



# Mitchell Hamline School of Law

## 2023-24 Catalog

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# About

## Introduction

The Mitchell Hamline School of Law Catalog serves as the primary source of information about the law school's academic standards, policies, curriculum, and program requirements. The contents of this Catalog are current and accurate as of August 2023. This Catalog is reviewed and updated annually; however, the law school reserves the right to make changes at any time. All students are responsible for the information contained in this Catalog.

This Catalog is designed to help students understand the academic and student affairs rules, policies, and procedures of the law school. Many of the policies and procedures are crafted and published in accordance with the American Bar Association's [Standards and Rules of Procedure for Approval of Law Schools](#). All students are expected to refer to this Catalog periodically throughout their law school careers. Failure to do so does not exempt a student from the requirements stated herein.

In addition to this Catalog, the [law school website](#) serves as a valuable resource to all students and should be visited frequently. The [Current Students](#) section of the website provides important information about academic schedules and requirements, registration, exams, accommodations, student records, competitions, and student organizations. Additional law school and student policies can be found in the [Mitchell Hamline Policy Repository](#) linked from this Catalog and on the [Current Student Webpage](#).

# Academic Calendar

## 2023–24 Day / Evening Academic Calendar

<b>Start of the Fall Semester</b>	August 13, 2023
<b>Add/Drop Deadline</b>	August 18, 2023
<b>Labor Day Holiday</b>	September 4, 2023
<b>Fall Break</b>	October 16-22, 2023
<b>Registration Opens for J-term and Spring Term</b>	Week of October 23, 2023
<b>Last Day of Fall Classes</b>	November 20, 2023
<b>November Break</b>	November 21-26, 2023
<b>Make-up/Reading Days</b>	November 27-30, 2023
<b>Fall Exam Period</b>	December 1–13, 2023
<b>Last Day of Fall Semester</b>	December 13, 2023
<b>Fall Semester Grades Due from Faculty</b>	January 3, 2024
<b>Fall Semester Grades Posted to Student Records</b>	January 19, 2024
<b>J-Term</b>	January 2-13, 2024
<b>J-Term Grades Due from Faculty</b>	Two weeks after course ends or final paper is submitted
<b>J-Term Grades Posted to Student Records</b>	Two weeks after receiving grades from faculty
<b>Start of the Spring Semester</b>	January 14, 2024
<b>Add/Drop Deadline</b>	January 19, 2024
<b>Registration Opens for Summer Term and Fall Term</b>	Week of March 11, 2024
<b>Spring Break</b>	March 17-23, 2024
<b>Last Day of Spring Classes</b>	April 23, 2024
<b>Make-up/Reading Days</b>	April 24-30, 2024
<b>Spring Exam Period</b>	May 1-12, 2024
<b>Last Day of Spring Semester</b>	May 12, 2024
<b>Spring Semester Grades Due from Faculty</b>	May 28, 2024
<b>Commencement</b>	May 31, 2024

<b>Spring Semester Grades Posted to Student Records</b>	June 14, 2024
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## 2023–24 Blended Part-time Semesters 1 and 2 Academic Calendar

<b>Start of the Fall Semester</b>	August 13, 2023
<b>Prep Week</b>	August 14-19, 2023
<b>Add/Drop Deadline</b>	August 18, 2023
<b>Labor Day Holiday</b>	September 4, 2023
<b>Registration Opens for J-term and Spring Term</b>	Week of October 23, 2023
<b>Capstone Week – Sections 1B2</b>	November 5-11, 2023 (week 13)
<b>Capstone Week – Sections 1B1 and 1B3</b>	November 11-17, 2023 (week 14)
<b>Last Day of Fall Classes</b>	November 18, 2023
<b>November Break</b>	November 19-26, 2023
<b>Make-up/Reading Days</b>	November 27-30
<b>Fall Exam Period</b>	December 1-13, 2023
<b>Last Day of Fall Semester</b>	December 13, 2023
<b>Fall Semester Grades Due from Faculty</b>	January 3, 2024
<b>Fall Semester Grades Posted to Student Records</b>	January 19, 2024
<b>J-Term</b>	January 2-13, 2024
<b>J-Term Grades Due from Faculty</b>	Two weeks after course ends or final paper is submitted
<b>J-Term Grades Posted to Student Records</b>	Two weeks after receiving grades from faculty
<b>First Day of Spring Term</b>	January 14, 2024
<b>Add/Drop Deadline</b>	January 19, 2024
<b>Prep Week</b>	January 19-21, 2024
<b>Registration Opens for Summer Term and Fall Term</b>	Week of March 11, 2024
<b>Spring Break</b>	March 17-23, 2024
<b>Capstone Week – Section 1B2</b>	April 8-14, 2024 (week 13)
<b>Capstone Week – Sections 1B1 and 1B3</b>	April 14-20, 2024 (week 14)
<b>Last Day of Spring Classes</b>	April 27, 2024
<b>Make-up/Reading Days</b>	April 28-30, 2024
<b>Spring Exam Period</b>	May 1-12, 2024

<b>Last Day of Spring Semester</b>	May 12, 2024
<b>Spring Semester Grades Due from Faculty</b>	May 28, 2024
<b>Commencement</b>	May 31, 2024
<b>Spring Semester Grades Posted to Student Records</b>	June 14, 2024



## 2023-24 Blended Part-time Semesters 3 and 4 Academic Calendar

<b>Start of the Fall Semester</b>	August 13, 2023
<b>Add/Drop Deadline</b>	August 18, 2023
<b>Prep Week</b>	August 21-26, 2023
<b>Labor Day Holiday</b>	September 4, 2023
<b>Registration Opens for J-term and Spring Term</b>	Week of October 23, 2023
<b>Capstone Week – Section 2B2</b>	October 29 – November 4, 2023 (week 12)
<b>Capstone Week – Sections 2B1 and 2B3</b>	November 4-10, 2023 (week 13)
<b>Last Day of Fall Classes</b>	November 18, 2023
<b>November Break</b>	November 19-26, 2023
<b>Make-up/Reading Days</b>	November 27-30, 2023
<b>Fall Exam Period</b>	December 1-13, 2023
<b>Last Day of Fall Semester</b>	December 13, 2023
<b>Fall Semester Grades Due from Faculty</b>	January 3, 2024
<b>Fall Semester Grades Posted to Student Records</b>	January 19, 2024
<b>J-Term</b>	January 2-13, 2024
<b>J-Term Grades Due from Faculty</b>	Two weeks after course ends or final paper is submitted
<b>J-Term Grades Posted to Student Records</b>	Two weeks after receiving grades from faculty
<b>Start of the Spring Semester</b>	January 14, 2024
<b>Add/Drop Deadline</b>	January 19, 2024
<b>Prep Week</b>	January 26-28, 2024
<b>Registration Opens for Summer Term and Fall Term</b>	Week of March 11, 2024
<b>Spring Break</b>	March 17-23, 2024
<b>Capstone Week – Sections 2B1 and 2B3</b>	April 7-13, 2024 (week 13)
<b>Capstone Week – Section 2B2</b>	April 13-19, 2024 (week 14)
<b>Last Day of Spring Classes</b>	April 27, 2024
<b>Make-up/Reading Days</b>	April 28-30, 2024
<b>Spring Exam Period</b>	May 1-12, 2024

<b>Last Day of Spring Semester</b>	May 12, 2024
<b>Spring Semester Grades Due from Faculty</b>	May 28, 2024
<b>Commencement</b>	May 31, 2024
<b>Spring Semester Grades Posted to Student Records</b>	June 14, 2024

## 2022-23 Blended Part-time Semesters 5 through 8 Academic Calendar

<b>First Day of Fall Semester</b>	August 13, 2023
<b>Add/Drop Deadline</b>	August 18, 2023
<b>Labor Day Holiday</b>	September 4, 2023
<b>Registration Opens for J-term and Spring Term</b>	Week of October 23, 2023
<b>Capstone Week</b>	October 29 - November 4, 2023 (week 12)
<b>Last Day of Fall Classes</b>	November 18, 2023
<b>November Break</b>	November 19-26, 2023
<b>Make Up/Reading Days</b>	November 27-30, 2023
<b>Fall Exam Period</b>	December 1-13, 2023
<b>Last Day of Fall Semester</b>	December 13, 2023
<b>Fall Semester Grades Due from Faculty</b>	January 3, 2024
<b>Fall Semester Grades Posted to Student Records</b>	January 19, 2024
<b>J-Term</b>	January 2-13, 2024
<b>J-Term Grades Due from Faculty</b>	Two weeks after course ends or final paper is submitted
<b>J-Term Grades Posted to Student Records</b>	Two weeks after receiving grades from faculty
<b>First Day of Spring Semester</b>	January 14, 2024
<b>Add/Drop Deadline</b>	January 19, 2024
<b>Registration Opens for Summer Term and Fall Term</b>	Week of March 11, 2024
<b>Spring Break</b>	March 17-23, 2024
<b>Capstone Week</b>	April 14-20, 2024 (week 14)
<b>Last Day of Spring Classes</b>	April 27, 2024
<b>Make-up/Reading Days</b>	April 28-30, 2024
<b>Spring Exam Period</b>	May 1-12, 2024
<b>Last Day of Spring Term</b>	May 12, 2024
<b>Spring Semester Grades Due from Faculty</b>	May 28, 2024
<b>Commencement</b>	May 31, 2024

**Spring Semester Grades Posted to  
Student Records**

June 14, 2024

## Accreditation and Memberships

### American Bar Association

Mitchell Hamline School of Law is accredited by the American Bar Association, Council of the Section of Legal Education and Admission to the Bar.

Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association

321 North Clark Street

Chicago, IL 60654

312-988-6738

### Higher Learning Commission

Mitchell Hamline School of Law is a candidate for accreditation with the Higher Learning Commission ([hlcommission.org](http://hlcommission.org)), a historically regional accreditation agency recognized by the U.S. Department of Education.

### Minnesota Office of Higher Education

Mitchell Hamline School of Law is registered with the Minnesota Office of Higher Education pursuant to Minnesota Statutes sections 136A.61 to 136A.71. Registration is not an endorsement of the institution. Credits earned at the institution may not transfer to all other institutions.

### Health Care Compliance Association

Qualified graduates of the Health Care Compliance Certificate program from Mitchell Hamline's Health Law Institute are eligible to take the Compliance Certification Board's (CCB) Certified in Health Care Compliance Exam.

