The parties may submit a written response to the investigation report by the end of the review period. The parties' responses will be attached to the report before the report is forwarded to the Decisionmaker. Parties may be assisted in their review of the report and in preparing their response to the report by their Advisor.

In addition to accessing the investigation report, upon request to the Title IX Coordinator, either party may also access the relevant and not impermissible evidence. Parties will have an equal opportunity to access the relevant evidence.

The School will take reasonable steps to prevent and address any unauthorized disclosure of information and evidence obtained through the Complaint Resolution Process, including during the evidence review and response period. During the evidence review period, this may involve restricting access to the report and evidence, watermarking the report and evidence, or other measures.

#### **L. Decisionmaker for the Complaint**

The Title IX Coordinator will appoint a Decisionmaker to evaluate the evidence, decide whether a policy violation has occurred, and, if so, determine sanctions. The Decisionmaker will be either an employee of the School or an external consultant. The Investigator may serve as the Decisionmaker. If the Title IX Coordinator appoints an external consultant to determine whether a policy violation has occurred, a separate Decisionmaker will be appointed to determine sanctions. In this instance, the Decisionmaker determining sanctions will be an employee of the School. If the Title IX Coordinator appoints an employee of the School to determine whether a policy violation has occurred, that employee Decisionmaker will also determine sanctions, if a policy violation has occurred.

The Decisionmaker may not have taken part in any Informal Resolution Process related to the complaint. The Decisionmaker for the complaint will be trained, as required by the Title IX regulations, and will be free of bias and conflicts of interest.

#### **M. Process for Questioning the Parties and Witnesses**

After the investigation report, documentary evidence, and parties' responses have been forwarded to the Decisionmaker, the Decisionmaker will coordinate a process through which the parties may propose questions and follow-up questions of parties and witnesses. The Decisionmaker may also ask parties and witnesses questions during this process. The purpose of the questioning process is to help the Decisionmaker evaluate the allegations and assess the credibility of parties and Witnesses. The process is not intended to be a reinvestigation of the complaint. Questioning will never be conducted by a party personally.

During the questioning process, the parties may prepare proposed questions for the other party and for witnesses and submit those questions to the Decisionmaker in writing. A party's Advisor may assist with preparation of questions. Each party may submit an initial set of questions to the Decisionmaker within three business days of the submission of responses to evidence. The Title IX Coordinator may assist with facilitating the process.

Upon receipt of the parties' proposed questions, the Decisionmaker will evaluate the questions to determine whether they seek relevant and not impermissible evidence. The Decisionmaker will allow all relevant and not impermissible questions. If the Decisionmaker decides to exclude a question as not relevant or as impermissible, they will explain the decision in writing to the party proposing the question.

Questions that are unclear or harassing of a party or witness will not be allowed. If the Decisionmaker determines that a question is unclear or harassing of a party, the Decisionmaker will give the party proposing the question the opportunity to clarify or revise the question. If the party sufficiently clarifies or revises the question, the Decisionmaker will ask the question.

After evaluating all proposed questions for relevance and clarity, the Decisionmaker will meet individually with parties and Witnesses to ask all proposed relevant and not impermissible questions. During these individual meetings, the Decisionmaker may also ask relevant and not impermissible questions of their own devising. All individual meetings with the Decisionmaker will be audio recorded or video recorded. These individual meetings will occur within a reasonable time.

After the completion of individual meetings with parties and witnesses to ask relevant questions, the Decisionmaker or Title IX Coordinator will provide each party with either the audio recording or a transcript of the individual meetings. The recordings will be provided to the parties within a reasonable time after the completion of the individual meetings.

The parties then have an opportunity to submit to the Decisionmaker any proposed follow-up questions for the other party or witnesses. Follow-up questions must be submitted to the Decisionmaker within three business days of the receipt of the recordings or transcript. The Decisionmaker will then meet again with parties and witnesses in individual meetings, as necessary, to ask any relevant and not impermissible follow-up questions.

The Decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The Decisionmaker will not draw an inference about whether sexual harassment occurred based solely on a party's or witness's refusal to respond to such questions.

## **N. Determination of Responsibility**

At the end of the questioning process, the Decisionmaker will evaluate all relevant and not impermissible evidence for persuasiveness, and, applying the clear and convincing standard of proof, determine whether sexual harassment occurred.