# Board of Trustees

## Executive Committee

**Nicole James Gilchrist '03**

Chair, Mitchell Hamline Board of Trustees  
Vice President and Managing Counsel, Thrivent Financial

**Steven J. Kirsch '76**

Secretary, Mitchell Hamline Board of Trustees  
Partner, Larson King

**Gregory L. Buck '87**

Acting Vice Chair and Treasurer, Mitchell Hamline Board of Trustees  
President, Productivity

## Trustees

**Judge Reynaldo A. Aligada '02**

Judge, Second Judicial District of Minnesota

**Landon Ascheman '09**

Adjunct/Affiliated Professor  
President, Mitchell Hamline Alumni Association  
Owner, Ascheman Law

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County Attorney, Ramsey County

**Sam Clark**

Civil Division Director, Ramsey County Attorney's Office

**Gloria Contreras Edin '05**

Adjunct/Affiliated Professor  
Owner and Founder, Contreras & Metelska

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Senior Vice President, Strategy and General Counsel, Corfigo

**Judge Donovan W. Frank '72**

Senior U.S. District Judge, U.S. District Court, District of Minnesota

**Patrick Garay-Heelan '09**

Senior Vice President, Senior Wealth Advisor, 1834, a Division of Old National Bank

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President Emerita, Hamline University

**Frank V. Harris '75**

Executive Director (retired), Minnesota Continuing Legal Education

**Duchess Harris '11**

Professor of American Studies, Macalester College

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Founder, CEO, and Head Distiller, Du Nord Craft Spirits

**Judge Bhupesh Pattni '12**

Saint Louis County, Sixth Judicial District

**Christopher D. Pham '09**

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**Mary Quist**

Senior Vice President, Corporate Controller, Medica

**David D. Ransom '91**

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**Susan C. Rhode '85**

Shareholder, Moss & Barnett

**Jessica Stomski '08**

General Counsel, Prairie Island Indian Community

**Ugo Ukabam '02**

Director, Senior Counsel, General Mills

**Wendy K. Watson '97**

Education Coordinator, The Arc Minnesota

**Sean Whitlock '04**

Principal/Chief Underwriter, Whitlock Capital Group

**Melissa Lee Wright '93**

Assistant Attorney General, Smithsonian Institution



## Non-Discrimination Statement

Mitchell Hamline School of Law (the “School”) is committed to providing a working and learning environment that maximizes the potential of each student, faculty member, and staff member.

Discrimination or harassment of any sort interferes with that environment. Therefore, discrimination or harassment on the basis of actual or perceived race, color, creed, religion, national origin, sex/gender, gender identity, gender expression, marital status, familial (or parental) status, disability, status with regard to public assistance, sexual orientation, age, family care leave status, or veteran status, or any other protected class defined by law (“discrimination or harassment”) is prohibited and will not be tolerated. Retaliation against a person who reports or complains about discrimination or harassment, or who participates in or supports the investigation of a discrimination or harassment complaint, is also prohibited and will not be tolerated.

# Executive Leadership

**Jim Hilbert**

Interim President and Dean  
Senior Fellow, Dispute Resolution Institute;  
Professor of Law

**Zeanta Jill Bryant**

Vice Dean of Administration  
Professor of Law

**Lynette Fraction**

Executive Assistant and Administrative Manager

**Michael Freer**

Director, Human Resources

**Ann Gemmell '12**

Vice President of Enrollment

**Morgan Holcomb**

Vice Dean of Academics  
Professor of Law

**Lynn LeMoine '11**

Dean of Students

**Tressa Ries**

Vice President of Finance and Administration

**Christine Szaj**

Vice President of Institutional Management

**Leslie Wright**

Vice President, Development and Alumni Relations

# Vision, Mission, and Values

## Vision

Mitchell Hamline will be the nation's leading innovator in legal education. We provide rigorous, practice-based training that equips students for the changing realities of the legal profession. We empower students to pursue careers of meaning. We use technologies in new ways to expand access to legal services and legal knowledge.

## Mission

We live, study, and teach the law, working to make it just and accessible. We are dedicated to:

- Serving as a gateway to opportunities that enable students to further causes about which they are passionate;
- Preparing students to compete successfully for jobs that exist today while positioning them to excel in jobs yet to be created;
- Expanding access to legal knowledge throughout society, among lawyers and non-lawyers alike;
- Providing access to high-quality legal education for people from a wide variety of backgrounds; and
- Advancing the rule of law and justice for all.

## Values

### **Courage and Independence:**

We imagine  
We take risks  
We are resilient

### **Inclusion and Integrity:**

We listen  
We depend on difference  
We foster transparency and trust

### **Commitment and Accountability:**

We speak up  
We create  
We deliver

**Community and Collegiality:**

We serve together

We celebrate together

We connect locally, nationally, and globally

# Academic Programs

## J.D. Program

### Overview

Mitchell Hamline offers several enrollment options to meet the needs of students from all walks of life: full-time; part-time weekday (day or evening); and blended learning options. Each enrollment option offers a strong foundation in theory and practice that provides students the skills, knowledge, professionalism, and experience to step confidently into their careers.

Students begin classes at Mitchell Hamline in the fall semester, or, if transferring from another ABA-accredited law school, may be able to enroll in the fall, spring, or summer. The schedule follows a traditional academic calendar with two semesters each year, and in addition, offers several classes during J-Term and summer. Students are not required to take classes in the summer or J-term. The law school begins accepting applications in October and admits students on a rolling basis.

Information about the J.D. program, each enrollment option, and the application process is available on the [Admissions website](#).

Information about academic requirements is available in the Academic Rules section of this Catalog, including Graduation Requirements and Curriculum Requirements.

### Certificates, Centers, and Institutes

Mitchell Hamline offers several certificates and focused study in specialized areas of law.

#### [Center for the Study of Black Life and the Law](#)

##### **Dispute Resolution Certificates**

[Conflict Resolution Theory and Practice Certificate](#)

[Certificate in Global Arbitration Law and Practice: National and Transborder Perspectives](#)

##### **Health Law Certificates**

[Health Care Compliance Certificate](#)

[Health Law Certificate](#)

##### **Institute to Transform Child Protection**

[Certificate in Child Welfare](#)

## **Intellectual Property Certificate**

[Patent Law Certificate](#)

## **Law and Business Certificates**

[Law and Business Certificate](#)

[Law and Business Certificate with Intellectual Property Concentration](#)

## **Native American Law and Sovereignty Institute**

[Native American Law and Sovereignty Institute Certificate](#)

## **Courses**

Course titles, descriptions, course numbers, and credits can be accessed on the [Courses webpage](#).

Listed courses have been offered at least once within the past three years.

## Experiential Learning Programs

Mitchell Hamline students get experience with real clients with real legal problems starting in their first year of law school. The levels of responsibility, time investment, and specialization increase as they progress through their studies. Coursework includes skills training, simulations, and role-playing exercises allowing students to get feedback on your developing legal skills. Experiential learning programs include:

**Clinics** – Under the direct supervision of professors, students work in clinics to represent low-income clients. Clinic students are given primary responsibility for the representation or other lawyering experience (such as mediating cases). In addition to their casework, they meet weekly in a classroom component designed to provide them with the knowledge and skills needed to act in the role as a lawyer. Most clinics require that students be eligible for certification under the student practice rule.

**Externships** – Students work across a range of practice areas and legal settings. Students in externships are primarily located in field placements approved by the law school and supervised both by Mitchell Hamline faculty and by attorneys in the field.

**Residencies** – Students in their final year can gain practical experience through immersive, semester-long work opportunities inside of law firms, businesses, state and county agencies, courthouses, and other organizations. Residency students are expected to devote 30-40 hours per week at their placement site and to enroll in a companion classroom component or other academic component supervised by a Mitchell Hamline faculty member.

**Simulation Courses** – Legal practicum and advanced simulation courses immerse students in the areas of general practice and advocacy through innovative hands-on learning exercises pioneered by Mitchell faculty and staff. To provide a foundation for advocacy and problem-solving in litigation and transactional contexts, all students are required to take the Advocacy course and either Negotiation or Transactions & Settlements.

**Legal Writing** - Mitchell Hamline's first year Legal Writing program is a foundational offering, required for all first-year students, intended to enable them to master fundamental client representations skills. Students meet in small groups to practice interviewing and counseling clients, writing memos and letters, researching the law, negotiating contracts and settlements, reasoning about a client's situation in light of the law, settling cases, and arguing motions.

**The Minnesota Justice Foundation (MJF)** is committed to promoting social justice and improving legal services for those who have been under-represented by the legal profession. Through MJF, students—starting in their first year—have the opportunity to work with lawyers in a variety of legal advice settings or to complete research projects

for lawyers who have taken clients and cases on a pro-bono basis. Mitchell Hamline students who volunteer more than 50 hours prior to graduation will receive a notation on their transcript and a certificate. Students who volunteer 150+ hours will also receive golden honor cords at Commencement. Students may log hours from volunteer opportunities available through the Minnesota Justice Foundation (MJF) or through other approved sources.



## Dual Degree Programs

While enrolled at Mitchell Hamline School of Law, a student may pursue other courses of study (including dual degree programs approved by the law school and other graduate or undergraduate programs) with prior approval from the Vice Dean, Academics.

To be eligible for dual degree credits, students must have completed one year of law school and be in good academic standing. In addition to seeking a transfer of credit, students must provide an acceptance letter to the degree program outside of Mitchell Hamline School of Law.

In collaboration with Hamline University, Mitchell Hamline students enrolled in the J.D. program have the opportunity to pursue two degrees leading to the J.D. and a master's degree in the following programs:

- Master of Business Administration (J.D./M.B.A.)
- Master of Fine Arts in Writing (J.D./M.F.A.)
- Master in Public Administration (J.D./M.P.A.)
- Master in Nonprofit Management (J.D./M.N.M.)

Through a partnership with the University of Minnesota, J.D. students may pursue the Master of Public Health in Public Administration & Policy (MPH-PHAP).

For more information about these programs, contact the Vice Dean, Academics.

## LL.M. Degree Program

Mitchell Hamline's LL.M. Degree Program is designed for foreign law graduates who possess a law degree (LL.B. or equivalent) from outside of the United States. The program requires students to complete 24 credits including an introductory course to familiarize them with the American Legal System. Students may complete a master's thesis. Most students complete the program in one academic year (fall and spring) of study during which they focus on a specialized area of law. Students choose their courses with the support of a faculty advisor. Areas of specialization include, but are not limited to, alternative dispute resolution, intellectual property, international law, business and corporate law, and health law.

Complete information about this program and the application process is available on the [LL.M. Degree Program](#) webpage.

# Academic Rules

## 1.01. Academic Performance

### A. Academic Standing, Probation, and Dismissal

#### 1. Good Academic Standing

All J.D. and LL.M. students having at least a 2.2 cumulative grade point average are in good academic standing. For all students, cumulative G.P.A. is determined for the first time at the end of a student's first academic semester, and at the end of each fall and spring semester thereafter. A student must be in good academic standing to be eligible to be certified by the Minnesota Supreme Court for student practice.

Unless otherwise authorized by the Vice Dean, Academics, a student must be in good academic standing to participate in "non-classroom credits" courses, for which credit is based substantially on time spent outside a regularly-scheduled law school class. "Non-classroom credits" courses include:

- Field placements, such as externships and residencies
- Moot court and other competitions
- Publications
- Independent studies, including the Independent Long Paper and Internships with Faculty
- Dual degree (graduate school) courses
- Teaching Assistant courses, including Learning Community Leader credits
- Any courses for credit based substantially on time spent outside a regularly-scheduled class at MHSL or another ABA-accredited law school

"Non-classroom credits" courses do NOT include:

- Seminars or clinics that require a substantial classroom component
- Foreign study programs approved by MHSL or another ABA-accredited law school. Students must be in good standing to register for a study-abroad program
- Courses conducted by MHSL or another ABA-accredited law school in accordance with ABA standards for distance education

#### 2. Requirement for Additional Curricula and/or Academic Support Programming

Students matriculating prior to fall 2022 with a cumulative grade point average under 2.8 and/or students in the bottom quartile of the class at the end of a student's second

academic semester will be required to complete curricula and/or academic support programming. Students matriculating in fall 2022 or later with a cumulative grade point average under 3.0 and/or students in the bottom quartile of the class at the end of a student's second academic semester will be required to complete curricula and/or academic support programming.

Academic Support curricula includes the following courses:

- 2418-Bar Preparation Strategies: MPT (offered only fall semester)
- 1204-Constitutional Criminal Procedure: Investigation and Interrogation
- 2500-Evidence
- 4001-Bar Preparation Strategies: MBE and MEE (offered only spring semester; must be taken in the final spring semester of law school)

### 3. Probation: J.D. Students

A student whose cumulative grade point average is below 2.2 is on academic probation. A probationary student has one semester to raise their cumulative grade point average to at least 2.2. An academic semester does not include a summer or January term.

### 4. De Novo Program

First-year students whose fall GPA is under the GPA standard for academic good standing, are eligible to enroll in the De Novo program in lieu of continuing to the spring semester of their 1L year. By agreeing to participate in the De Novo program, the student agrees they will be withdrawn from the JD program, not in good standing, and conditionally readmitted as a new, incoming student, pending successful completion of the De Novo program and update of their character and fitness application questions as necessary. Tuition will be credited for the first repeat fall semester following the De Novo program, and any tuition scholarship in place at the time of original admission will be honored in all subsequent semesters at the law school.

### 5. Academic Dismissal

A J.D. student will be subject to dismissal in any of the following circumstances:

- A J.D. student is dismissed with no right of appeal to the Academic and Student Affairs Committee if the student has a cumulative G.P.A. below 2.0 after completing the probationary semester.
- A J.D. student is dismissed with a right of appeal if that student achieves a cumulative G.P.A. of at least 2.0 but fails to achieve a cumulative 2.2 G.P.A. after completing the probationary semester.

A J.D. student is dismissed with a right of appeal if that student has earned at least 83 credits (at least 86 credits for students matriculating in fall 2020 or later) and has a cumulative G.P.A. of at least 2.0 but below 2.2.

A J.D. student is dismissed with a right of appeal if the student fails to complete the requirements of the J.D. law program within 84 months. Academic Rule 1.06 D rather than Academic Rule 1.01 A.6 applies in these circumstances.

## 6. Right of appeal

Students with a right of appeal must submit appeals in writing to the Dean of Students. The Academic and Student Affairs Committee will consider the appeal. The student must explain the conditions that contributed to the student's probation and dismissal.

The American Bar Association requires students to make an affirmative showing to the law school that the student's dismissal "does not indicate a lack of capacity to complete its program of legal education and be admitted to the bar." The Committee strongly presumes that a student's academic record is the best evidence of the student's capacity to complete the J.D. and pass the bar examination. Upon a proper showing, the student may rebut this presumption if the student produces clear and convincing evidence that the conditions contributing to the probation and dismissal have been or will be ameliorated, and that the student will be able to achieve and maintain a cumulative GPA that will keep the student in good academic standing for the remainder of law school, and that the student can pass the bar examination.

**Interpretive note:** Among the factors that the Committee considers in making that assessment are the assessments of the faculty and staff members who have worked with the student, which are given significant weight; whether the student was able to achieve the required GPA for good standing in any previous semesters; and the reasons for the failure to achieve good standing, including whether the student chose to assume personal and professional responsibilities inconsistent with the ability to be successful in law school.

The decision of the Academic and Student Affairs Committee granting or denying the appeal from dismissal is final. A dismissed student may apply for re-admission under Section A.7. of these rules.

## 7. Readmission

A student previously dismissed from MHSL may seek readmission after two or more academic semesters have elapsed since the dismissal. The student must demonstrate that the nature of the interim work, studies, activities, or other experiences indicates a stronger potential for the study of law. Any student readmitted to MHSL after previous academic dismissal must start anew as a first-semester, first-year law student, with no credit given for any course previously taken at MHSL or at any other law school, no matter what grade the readmitted student received in such a previous course. The student's 84-month period within which to complete the requirements of the J.D. law program begins again in the month in which the readmitted student rematriculates at MHSL. The same rules apply to any student admitted to MHSL after previous academic dismissal from any other law school: A student admitted to MHSL after previous

academic dismissal from another law school must start anew as a first-semester, first-year law student, with no credit given for any course previously taken at any law school, no matter what grade the student received in such a previous course.

## **B. Financial Aid Satisfactory Academic Progress Policy**

Federal financial aid regulations require all students who receive Title IV federal financial aid and/or Minnesota Office of Higher Education (OHE) funds to maintain good academic standing and a satisfactory pace in the progress toward their degree. These regulations apply to all attempted coursework including coursework for which the student did not receive financial aid. A student who does not meet Financial Aid Satisfactory Academic Progress standards (FA SAP) may lose federal and or state financial aid eligibility, but may regain eligibility when the standards are again met, or with an approved appeal.

For the full text of this important policy, see the [Financial Aid Satisfactory Academic Progress Policy](#) on the Financial Aid Office website.

## 1.02. Attendance and Course Expectations

### A. Attendance Policy

The program of instruction at the School of Law is based on an active and informed exchange between instructor and student and between student and student. Regular, prepared class attendance helps develop skills essential to the competent practice of law. Regular and punctual class attendance and adequate preparation are required.

**Requirement:** Regular and punctual class attendance is required. Students are expected to attend in-person classes (including preparation sessions and capstone weeks) in person. Students are responsible for attending all remote synchronous classes at the scheduled class meeting time. Attendance for students attending class remotely and synchronously may be measured in a variety of ways, including, but not limited to: polling, hand raising, class discussions, or use of video function in Zoom. Missing more than 2 regularly-scheduled in-person classroom hours per credit hour (e.g., missing more than 6 classroom hours of a 3-credit course); failing to log into an online or blended course for more than one week; and missing any time during in-person preparation sessions or capstone weeks are all considered presumptively excessive absences. Faculty are authorized to impose more stringent attendance policies provided that when a faculty member imposes an attendance policy that differs from this policy, the faculty member shall publish their attendance policy in their syllabus for the course and shall make the policy available to the Vice Dean, Academics and the Dean of Students.

**Record-keeping and reporting:** Upon report(s) from the instructor, the Vice Dean, Academics has authority to involuntarily withdraw students whose absences are excessive. Faculty must keep a record of each student's attendance, and must report to the Dean of Students, or their delegate, any student whose absences are presumptively excessive. A student's absences are considered presumptively excessive if the student has missed more than two regularly-scheduled in-person classroom hours per credit hour; failed to log into an online or blended course for more than one week; or missed any time during in-person preparation sessions or capstone weeks, unless the student has made appropriate arrangements with the professor, the Dean of Students, and/or the Assistant Dean, Academic Affairs. It is an honor code violation to falsely sign an attendance sheet for a student not present in class. It is an honor code violation to sign in for a class that was not attended in substantial part.

### B. First Class Assignments

Most instructors assign course work for the first day of classes. Instructors shall post first assignments on the learning management system used for the course (Canvas). In all cases, instructors will announce the first assignment for a class to the students in the class no later than one week before the first class session.

## C. Class Make-Up Policy

Instructors may schedule make-up classes in advance of a canceled class. Instructors are expected to announce the time and date to make up canceled classes as soon as possible after the cancellation. Instructors do not schedule makeup class(es) during the last two weeks of a semester unless it is impossible to make up the canceled class(es) at any other time. Instructors may arrange for video or audio recordings of makeup classes to be posted in the Panopto Recordings section of their Canvas course pages.

## D. Plagiarism Evaluation Software

In all classes at Mitchell Hamline School of Law, students are responsible for ensuring that their work complies with assignment requirements, academic integrity, and other conduct detailed in the Student Code of Conduct. Some courses may use a plagiarism prevention software tool to confirm that students are using sources accurately in their written work and that their written work is their own. In any course where this tool is used, students will be required to check a box on Canvas confirming that their work is their own when submitting assignments using this tool. Faculty members using this tool may request to see reports comparing submitted assignment to other assignments in that course and other classes.

## E. Course Evaluations

Each semester, all students complete an evaluation for each course they take. The completed evaluation forms are reviewed by the Vice Dean, Academics and the ratings on the forms are tabulated. The evaluations are returned to the instructor after grades for each course are submitted. The evaluations provide useful feedback to the instructor. The evaluations also are available to the Tenure Committee. The Tenure Committee is responsible for assisting beginning instructors and evaluating the quality of teaching. Committee members also visit classes to obtain direct information. The evaluations are used in the same manner by the administration in making decisions on course assignments, salary, promotion, tenure of tenure-track instructors, and retention of adjunct instructors.



## 1.03. Curriculum Requirements

### A. Required Courses

In addition to the Graduation Requirements described in the Academic Rules section of this Catalog, students are required to pass all first year and upper division required courses as listed below.

**Students matriculating prior to fall 2020 are required to earn a minimum of 83 credits and satisfy the below requirements.**

**Students matriculating in fall 2020 or later are required to earn a minimum of 86 credits and satisfy the below requirements.**

#### First Year Required Courses:

- 1003-Civil Dispute Resolution (4 credits)
- 1004-Torts: The Common Law Process (4 credits)
- 1005-Criminal Law: Statutory Interpretation (3 credits)
- 1006-Contracts: Transactional Law (4 credits)
- 1651-Property: Jurisprudential and Comparative Analysis (4 credits)
- 2421-Constitutional Law—Powers (3 credits)
- 1415-Legal Analysis, Research, and Communication I (3 credits)
- 1416-Legal Analysis, Research, and Communication II (3 credits)
- 1452-Foundations of Practice (for full time students, 1 credit)

#### Upper Division Requirements:

- 3200-Professional Responsibility (3 credits)
- 9550/9551/9555/9556-Advocacy (3 credits) OR 9553-Advocacy: Appellate (1 credit) and 9552-Advocacy: Trial (2 credits)
- 4575-Negotiation (3 credits) OR 9014-Transactions and Settlements (3 credits)
- 2410-Constitutional Liberties (3 credits)
- 1452-Foundations of Practice (for part time students, 1 credit)
- Upper Level Advanced Research and Writing Requirement (Long Paper) – see Section B below

#### Requirement for Additional Curricula and/or Academic Support Programming

Students matriculating prior to fall 2022 with a cumulative grade point average under 2.8 and/or students in the bottom quartile of the class at the end of a student's second academic semester will be required to complete curricula and/or academic support

programming. Students matriculating in fall 2022 or later with a cumulative grade point average under 3.0 and/or students in the bottom quartile of the class at the end of a student's second academic semester will be required to complete curricula and/or academic support programming.