Upon deciding whether sexual harassment has occurred, the Decisionmaker will simultaneously notify the parties in writing of the outcome. The written notification to the parties will include:

- A description of the alleged sexual harassment;
- Information about the policies and procedures that the School used to evaluate the allegations;
- The Decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sexual harassment occurred, including a rationale for the determination;
- When the Decisionmaker finds that sexual harassment occurred, any disciplinary sanctions the School will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the School to the Complainant, and, if appropriate, to other students experiencing the effects of the sexual harassment; and
- The School's procedures and permissible bases for the Complainant and Respondent to appeal.

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

Generally, the determination phase of a Complaint Resolution Process will conclude in 30 calendar days.

## **O. Appeals**

The determination of responsibility may be appealed by the Complainant or the Respondent. Appeals are not intended to be a full reinvestigation of the complaint. In most cases, appeals are confined to a review of the appeal request, the investigation report and supporting documentation, and the parties' appeal statements.

An appeal may be made on the following bases:

- Procedural irregularity that would change the outcome.
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.



To appeal a determination of responsibility, a party should submit to the Title IX Coordinator a written appeal request that includes a brief explanation of the basis of the appeal. The request must be submitted within three business days of notification of the determination of responsibility. The Title IX Coordinator will notify the parties of the appeal in writing, including the basis for the appeal. The parties then have five business days to submit a written statement in support of or challenging the determination of responsibility.

The Decisionmaker for the appeal will be appointed by the Title IX Coordinator, and will be either an employee of the School or an external consultant. The Decisionmaker shall not have taken part in an investigation of the allegations or any Informal Resolution Process related to the complaint. The Decisionmaker for the appeal will be trained, as required by the Title IX regulations, and will be free of bias and any conflict of interest.

Within ten business days of the deadline for parties to submit a written statement on the appeal, the Decisionmaker will notify the parties in writing of the result of the appeal and the rationale for the result. The Decisionmaker may take, but is not limited to, the following actions:

- Affirm the determination of responsibility;
- Remand for additional procedures or additional investigation if any of the bases for appeal is satisfied.

Appeal procedures will be implemented equally for the parties.

#### **P. Sanctions and Remedies**

The Title IX Coordinator will coordinate any disciplinary sanctions imposed on the Respondent and will notify the Complainant about any disciplinary sanctions.

Possible sanctions for students include, but are not limited to:

- No-contact directive
- Restriction of privileges
- Required attendance at educational programs
- Restitution
- Revocation of an honor or degree
- Probation
- Written Warning
- Suspension

- Dismissal
- Any other sanctions listed in the [Student Code of Conduct](#) or deemed appropriate under the circumstances

Possible sanctions for employees include, but are not limited to:

- No-contact directive
- Probation
- Disciplinary Warning
- Suspension of promotion and salary increments
- Demotion
- Required counseling and/or assessment
- Unpaid Suspension
- Termination of employment
- Other available sanctions as specified by the School's Faculty or Staff Handbook
- Discontinuation of relationship or association (in the case of a third party)

Sanctions may be combined.

Where a determination of responsibility for sexual harassment has been made against a Respondent, the School may also provide remedies to a Complainant or to any other person whose access to the School's education program or activity was limited or denied by the sex discrimination. Remedies will be designed to restore or preserve equal access to the School's education program or activity. The Title IX Coordinator will coordinate the provision and implementation of remedies. Remedies may include any of the supportive measures listed in Section V.A, above. The Title IX Coordinator may also take other appropriate steps to ensure that sex discrimination does not continue or recur.

#### **Q. Discipline for Conduct during the Complaint Resolution Process**

The School will not conclude that any participant in a process made false statements, and impose discipline as a result, based only on a determination that no sex discrimination, sexual harassment, or sexual misconduct occurred. Discipline for making false statements will occur only if an independent Student Code of Conduct or employee discipline process establishes that such statements were made.

#### **X. Recordkeeping**

The School will maintain records of its response to all complaints addressed under this Policy for seven years. Records will document:

- Each sex discrimination, sexual harassment, or sexual misconduct investigation conducted by the School, including any determination regarding responsibility, any audio or audiovisual recording or transcript of a Complaint Resolution Process meeting, any disciplinary sanctions imposed on a Respondent, and any remedies provided to the Complainant;
- Any appeal and the result therefrom;
- Any Informal Resolution and the result therefrom; and
- All materials used to train Title IX Coordinators, Investigators, Decisionmakers, appeals officers, and Informal Resolution designees.