Academic Support curricula includes the following courses:

- 2418-Bar Preparation Strategies: MPT (offered only fall semester)
- 1204-Constitutional Criminal Procedure: Investigation and Interrogation
- 2500-Evidence
- 4001-Bar Preparation Strategies: MBE and MEE (offered only spring semester; must be taken in the final spring semester of law school)

First year students matriculating in fall 2018 or later are required to take the following course:

- 1450 Legal Methods

No more than 19 credits under the 83 credit requirement, or 22 credits under the 86 credit requirement can be applied toward graduation from non-classroom courses:

- Field placements (including externships but not clinics)
- Moot court or other competitions
- Publications
- Independent studies, including the Independent Long Paper and Internships with Faculty
- Dual-degree (graduate school) courses
- Teaching Assistant courses, including Learning Community Leader credits
- Any course for credit that is substantially based upon time expended outside a regularly scheduled class at MHSL or another ABA-accredited law school

## LL.M. Students

Mitchell Hamline's LL.M. Program is designed for foreign law graduates who possess a law degree (LL.B. or equivalent) from outside of the United States. The program requires students to complete 24 credits including an introductory course to familiarize them with the American Legal System. Students may complete a master's thesis. Most students complete the program in one academic year (fall and spring) of study during which they focus on a specialized area of law.

## B. Advanced Research and Writing Requirement

All students must write an Advanced Research & Writing (“ARW”) paper as a requirement for graduation. Students are required to complete this requirement after their first year and are strongly advised to complete it before their final semester. Students are encouraged to complete this requirement through a seminar or other [long-paper course](#).

### Purpose & Content

The ARW requirement is consistent with American Bar Association accreditation standard 303, which requires a “rigorous writing experience” after the first year. It is designed to reflect two key aspects of the practice of law identified in the American Bar Association’s Model Rules of Professional Responsibility. First, a lawyer is a counselor who is expected to “exercise independent professional judgment and render candid advice.”<sup>1</sup> Second, a lawyer “is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.”<sup>2</sup>

The ARW paper furthers five competencies essential to law practice:

1. Legal research;
2. Fact investigation;
3. Writing, including organization, grammar, and style;
4. Strong personal work ethic and time management; and
5. Creative problem-solving

Although many ARW papers will take the form of a law review-style essay, other kinds of writing may also satisfy the requirement. In each case, the focus is on using the competencies identified above to identify and solve a problem of the sort confronted by lawyers. Description and regurgitation are not enough.

Here are some illustrations:

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<sup>1</sup> ABA MODEL RULES OF PROF’L CONDUCT R. 2-1.

<sup>2</sup> ABA MODEL RULES OF PROF’L CONDUCT pmb1.

Unlikely to satisfy ARW requirement	Likely to satisfy ARW requirement
Essay describing a new case about the rights of homeless people	Essay assessing current homelessness and proposing new legislative approach
Business agreement based entirely (or nearly so) on a model or form document	Business agreement requiring substantial transactional analysis and problem- solving
Moot court brief relying on facts supplied by competition organizers	Clinic brief or amicus brief requiring development of facts and presenting novel legal arguments

## Permission and Credits

ARW papers are usually written under the supervision of a full-time faculty member. Supervision by an adjunct faculty member is permitted only if the paper is completed as part of an ARW-designated course taught by that adjunct faculty member or, in rare circumstances, if the paper is completed as part of an Independent Research Project.

## ARW-designated Courses

Some courses are designated by the Curriculum Committee as satisfying the ARW requirement. Because of the intensive work required between class sessions, three-credit ARW courses meet for a minimum of 110 instructional minutes per week during a thirteen-week semester or an equivalent amount of time spread over a different period. Students who wish to take the course without fulfilling the ARW requirement and students who have fulfilled the ARW requirement and choose not to write an additional long paper in the course will register for two credits, rather than three.

A student who wishes to change the number of registered credits for an ARW-designated course (i.e., from two to three or from three to two) must follow the course add/drop procedures outlined in Academic Rule 1.07 in this Catalog. In any event, a student who does not write a long paper in an ARW-designated course will not receive three credits for the course.

## Journals

Papers written for law review or journal articles require the advance permission of the journal's Editorial Board, in addition to approval of a supervising professor. Such a paper receives the credit normally associated with journal service.

## Independent Long Paper

Although students are encouraged to complete their ARW requirement through a seminar or other [long-paper course](#), students may satisfy their ARW requirement by writing an independent long paper. The independent long paper option is permitted

only in limited circumstances. The student must first complete and submit the [Independent Long Paper Petition](#) and obtain approval from a supervising faculty member.

Students must be in good academic standing and in their final two semesters to be registered for an independent long paper.

Independent long papers are graded A-F and earn two credits. Students may request a waiver from the Vice Dean, Academics for an independent long paper for fewer than two credits, but not more. The requirements to fulfill the ARW requirement remain the same regardless of the credits proposed. Students may not earn credits through independent research while completing their long paper requirement.

The petition must include the following:

1. why the ARW requirement cannot be satisfied through a seminar or other [long-paper course](#) (i.e. why is an independent long paper necessary);
2. a description of the topic;
3. the reason for interest in the topic;
4. the extent and type of research anticipated;
5. previous work completed in the subject area;
6. identification of a subject matter expert with whom the student will consult (which could be a faculty member); and
7. a description of the written product that will be produced.

If approved, the independent long paper must meet all other ARW requirements set forth in this section.

In addition, students completing their ARW requirement through an independent long paper will be required to complete online modules on useful topics for satisfying the requirement, such as research and topic selection, as assigned by their faculty supervisor.

## Format

Regardless of form or genre, ARW papers shall ordinarily be at least 8,500 words including footnotes. This requirement is meant to ensure that the project is substantial enough to measure and develop the five competencies identified above and to provide a summative writing experience for the student. Beyond the length requirement, formats will vary according to context and should be appropriate to the genre of the writing project. So, for example, essays should generally adhere to law review style conventions, while briefs must adhere to good citation practices and the relevant jurisdiction's filing rules. Prior to the first draft, the student and supervising faculty shall identify the appropriate format for the paper.

## Writing Process and Deadlines

Unless the supervising faculty member requires otherwise, the paper is required to be written in the following stages:

- Detailed outline
- Research plan
- First draft
- Second draft
- Final paper

Students should expect significant feedback from their faculty supervisors at each of these stages.

Missed deadlines may be taken into account in grading, particularly if the student does not obtain an extension until after the deadline has passed. Final papers are due no later than the last day of class for the semester. An extension of the final due date must be requested in advance and must be approved by the instructor. Students requesting a change should complete a “Request for Extension” form and submit this form to the Dean of Students. This form can be found on the [Forms page of the Office of the Registrar’s website](#).

After the ARW paper is completed, the student should fill out and have the supervising faculty member sign an Advanced Research & Writing Certification form available on the [Forms page of the Office of the Registrar website](#). If the supervising faculty member is unable or unavailable to sign the certification form, the Vice Dean, Academics may sign in the faculty member’s stead. The signed form must be submitted to the Registrar in order for the ARW requirement to be satisfied

## 1.04. Examinations

### A. Types of Exams and Other Graded Assessments

Instructors have the discretion to administer as assessments exams, papers, or courtroom or other practice-based exercises. An exam may be a scheduled exam, meaning that it is taken on campus or online at a specified time; a self-scheduled exam, meaning that the student may select, from a designated range of times, a time at which to take the exam on campus or online (depending on the course structure); or a take-home exam. A scheduled exam, self-scheduled exam, or take-home exam may be an “in-session” exam, which is an exam administered or due before classes end for the designated session (e.g., fall or spring semester or summer session), or it may be a “final” exam, which is an exam administered or due at or after the end of classes for the designated session. Any exam, whether in-session or final, scheduled, self-scheduled, or take-home, may be closed or open book. No exam is open book unless the instructor of the course specifically designates the exam as such. Students must comply with the software installation policy (see below) when using computers to type their exam answers. Students are responsible for knowing and following specific rules and processes for exam administration for each type of exam they are taking. Prior to final exams, detailed information about the process for self-scheduled final exams will be posted by the Office of Student Services. **Students should review this information well in advance of the exam.**

No exams may be due or administered during the designated “reading week.” Papers and courtroom or other practice-based exercises are exempt from this timing rule; they may be due or administered at any time during the designated session, during the designated “reading week,” or during the designated final examination period.

### B. Use of Exam Software

Exams may be administered electronically on Canvas or using other exam software. Mitchell Hamline School of Law may use software during some exams which prevents accessing unauthorized material during an exam administration. Not every instructor uses exam software for every exam, but if a particular exam requires it, the software must be installed in order for a student to take an exam on their personal laptop computer. For students using exam software, the following conditions must be met:

1. Exam software is compatible with Microsoft Windows and Macintosh OS. More information about supported Windows and Mac versions will be provided in the instructions students will receive prior to any exam that requires such software.
2. If a student’s computer suddenly becomes unusable prior to the beginning of an on-campus exam, the student may choose to take the exam using one of the library’s computers, or hand write the exam in a blue book.

3. If a computer suddenly becomes unusable during an on-campus exam already in progress, the student must use a blue book to finish the exam from the point where the computer stopped working. **No technical assistance is available during an on-campus exam.** Students taking an exam online using Canvas should follow the specific exam instructions for what to do in the event of a technical issue during an online exam.

Information Technology Services professionals are available in the Library (or by email at [ITHelp@mitchellhamline.edu](mailto:ITHelp@mitchellhamline.edu)) to assist with installing, using, and troubleshooting problems with exam software. They will also be available during every exam using exam software, and will be notified of make-up **final** exams by Student Services.

**NOTE:** Students using a computer to take on-campus exams may only use one device to take their exam. No other electronic devices may be used during on-campus exams. All phones and smartwatches must be turned off and stowed away from students. Additional monitors or laptops are not permitted.

## C. Exam Numbers

Students are assigned examination numbers that are used as identification on exams throughout law school. Students may ask the Registrar to change their exam number at any time. Upon showing proper identification, students who forget their examination number during the final examination period may obtain it from the Office of the Registrar. If a student uses the wrong number on an exam, they should notify the Registrar in order to assure proper recording of grades.

## D. Exam Variances: Exam Conflicts/Rescheduling and Accommodations

Instructors are responsible for announcing the time and place of all in-session exams. Students take scheduled final exams at the time and place announced on the exam schedule. Students take take-home final exams at the time and place announced on the exam schedule, or at the time and place announced by the instructor. Self-scheduled final exams are scheduled by students according to processes set by the Office of the Registrar. (Detailed information will be made available to students prior to each final exam period.)

**Note: No student is permitted to take any exam before the regularly scheduled time for that exam.**

1. **Exam Conflict – request for rescheduling**

In-session exams, whether scheduled, self-scheduled, or take-home, may be rescheduled by the instructor whose exam is at issue, or by the Dean of Students when they are directed to do so by the instructor whose exam is at issue. The instructor has discretion to determine the details for rescheduled in-session



exams unless the instructor has delegated that authority to the Dean of Students. Scheduled and self-scheduled final exams may be rescheduled only by the Dean of Students. Take-home final exams may be rescheduled by the instructor whose exam is at issue, or by the Dean of Students when they are directed to do so by the instructor whose exam is at issue. The instructor has discretion to determine the details for rescheduled take-home final exams unless the instructor has delegated that authority to the Dean of Students.

The Dean of Students will reschedule exams only under extraordinary circumstances. Students must provide documentation of any extraordinary circumstances. Examples of such circumstances may include:

- a. The student's illness or injury, or an illness, injury, or death in the student's immediate family, which prevents the student from taking an exam.
- b. The time of an exam conflicts with the student's religious belief or practice.
- c. A student has two scheduled final exams that are scheduled to begin within 23 hours of each other (e.g., a 6:00 p.m. scheduled final exam on a Monday followed by a 5:00 p.m. scheduled final exam the next day would be a conflict; however, a 6:00 p.m. scheduled final exam on a Monday followed by a 6:00 p.m. scheduled final exam the next day would NOT be a conflict). **Note: This 23-hour rule applies only to scheduled final exams, not to self-scheduled or take-home final exams, and not to any in-session exams.**
- d. A student has three scheduled final exams scheduled within a period of 3 calendar days, in which case a student may reschedule one scheduled final exam. **Note: This 3-day rule applies only to scheduled final exams, not to self-scheduled or take-home final exams, and not to any in-session exams.**
- e. Unanticipated event that conflicts with an exam; such event must be one that requires the student to attend (note: this exception is rare; events such as travel/vacation plans, weddings, employment obligations, etc., do not qualify).

Exam rescheduling is coordinated in Student Services, Room 119.

Specific make-up dates for final exam conflicts are scheduled at set times during the final examination period. Students must take rescheduled final examinations on the next available make-up date that does not cause a new conflict in the student's final exam schedule.

No make-up exam will be rescheduled more than two weeks after the end of the regular final exam period. Students who are unable to complete any exam within

this time frame will be withdrawn from the course(s) unless the Dean of Students grants an exception for extraordinary circumstances.

The rules on Deferring Completion of Exams apply when a student fails to take an exam when it is scheduled.

**2. Disability Accommodations**

Students who need to request exam accommodations (including additional time) because of a documented disability must request an accommodation through the Office of Disability Services. Students may be requested to provide specific documentation to support a request for accommodations. Once approved, students must submit an online exam variance form for any quiz or exam for which they intend to use their accommodations. All exam variance forms must be submitted at least five days before the date of the examination. See Disability Services in the Student Services section of this Catalog for general disability accommodation information.

**3. Exam Variances for English as a Second Language**

Students whose native or primary language is not English (“ESL students”) are eligible to receive additional time on timed exams and quizzes during their first two academic semesters of law school, as specified below, if they provide documentation that:

- a. their prior higher education was in a language other than English, OR
- b. they received an ESL/ELL variance at their prior higher educational institution(s).

ESL students should request ESL exam variances through the Office of the Dean of Students. Once approved, students can request additional time on exams and quizzes by submitting an online exam variance form and selecting ESL Variance as the reason for the exam variance. All exam variance forms must be submitted at least five days before the date of the examination and require approval from the Dean of Students. Approved students are allowed 20% extra time per timed quiz or exam in their first academic semester, and 10% extra time in their second academic semester. This additional time does not apply to take home exams of 24 hours or longer.

To prepare students for the bar examination, which is administered in English, students are not allowed extra time after their first two academic semesters of law school. Questions or concerns should be directed to the Dean of Students.

## E. Deferring Completion of Exams

A student may not defer a final exam without prior permission from the Dean of Students, who will determine the deferred final exam date. If a student fails, without prior permission, to take a final exam when scheduled or rescheduled by the Dean of Students, the student will receive a failing grade (a grade of “F”) for the course, unless the Dean of Students grants an exception for extraordinary circumstances.

## F. Penalty for Exceeding Time Allotment on Exams

Students are responsible for ending their examination on or before the exam end time. Students who fail to end their examinations on time are subject to a presumptive one-gradation penalty (e.g., B to B-) if they exceed the time, even by a few minutes. Individual faculty members may choose to opt out of this policy and impose their own penalty. Students who substantially exceed the examination time may be subject to a more substantial penalty and/or an investigation of whether they have violated the Code of Conduct.

For exams taken on campus, students are permitted five minutes from the end time for the exam to return written exam materials (e.g. bluebooks, multiple-choice answer sheets). Written exam materials returned after the five minutes grace period will be considered late and students will be subject to the same penalties as all students who exceed exam time limits.

## G. Retention of Exams and Papers

On-campus exams, take-home exams, and student papers are retained by the instructor or Office of Student Services (Room 119) for one year. Some exam booklets, take-home exams, and students’ papers are available for students to pick up in the Office of Student Services.

**Information about grading system (including pass/fail option); class rank and transcripts; and honors and awards is described in Academic Rule 1.05. Grading System, Class Ranks and Transcripts, Honors and Awards.**

# 1.05. Grading System, Class Ranks and Transcripts, Honors and Awards

## A. Grading System

### 1. Numerical Grade Equivalents

Mitchell Hamline School of Law grades on a letter grading system shown in Table 1 below.

Table 1

Letter Grade	Numerical Equivalent
A	4.00
A-	3.67
B+	3.33
B	3.00
B-	2.67
C+	2.33
C	2.00
C-	1.67
D+	1.33
D	1.00
D-	0.67
F	0.00

## 2. Pass/Fail Grades

Courses are ordinarily graded on an A-F scale. With the permission of the Vice Dean, Academic and Faculty Affairs, an instructor may offer a course on a Pass/Fail basis. If an instructor is offering a course on a Pass/Fail basis, they must announce this orally or in writing prior to or at the beginning of the semester. A student receiving a pass earns a grade of S (satisfactory) or a grade of P (pass), which is not computed in their cumulative G.P.A. A student receiving a fail earns a grade of "F", which is computed in their cumulative G.P.A. There is no limit to the number of Pass/Fail credits a student may earn. Individual students may not elect to receive a Pass/Fail grade in a course that is letter graded with the exception of the pass/fail option in Section A.5 below.

## 3. Notice of Grading Criteria

The syllabus for each course will list grading criteria for the course.

## 4. Grading Policy

Mitchell Hamline School of Law mandates a mean of 2.9 for all 1L classes, including third semester blended learning courses, with an allowable deviation of +/- .13 to +/- .24, depending on the size of the class, as shown in the table below:

Allowable Deviation from the 2.9 Mean Grade for 1L Courses

Class size	Required Mean Grade	Maximum Allowed Deviation
80+	2.90	+/- 0.13
70-79	2.90	+/- 0.14
60-69	2.90	+/- 0.15
50-59	2.90	+/- 0.16
40-49	2.90	+/- 0.18
30-39	2.90	+/- 0.20
<30	2.90	+/- 0.24

Mitchell Hamline School of Law mandates a mean of between 2.7 and 3.3 for all Upper Level (non-1L) classes, with the exception of Clinics and Long Paper courses; Clinics and Long Paper courses are not subject to the mandatory mean. Each instructor is required to calculate and articulate the mean when they submit grades to the Registrar.

If the mean falls below 2.7 or above 3.3, then before submitting grades to the Registrar, the instructor must offer to the Vice Dean, Academics an explanation of one or more factors that justify the deviation. Such factors include, but are not limited to:

- Class size (i.e., very small)
- Method of evaluation (e.g., exercises rather than final exams)
- Average GPA of class members (e.g., higher than the mean)
- Class objectives (e.g., to master rather than simply practice specific skills)
- Nature of student work required (e.g., team or group work)
- Multiple assessors
- Course requirements (e.g., number of hours)

The Vice Dean will sign off on the deviation OR will contact the instructor for further discussion. The Vice Dean will also report to the faculty at regular intervals regarding the deviations.

## 5. Pass Option

Subject to the limitations set forth hereafter, excluding independent research and clinical courses, a J.D. student may elect to convert a letter grade in any non-required course, other than those designated by the Vice Dean, Academics as not available for the pass option, to a “Pass” represented by a “P,” for “C-” or better work. A student may only convert a letter grade to a “P” in one course during the student’s entire law school career.

Students may elect to replace their passing grade with a “P” by filing with the Registrar at any time after registering for the course but not later than 5 calendar days after their last grade is posted for the semester or term in which that course was offered. This five-day period shall not be stayed to await the final determination of incomplete (“I”) grades. A student who receives an incomplete grade and has not yet exercised the one-time pass option may, after the “I” is converted to a letter grade, exercise the option to change that converted letter grade to a “P” by filing with the Registrar not later than 5 calendar days after the “I” grade is converted to a letter grade. Once the pass option has been exercised, the student cannot reverse that decision, even if hindsight proves that another choice would have been more beneficial.

If semester rankings have already been calculated, students will not be re-ranked after the pass option has been elected even if cumulative GPAs have changed significantly.

## 6. Grade Changes

Once final grades are submitted, they cannot be changed unless a clerical error has occurred.

## 7. Grade Posting

Students can review their grades on the law school website using their student I.D. number and password. When new grades are being entered, students cannot access their grades. For grade security purposes, grades are not given over the telephone.

## 8. Calculating Grade Point Average

Grade point averages are computed as follows: the credit value is multiplied by the number equivalent of the grade received in the course. This multiplication product results in grade points. The sum of the grade points is then divided by the number of graded credits attempted. Only letter grades listed in the first table above are calculated in the grade point average.

# B. Class Rank and Transcripts

## 1. Class Ranks

Class ranks are computed at the end of a student’s first two semesters and every fall and spring semester thereafter and appear on the transcript. The ranks are based on

students' cumulative grade point averages. Only those students who received all of their semester grades receive a class rank. Our goal is that non-senior ranks are calculated one week after the last non-senior grades are processed. Senior ranks are calculated when all senior grades are processed.

Students are ranked with other students who are proceeding through law school at approximately the same pace, except for the final ranking, in which students are ranked with their graduating class. Students who graduate in August are ranked with the subsequent January graduation class. A student's class rank is not changed once ranks are computed. For grade security, students are not given their class ranks over the telephone. Students may request an official transcript without the rank listed by contacting the Registrar.

## 2. Transcripts

Information about how to order a transcript is found on the [Office of the Registrar website](#). Students may print their unofficial transcript from the law school's website by logging in to their account and clicking on the "My Transcript" tab.

The law school cannot release photocopies of students' transcripts from other academic institutions. Students must request those documents directly from the academic institutions they attended.

## C. Honors and Awards

### 1. Academic Honors (Graduation Honors)

Mitchell Hamline School of Law issues the following academic distinctions upon the completion of all coursework and the awarding of the J.D. degree: summa cum laude, magna cum laude, and cum laude.

The criteria for Latin Honors are as follows:

Academic Honor	Honors Criteria
Summa cum laude	GPA of at least 3.67
Magna cum laude	GPA of at least 3.50, up to but not including 3.67
Cum laude	GPA of at least 3.33, up to but not including 3.50

GPA's are not rounded up for purposes of awarding Latin Honors. E.g., a student with a GPA of 3.49999 will receive the cum laude, rather than the magna cum laude, distinction.