The School will also maintain records about all reports of sex discrimination, sexual harassment, or sexual misconduct. Records maintained will include documentation about any actions taken, including the provision of supportive measures in response to a report or complaint. If supportive measures are not provided in response to a report or complaint, the School will document the reasons for that action.

#### **XI. 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 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, dating violence, domestic violence, or stalking incident. Campus authorities will assist a sexual assault Complainant with preserving materials relevant to the School's Complaint Resolution 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 Formal Complaint Resolution Process while the law enforcement agency gathers evidence. The School will promptly resume its Complaint Resolution 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.

## **XII. Alternative Complaint Procedures**

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include, but are 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: 312-730-156TDD: 877-521-2172  
Email: [OCR.Chicago@ed.gov](mailto: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.

## **XIII. 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 misconduct on its website and to the Minnesota Office of Higher Education.

When serious crimes are reported to a Campus Security Authority or local law enforcement that occur on campus geography and are deemed by the School "to represent a serious or continuing threat to students and employees," the School will issue a timely warning (Crime Alert) by email to the campus community.

The timely warning will provide general information surrounding the incident and how incidents of a similar nature might be prevented in the future. Crime Alerts are issued to the community when the School receives a report of a serious crime occurring on the School's Clery Act geography that:

- Is reported to campus security authorities or local police agencies; and
- Is considered by the School to represent a serious or continuing threat to students and employees. Serious crimes under the Clery Act include murder, sexual assault, robbery, burglary, and aggravated assault.

Publicly available recordkeeping, including Clery Act reporting and disclosures such as the Annual Security report and daily crime log, will not include names or other information that could identify individuals. All reports of any crimes, including sexual assault, are available in the School's daily crime log. Individuals may contact Security at 651 290-6302 during normal business hours to review the daily crime log.

#### **XIV. Programs Designed to Prevent Domestic Violence, Dating Violence, Sexual Violence, and Stalking**

Pursuant to the Clery Act, the School has implemented education Programs to promote the awareness of 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 harm.
- Learn about possible sanctions or protective measures that the School may impose following a decision on responsibility of an incident of sexual harassment or sex discrimination.
- Learn about procedures victims of domestic violence, dating violence, sexual assault, or stalking should follow, including information about:
  - The importance of preserving evidence to assist in the investigation process 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,
    - 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, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.
- Learn procedures for the School's Complaint Resolution Processes in cases of alleged sex discrimination, sexual harassment, or sexual misconduct, including the following:
  - The proceedings shall provide a prompt, fair, and impartial investigation and resolution.
  - The proceedings shall 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.
  - 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 Complaint Resolution Process.
  - In the proceedings, the Complainant and Respondent shall be simultaneously informed, in writing, of—the outcome of any School Complaint Resolution Process that arises from an allegation of sex discrimination, sexual harassment, or sexual misconduct; 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 about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available to individuals who have experienced sex discrimination, sexual harassment, or sexual violence, 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 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.

## Appendix A. Resources and Contact Information

### Confidential School Resources:

[Counseling Services](#) 651-290-8656 (e-mail: [counsleing@mitchellhamline.edu](mailto:counsleing@mitchellhamline.edu)) — 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

#### [Sexual Offense Services of Ramsey County](#)

24-hour hotline; free and confidential

555 Cedar Street

St. Paul, MN 55101

651-266-1000

#### [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

651-241-8000

333 Smith Avenue N.

St. Paul, MN 55102

## **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, Stalking, or Sexual Misconduct—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, Stalking, or Sexual Misconduct;
- Learn about procedures victims should follow if a sex offense, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Sexual Misconduct 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, Stalking, or Sexual Misconduct 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 or Sexual Misconduct incident. This also includes Campus Authorities' assistance in preserving for a Sexual Assault or Sexual Misconduct Complainant materials relevant to a School grievance process.
- Learn procedures for School grievance processes in cases of alleged Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Sexual Misconduct 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, Stalking, or Sexual Misconduct 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, Stalking, or Sexual Misconduct; 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 Misconduct;
- 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 Misconduct 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 Misconduct 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](#).

## **X. 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 Safety and Security Supervisor, 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.

**XI. CRIME STATISTICS (2021 – 2023)**

Reported Crime	On-campus			Non-campus Building or Property			Public Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023
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	1	0	0
Robbery	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	2	4	0
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		
	2021	2022	2023	2021	2022	2023	2021	2022	2023
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 2021, 2022, or 2023.**