For purposes of the January and May graduation ceremonies, honors will be based on the cumulative grade point average from the prior semester. Final honors are noted on the transcript and printed on the diploma.

## 2. Dean's List/Dean's Honor Roll

Students who earn a semester grade point average of 3.33 or better, based on seven or more graded credits, are placed on the Dean's List/Honor Roll that semester. Students so honored receive a letter from the President and Dean of the law school and a notation on their transcripts. First year students are eligible for this honor contingent on meeting the above criteria.

## 3. CALI Awards

Faculty members may designate the Computer-Assisted Legal Instruction (CALI) Award of Excellence to students who receive the top grade in a course. Students so honored receive a letter from the President and Dean of the law school and a certificate from CALI.



## 1.06. Graduation Requirements (J.D. Program)

### A. Minimum Credits and Minimum Cumulative GPA Required; Calculation of Credits

Students matriculating prior to 2020 must complete a minimum of 83 credits with a cumulative GPA of at least a **2.2**.

Students matriculating in fall 2020 or later must complete a minimum of 86 credits with a cumulative GPA of at least **2.2**.

**Students who transfer to MHSL must meet the requirements applicable to their anticipated graduating class.**

1. **Purpose of this section.** In approving and scheduling courses and other credit-bearing activities (hereinafter, “courses”), and in awarding credit, the law school will follow the guidelines in this Academic Rule 1.06, Section A, which are intended to be consistent with the “credit hour” definition in ABA Standard 310(b). According to Standard 310(b):
  - a “credit hour” is an amount of work that reasonably approximates:
    - (1) not less than [50 minutes] of classroom or direct faculty instruction and two [60-minute] hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time; or
    - (2) at least an equivalent amount of work as required in subparagraph (1) of this definition for other academic activities as established by the institution, including simulation, field placement, clinical, co-curricular, and other academic work leading to the award of credit hours.
2. **Definition of a “credit hour.”** Except as otherwise provided in this section, “credit hour” is the amount of work that reasonably approximates, over any length of time, a total of 750 (50 x 15) minutes or 12.5 hours of in-class work, plus 1800 (120 x 15) minutes or 30 hours of out-of-class work. The allocation of time between in-class and out-of-class work is flexible; 42.5 hours of required work in any proportion of in-class and out-of-class work will meet the credit-hour definition. For example, a 1-credit course that requires 10 hours of in-class work and 32.5 hours of out-of-class work meets the definition.<sup>1</sup>
  - a. **In-class work.** “In-class work” includes classroom instruction, other direct faculty instruction, and up to 50 minutes per credit-hour of time required

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<sup>1</sup> Note that a course that requires less than 500 (2/3 of 750) minutes or 8.375 (2/3 of 12.5) hours of in-class work per credit hour is a “distance education” course. Students may count no more than 27 credits under the 83 credit requirement (28 under the 86 credit requirement) in distance education courses toward their law degree and no more than 10 of those credits during the first one-third of their program of legal education. See Graduation Requirements, Section G, Maximum Online Courses Permitted.

for an exam or other assessed activity administered after the end of classes for the semester or other academic session (hereinafter “final exam or other final assessed activity”).

- b. **Out-of-class work.** “Out-of-class work” includes all work that students are required to complete in addition to in-class work. Examples of out-of-class work include reading and other preparation for in-class work, time spent on papers, simulations, projects, and other assignments outside of scheduled class time, and time spent preparing for and completing exams, quizzes, and other assessments outside of scheduled class time other than 50 minutes per credit-hour for a final exam or other final assessed activity. Course syllabi must clearly state the out-of-class work that is required.
3. **Guidelines for determining credit hours in courses and other credit-bearing activities.** These guidelines illustrate application of the credit-hour definition to traditional course models and are not meant to suggest that any particular model must be adopted to meet the credit-hour requirements. Except as otherwise provided in this section, courses that require at least 42.5 hours of work per credit hour comply with the credit-hour requirements.
  - a. **Non-ARW Courses with In-class Meetings.** Non-ARW courses<sup>2</sup> with weekly in-class meetings will be scheduled for 55 minutes of in-class instructional time per credit hour each week over a thirteen-week semester. Courses meeting over fewer or more than thirteen weeks will be scheduled for 700 minutes of in-class instructional time per credit hour. In all cases, the scheduling of in-class instructional time is based on a presumption that the course will require a total of at least 1850 minutes (or about 31 hours) of additional work per credit hour, including time spent on final exams, other final assessed activities, and all other in-class and out-of-class work. Courses need not include any final exam as long as combined in-class and out-of-class work totals at least 42.5 hours per credit hour. Thus, courses that require multiple assessments—whether in-class or out-of-class, whether or not including a final exam or other final assessed activity—meet the credit-hour requirements if all required in-class and out-of-class work, including assessments, totals at least 42.5 hours per credit.
  - b. **ARW Courses with In-class Meetings.** Instructional time for courses designated under Academic Rule 1.03, Section B, as ARW-designated courses will be scheduled in the same manner, based on the same presumption of additional work, as provided in Section A.3.a above, for non-ARW courses. However, students who opt to meet their ARW graduation requirement in the course by writing an 8,500-word “long paper” pursuant to the process described in Academic Rule 1.03, Section

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<sup>2</sup> Courses that are not designated under Chapter 3, Section 2.B, as advanced research & writing (ARW) courses.

- B, and students who have already satisfied their ARW graduation requirement but opt to write an additional long paper for the course, will earn an additional credit hour (i.e., three rather than two credit hours) to reflect the time spent researching and writing a long paper.
- c. **Blended and Distance Education courses.** If a course is offered in the blended format, or if the course is otherwise a “distance education” course within the meaning of Academic Rule 1.06, Section G, the combined total amount of work required for the course (including assigned readings, recorded lectures, discussion boards, classroom hours, and written assignments) will be no less than 42.5 hours per credit hour. Professors teaching courses offered in the Hybrid, EJD, blended, or blended weekend format, or any “distance education” courses, must demonstrate compliance with this standard by charting the work assigned in the course according to the guidelines provided by the law school’s instructional design department.
  - d. **Clinics and Field Placements.** All clinic and field placement (externship and residency) courses require at least 45 hours of work per credit hour awarded, inclusive of time spent on casework and fieldwork, classroom time, time spent in supervision meetings, and time spent preparing for class. Students will track their time according to the policies and procedures developed by the Director of Clinics and Director of Externships.
  - e. **Co-curricular Activities.** Academic credit will be awarded for work on a law review, journal, competition team, internship with a professor, or other co-curricular activity upon determination that the student has completed at least 45 hours of work per credit hour awarded. Students are responsible for tracking their time according to the policies and procedures that apply to the activity involved. Prior to submitting grades for co-curricular activities, faculty advisors, competition coaches, or supervising faculty members are responsible for verifying that each student has tracked sufficient hours to justify the award of academic credit to that student.
  - f. **Independent Research.** Academic credit will be awarded for independent research upon determination that the student has completed a project of sufficient scope and complexity to require at least 45 hours of work per credit hour awarded. Students are responsible for tracking the time spent in researching, writing, and conferring with a faculty supervisor on an independent research project, and supervising faculty are responsible for verifying that the time expended by each student justifies the credit awarded. Independent research proposals should include information sufficient to demonstrate that the project will justify the award of credit proposed. It is presumed for planning and approval purposes that a proposal for a research paper will justify an award of credit as follows:

Credits	Requirements
1 credit	1) At least 5,000 words, and 2) the judgment of both the faculty member supervising the Independent Research project and the faculty member who approves all Independent Research proposals that the project will require the student to spend at least 45 hours researching and writing the paper and conferring with the student's faculty supervisor.
2 credits	1) At least 8,500 words, and 2) the judgment of both the faculty member supervising the Independent Research project and the faculty member who approves all Independent Research proposals that the project will require the student to spend at least 90 hours researching and writing the paper and conferring with the student's faculty supervisor.
3 credits	1) At least 12,000 words, and 2) the judgment of both the faculty member supervising the Independent Research project and the faculty member who approves all Independent Research proposals that the project will require the student to spend at least 135 hours researching and writing the paper and conferring with the student's faculty supervisor. <b>Three credits will be awarded only in rare circumstances.</b>

This presumption applies at the time a proposal is approved and does not substitute for a demonstration that the time actually expended on the independent research project justifies the academic credit awarded.

## B. Extracurricular Programming Required

All students will be required, before they are permitted to graduate, to attend at least six total hours of extracurricular programming (i.e., programming that is not offered as part of any course taken for credit) designed to increase their awareness of how to be effective lawyers in a diverse world. Of the six total hours of such programming required before graduation, at least four hours of such programming must be completed in the student's 1L and/or 2L year. Events that would meet these requirements may be offered on campus, online, and/or off-campus (e.g., Elimination of Bias CLE events). Each student will be responsible for keeping records of each such event attended, including the title, location, duration, and sponsor of such event, as well as a brief description of its content. Students who transfer to MHS� must meet the requirements applicable to their anticipated graduating class, except that, if the timing of their transfer does not allow them to complete at least four hours of the required extracurricular programming before their 3L year, they may complete all of the required programming after their 2L year.

## C. Limitation on Number of Non-Classroom Credits

A minimum of 64 credits must be from courses with regularly scheduled classroom instruction. Thus, no more than 19 credits under the 83 credit requirement (or 22 credits under the 86 credit requirement) can be applied toward graduation from field placements including externships, moot court or other competitions, Publications, independent studies (including the Independent Long Paper and Internships with Faculty), dual-degree (graduate school) courses, Teaching Assistant courses, including Learning Community Leader credits, or any course for credit that is substantially based upon time expended outside a regularly scheduled class time at MHSL or another ABA-accredited law school. This does not apply to seminars or clinics that require a substantial classroom component, foreign study programs approved by MHSL or another ABA-accredited law school, or courses conducted by MHSL or another ABA-accredited law school in accordance with ABA standards for distance learning.

## D. Minimum/Maximum Time to Complete Degree

A student must complete their J.D. Degree no earlier than 24 months and not later than 84 months after commencing law school studies, except in extraordinary circumstances. **Students who have not completed their course of study within 60 months must meet with the Dean of Students to develop a graduation plan that ensures completion within 84 months.**

If a student claims that they should be permitted to exceed the 84-month program limitation, the student must submit to the Dean of Students a complete and official transcript of all law school courses the student has taken and the grade the student received in each course. The student must also submit to the Dean of Students a written petition to exceed the 84-month program limitation. The Dean of Students shall provide the student's petition and transcript, along with a written assessment of the merits of the student's petition, to the Chairperson and members of the Academic and Student Affairs Committee. The Committee will deny the petition unless the Committee votes, whether in person or by email, to permit the student to exceed the limitation because the Committee has determined that the student has proved by clear and convincing evidence (i) that extraordinary circumstances permit an exception to the limitation, and (ii) that the conditions contributing to the extraordinary circumstances have been ameliorated sufficiently to allow the student to re-enroll. Per ABA Standard 311(b), Interpretation 311-2, if the Committee approves the petition, the law school shall place in the student's file a statement signed by an appropriate law school official explaining the extraordinary circumstances leading the law school to permit an exception to this limitation. Such extraordinary circumstances, for example, might include an interruption of the student's legal education because of an illness, family exigency, or military service.

## E. Limitations on Credits Earned Outside the Law School

1. **Minimum credits to be earned at Mitchell Hamline School of Law:** To receive a J.D. degree from Mitchell Hamline School of Law, a J.D. student must earn at Mitchell Hamline a minimum of half of the total credits required for graduation—43 credits under the 86 credit requirement; 42 credits under the 83 credit requirement.
2. **Limit on credits earned outside the law school by enrolled students:** While enrolled at Mitchell Hamline, students may earn no more than 15 credit hours toward the J.D. degree outside the law school. This limit includes credit hours from foreign institutions under Academic Rule 1.08. Foreign Study, Section A or Section B; credits earned at other ABA-approved law schools as a visiting student under Section F below; and graduate-level courses taken outside the law school.
3. **Limits on credits earned in other graduate programs (non-law programs):** Students may earn no more than 6 credit hours toward the J.D. degree in graduate-level courses taken outside the law school, unless the credits are earned pursuant to a joint degree or dual degree agreement between Mitchell Hamline and a graduate program at another school. Students in approved dual degree programs may earn up to 9 credit hours toward the J.D. degree.
4. **No credit prior to matriculation:** No credit will be awarded for course work taken prior to a student's first matriculation at any law school.

## F. Credits Earned at Other Law Schools (Transfer of Credit)

Credit earned at other law schools may be transferred to a student's Mitchell Hamline School of Law record only with the approval of the Dean of Students or Vice Dean for Academic and Faculty Affairs. All regulations that apply to credits earned at Mitchell Hamline also apply to transfer credits.

Two types of credits earned at other law schools are regulated by this section: (1) credits earned while visiting another law school and (2) transfer credits earned prior to enrolling at Mitchell Hamline School of Law.

1. Regulations Applying to All Forms of Credit Earned at Other ABA-approved Law Schools
  - a. **ABA Approval.** Credits must be earned at an ABA-approved law school or an ABA- approved program sponsored by an ABA-approved law school.
  - b. **Minimum Credits at the Law School.** J.D. students must earn a minimum of 42 credits (if 83 credits are required for graduation) or 43 credits (if 86 credits are required for graduation) at Mitchell Hamline to qualify for a J.D. degree from Mitchell Hamline School of Law. Credits earned by legacy students at Hamline University School of Law or William Mitchell College of Law are considered Mitchell Hamline credits for purposes of this rule.

- c. **Computation of Credits.** In most cases, Mitchell Hamline accepts the number of credits assigned by the school where the course was taken. Credits for courses taken at law schools on a quarter system are computed as follows: 1 quarter credit = 0.7 semester credit.
  - d. **Grades.** All grades earned in courses allowed for transfer credit are displayed on the transcript, but are not computed as part of the Mitchell Hamline grade point average or class rank. All courses taken for transfer credit must be letter graded and students must earn a grade of at least C (not C-) or its equivalent to receive transfer credit.
- 2. Regulations Applying to All Forms of Credits Earned at Unapproved ABA Law Schools
  - a. **Accreditation.** Credits must be earned at a school that has been granted the power to confer the JD degree by the appropriate governmental authority within the law school's jurisdiction, or a school from which its graduates are permitted to sit for the bar examination in the jurisdiction in which the unapproved law school is located. [See ABA standard 505.](#)
  - b. **Minimum Credits at the Law School.** J.D. students must earn a minimum of 56 credits (if 83 credits are required for graduation) or 58 credits (if 86 credits are required for graduation) at Mitchell Hamline to qualify for a J.D. degree from Mitchell Hamline School of Law.
  - c. **Computation of Credits.** In most cases, Mitchell Hamline accepts the number of credits assigned by the school where the course was taken. Credits for courses taken at law schools on a quarter system are computed as follows: 1 quarter credit = 0.7 semester credit.
  - d. **Grades.** All grades earned in courses allowed for transfer credit are displayed on the transcript but are not computed as part of the Mitchell Hamline grade point average or class rank. All courses taken for transfer credit must be letter graded and students must earn a grade of at least C (not C-) or its equivalent to receive transfer credit.
- 3. Regulations Applying to All Forms of Credits Earned at Foreign Law Schools
  - a. **Minimum Credits at the Law School.** J.D. students must earn a minimum of 56 credits (if 83 credits are required for graduation) or 58 credits (if 86 credits are required for graduation) at Mitchell Hamline to qualify for a J.D. degree from Mitchell Hamline School of Law.
  - b. **Computation of Credits.** Mitchell Hamline will determine the credit equivalent and conversion of the foreign law school credits before accepting any credits.
  - c. **Grades.** All grades earned in courses allowed for transfer credit are displayed on the transcript but are not computed as part of the Mitchell Hamline grade point average or class rank. All courses taken for transfer credit must be equivalent to a grade of at least C

(not C-).

4. Regulations Applying to Credits Earned While Visiting Another Law School
  - a. **Advance Permission Required.** A student may petition the Dean of Students for permission to visit away (subject to the credit limits below). For spring and fall visits away, approval will be granted only when there is a compelling reason. Compelling reasons include things such as: military commitment, caring for a dependent child or a parent, or employment relocation of a spouse or life partner. The circumstances giving rise to the need to visit must go beyond convenience, financial considerations, or a desire to network in a different geographical area after graduation.
  - b. **Completed “Transfer of Credit” form required prior to enrolling in courses.** Students who wish to receive credit for courses taken while visiting another law school must complete a [Transfer Request Form](#) prior to enrolling in courses. A student will not receive credit for a course that substantially duplicates coursework for which the student has already earned credit.
  - c. **Grades.** All grades earned by Mitchell Hamline students who visit other law schools are displayed on the transcript, but are not computed as part of the Mitchell Hamline grade point average or class rank. All courses taken must be letter graded and students must earn a grade of at least C (not C-) or its equivalent to receive transfer credit.
  - d. **Required Courses.** All required classes (see Academic Rule 1.03. Curriculum Requirements) must be taken at Mitchell Hamline School of Law. No credit will be awarded for courses taken elsewhere that substantially duplicate Mitchell Hamline required courses.
  - e. **Limits on Visiting Away.** The following limits apply to students visiting other law schools:
    - i. A maximum of 15 total credits earned at another school or schools may be applied to the Mitchell Hamline J.D. degree. This includes credits earned:
      - While visiting another school during a fall or spring semester; and/or
      - While attending a summer or J-term study-abroad program offered by another law school.

Credits earned through the three Minnesota law schools’ consortium program are treated as credits earned at MHSL and do not count toward the 15-credit maximum.

- ii. A maximum of 7 of the 15 total credits may be earned from J-term and/or summer courses at another school or schools, including study-abroad programs. A study-abroad program offered by Mitchell Hamline is not considered a visit away.



- iii. No student may take a course at another law school if the dates of the course overlap with any portion of a Mitchell Hamline session in which the student is enrolled, unless the student first gets advance permission from the Vice Dean, Academics.
- iv. Attending Minnesota Law Schools:
  - **Consortium Description:** Students may register for courses at the University of Minnesota Law School, or the University of St. Thomas School of Law, under the terms of the three Minnesota law schools' consortium agreement.
  - **Consortium Course Tuition:** For consortium courses, Mitchell Hamline students pay tuition to Mitchell Hamline. Consortium credits are counted in the student's course load for the purpose of determining full-time status, tuition and fees, etc.
  - **Consortium Course Limitations:** To qualify for consortium status, a course must not be offered during the academic year at the enrolling student's home school. Clinics, externships, internships, and independent studies do not qualify as consortium courses.
  - **Consortium Space Limitations:** Consortium status courses at each school must have space available after each school's initial add/drop procedures have been applied.
  - **Consortium Summer and J-term Exclusions:** Courses offered at any of the three Minnesota law schools during summer and January terms are excluded from consortium treatment. Students must petition to take summer and January term courses as visitors at the other school and pay tuition to the offering school. Summer and J-term courses taken at one of the other two Minnesota law schools are subject to and counted toward the maximum of 15 total credits that Mitchell Hamline students may earn at other law schools.
  - **Maximum Consortium Credits:** Students may not earn more than six consortium credits during their law school career.
  - **Eligibility for Consortium Courses:** Students must be in good standing at Mitchell Hamline School of Law to participate in the program.
  - **Consortium Student Policies and Procedures:** Students must abide by all rules of the visited school and are graded and evaluated by the visited school's standards.
  - **Grades and Transfers:** The visited school awards grades and submits transcripts to the home institution.

Consortium course grades appear on the transcript, but do not affect grade point averages.

- **Receipt of Transcript:** At the conclusion of the course, once grades have been posted, it is the student's responsibility to request that the other institution send an official transcript to Mitchell Hamline's Office of the Registrar. Upon receipt of the transcript from the other institution, credits are posted as transfer credits.
- **Consortium Courses:** All courses with space available when registration opens to consortium students are presumed to be eligible for the consortium agreement, except for those courses excluded above. Interested students should review online schedules to identify courses they would like to take.
- **Consortium Student Requests:** Consortium requests are processed through the home school's registrar.

## G. Maximum Online Courses Permitted

Students may take up to 41 credits under the 83-credit requirement (43 under the 86-credit requirement) toward their J.D. degree through courses that are designated "distance education courses." A distance education course is one in which students are separated from all faculty members for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction between the students and all faculty members, either synchronously or asynchronously. Source: ABA Standards Definition (7) and 306.

## H. Administrative Requirements for Graduation

1. Mitchell Hamline School of Law must have a student's official undergraduate transcript on file from a student's degree-granting school not later than October 15 of the student's first year at Mitchell Hamline. The transcript must reflect the conferral of a bachelor's degree, unless an exception has been made allowing the student to matriculate without earning a bachelor's degree. Transcripts reported by the Law School Data Assembly Service (LSDAS) will fulfill this requirement if it reflects the conferral of a bachelor's degree. Failure to meet this requirement will result in administrative withdrawal from the school.
2. If a student received Title IV student loans (Direct Student loan or Federal Stafford, Federal Unsubsidized Stafford, and/or Federal SLS programs), the student must complete an on-line financial aid exit interview.
3. If a student received a Direct Student loan, the student also must complete an on-line exit questionnaire.
4. All tuition, fees, and other charges owed to the law school must be paid in full.

5. In accordance with the directive from the American Bar Association, the Office of Career and Professional Development requires return of an on-line completed employment survey.

## I. Posthumous Degree Policy

A deceased student who has not completed all degree requirements at the time of death may be granted an honorary posthumous degree if the following conditions exist:

1. The student was enrolled or on an approved Leave of Absence at the time of death;
2. The student was in good academic and conduct standing at the time of death; and
3. The Dean or Dean's designee and Board of Trustees approve the granting of the honorary degree.

## J. Note Regarding Diplomas

Students must complete their employment survey through the Career and Professional Development Office prior to receiving a diploma. If students complete their degree requirements in the fall or spring semester the degree conferral date on the diploma will be the day that grades are due from faculty. If students complete their degree requirements in J-term or the summer term, the degree conferral date on their diploma will be the last day of the term.

## 1.07. Registration; Add/Drop; Withdraw: Extensions

### A. Course Add and Drop/Withdrawal

**Adding a course:** Upper division J.D. students and LL.M. students may always add a course within the first week of classes. First-year J.D. students may not add courses other than the required first-year courses. Students may not add a course after the term has ended unless the Dean or the Dean's designee determines that there are extraordinary circumstances that justify such an addition.

**Dropping/withdrawing from a course:** Students may drop a class before the drop-add deadline published in the academic calendar unless the instructor imposes a more stringent requirement. If a student drops a course during the drop-add period, no "W" will appear on the student's transcript and no permission is required. Students may withdraw from an upper-level course after the drop-add period and through the end of the last class meeting of the course. If a student withdraws from a class after the drop-add deadline, a "W" will be recorded on the student's transcript. Students who wish to withdraw from a course after the last class meeting of the course has ended must petition the Dean of Students for an emergency exception.

Students in blended and on-campus programs who wish to withdraw from all courses in a fall or spring semester must first get permission from the Dean of Students for a leave of absence or for withdrawal from the law school. Students in blended programs must also get permission from the Assistant Dean, Academic Affairs, though the final decision rests with the Dean of Students. Students who are granted permission to withdraw from all classes in a fall or spring semester and who are placed on a leave of absence must return at the start of one of the following two academic semesters (fall or spring) or request an extension from the Dean of Students. (I.e., absent an extension grant, a student who withdraws in the fall must return at the start of either the next spring semester or the next fall semester; a student who withdraws in the spring must return at the start of either the next fall semester or the next spring semester.)

First-year students in blended and on-campus programs wishing to withdraw from a required course must first get permission from the Dean of Students. First-year students in blended programs must also get permission from the Assistant Dean, Academic Affairs, though the final decision rests with the Dean of Students.

### B. Registration Priority

Registration priority is based on the sum of earned credits plus the attempted credits in the semester during which registration is held. Generally, students with the highest

credit totals are given the opportunity to register before those with fewer credits. In cases where there are large numbers of students with equal credit totals, registration priority will be based on a tie-breaker system administered and announced by the Office of the Registrar.

Exceptions to this rule include courses for which students are preregistered, such as required courses for 1L students and preregistration course packages for 2L part time students.

Incoming JD students are assigned to an enrollment option (full-time or part-time on campus, or part-time blended) at the time of matriculation. Students will remain in this enrollment option throughout their matriculation at the law school. Students will not be assigned to another enrollment option unless they plan to take all their remaining courses in that enrollment option. Students must be able to comply with all program and course requirements to be reassigned to a different enrollment option. Enrollment option reassignments must be approved by the Vice Dean, Academics or their designee.

## C. Pre- and Co-Requisites

Registration for some courses requires a student to complete one or more prerequisites or to take a course concurrently. A student must abide by these requirements unless the instructor waives the requirement. Before registering for any course, the student must obtain a waiver from the instructor and inform the Registrar, who will then assist in the registration process. Any student who elects to take a course without the required prerequisite and/or co-requisite course(s) does so at their own risk. Lack of prerequisite and/or co-requisite course(s) will not be considered as a factor in administering any Mitchell Hamline School of Law policies.

## D. Course Cancellations

Mitchell Hamline School of Law reserves the right to cancel a course on or before the first day of classes due to insufficient enrollment or other compelling circumstances. Students enrolled in the canceled course are notified of the cancellation by e-mail.

## E. Auditing a Course

A student who audits a course receives no credit or grade for the course. Students may not audit skills courses or clinics. Course requirements for auditors are set by the instructor. All financial and academic regulations that apply to a credit course also apply to an audited course.

A student who audits pays the same tuition as one taking the course for credit except in the following instances: (1) if the audit credits plus the graded credits put the student in the full-time tuition bracket (12 credits or more), the student is charged \$500 per-credit for those audit credits that exceed 11 credits; and (2) if the audit credits plus the graded

credits put the student in the part-time bracket (8- 11 credits), the student is charged \$500 per credit for those audit credits that exceed 7 credits.

## F. Registration Credit Restrictions

### Fall, Spring, and Summer Semesters and J-Term:

- a. **Maximum: 15 credits for the fall and spring semesters.** On a showing of extraordinary circumstances and only with advance permission from the Vice Dean, Academics, a student may register for up to 17 credits in a fall or spring semester. The Vice Dean, Academics will rarely, if ever, determine that additional credit is justified.

The financial cost associated with spending an additional semester or semesters in school does NOT constitute an extraordinary circumstance. The desire to graduate “early” – i.e., in less than the number of semesters that the program in which the student is enrolled ordinarily requires – does NOT constitute an extraordinary circumstance.

A student who petitions the Vice Dean, Academics for a waiver under this rule must explain how their other professional and personal obligations will allow them satisfactorily to complete the in-class and out-of-class work that each credit requires over the course of the semester.

- b. **Maximum: 8 credits for the summer semester.** Students may register for between 9 and 10 credits (between 9 and 12 credits for a full-time residency) in the summer semester with advance permission from the Vice Dean, Academics. No student may register for more than 10 credits in the summer unless the student is doing a full-time summer residency. A student doing a full-time summer residency may register for up to 12 credits for the residency with the advance permission of both the Externship Director and the Vice Dean, Academics, though the final decision rests with the Vice Dean, Academics.
- c. **Maximum: 3 credits for the J-Term.**
- d. A student must complete their J.D. Degree no earlier than 24 months and not later than 84 months after commencing law school studies, except in extraordinary circumstances. (See Academic Rule 1.06 D.) Students who wish to take fewer than 8 credits in the fall or spring semester should consult the Office of Financial Aid for information regarding less than part-time enrollment.
- e. Students registered for the term credit limit or those who may exceed the term credit limit may not audit a course during that term (See Academic Rule 1.07 E.). Students may not register for or audit a course scheduled at a time that conflicts

with another registered course or the registered course's capstone requirement, however small the conflict.

## G. Incomplete Grades

Incomplete grades are issued only with the permission of the instructor. This may include the case of a clinic student who receives a grade of incomplete because they have been working on a clinic matter that has not yet been resolved and on which they will continue working into the next semester. The instructor determines the new due date, but the new due date may not be deferred later than the end of the following academic semester. If the instructor approves an extension and grade of incomplete ("I"), the student must submit a "Request for Extension and Temporary Grade of Incomplete" form, signed by the instructor, to the Office of the Registrar. If a student fails to complete the required course work by the new, extended due date, the student will be administratively withdrawn from the course (withdrawal not in good standing), after notice to the student and the instructor, unless the instructor chooses to enter a grade. If the instructor is unable or unavailable to grant permission to issue an incomplete grade, the Vice Dean, Academics may enter the incomplete grade in the instructor's stead.

This rule applies to all MHSL courses, including externships, clinics, and independent projects.

## H. Registration for First-Year Students

The law school assigns first-year students to sections and registers them for courses. First-year students must be registered for all required first-year courses in their enrollment option (full-time, part-time evening, part-time blended). First year students may not register for courses other than required first year courses. This limitation includes, but is not limited to, independent research and J-term courses.

First-year students must get permission from the Dean of Students to withdraw from a required first year course (See Academic Rule 1.07 A.).

## I. Registration for Upper Class Students

Upper-class students obtain registration materials on the web. Registration for fall and summer semesters is in April. Registration for spring semester and J-term is in November. Upper-class students may register for courses through the first full week of classes via their Student Records Login, unless indicated otherwise on the online schedule.

## J. Retaking a Course

A student will not receive credit for any course in which they receive a failing grade (a grade of "F"). A student must retake any required course in which they earn an "F". A

student may choose to retake any other course for which they received a failing grade. Both the “F” and the repeat grade will be computed as part of the student’s grade point average. Both grades will appear on the student’s transcript. A student may not retake for credit a course in which they did not receive a failing grade.

## K. Withdrawing from Law School

Students who plan to withdraw from law school are strongly advised to contact the Student Accounts Office (to discuss student account balance) and the Financial Aid Office (to discuss federal loan repayment requirements/options and the effect a withdrawal will have on current and future financial aid eligibility) to ensure a complete understanding of the financial effect of the withdrawal. If, at the time of withdrawal, a student’s payments exceed the amount of tuition liability, the Student Accounts Office will use the overpaid amount to reduce any financial aid awarded before returning any funds to the student.

**Official Withdrawal.** An official withdrawal from the law school is processed by the Dean of Students. It is the responsibility of the student to ensure that their withdrawal request has been approved and processed. The last date for which tuition is charged is the last date of attendance or the date when the student initially contacts the Dean of Students or their designee. The Dean of Students communicates the official withdrawal date to the Finance Office. The official date may result in a tuition refund, no refund/nothing owed, or a remaining tuition liability amount to be paid to the school. Scholarship credits will be recalculated accordingly and if federal student loans were used to pay any portion of the semester’s tuition and fee charge, a Return to Title IV calculation will be performed. Student fees are mandatory and are not refunded to the student.

**Unofficial (Administrative) Withdrawal.** A student who stops attending all classes due to illness, accident, grievous personal loss or other circumstances beyond the student’s control will be reviewed by the Dean of Students to determine the appropriate withdrawal date. Students who stop attending all classes without notice to the Dean of Students or a mitigating event are considered to have withdrawn unofficially and will have tuition liability calculated based on the date approved by the Dean of Students, which is either the last date of attendance, the last date the student logged in, or the 50% mark of the semester, whichever is known.

A student may be administratively withdrawn from the law school if they fail to complete at least one credit of coursework for two semesters (fall or spring) consecutively.

Students who withdraw or are withdrawn from the law school prior to earning any academic credit must petition the Admissions Committee for readmission if they wish to return. Students who withdraw or are withdrawn from the law school after earning



academic credit(s) must petition the Dean of Students for reinstatement if they wish to return.

If, at the time of withdrawal, a student's payments exceed the amount of tuition liability, the Finance Office will use the overpaid amount to reduce any financial aid awarded before returning any funds to the student.

For additional information, see the Tuition and Title IV Refunds page in this Catalog.

## L. Leave of Absence

The Dean of Students may grant a student a leave of absence due to personal circumstances for up to one academic year. Students who are placed on a leave of absence must return at the start of one of the following two academic semesters (fall or spring) or request an extension from the Dean of Students. (I.e., absent an extension grant, a student who withdraws in the fall must return at the start of either the next spring semester or the next fall semester; a student who withdraws in the spring must return at the start of either the next fall semester or the next spring semester.)

A student must petition the Dean of Students in writing for a leave of absence or for an extension of a previously approved leave of absence. After one year or the expiration of an extension, a student on leave will be withdrawn from the law school. The time that a student is on leave will be calculated as part of the 84 months allowed to earn a J.D. Students on leave from the law school are not considered enrolled for financial aid purposes, and their student loans may enter repayment during a leave of absence. Students concerned about the effect of a leave of absence on student loans should contact the Financial Aid Office.

Students who plan to take a leave of absence from law school are strongly advised to contact the Student Accounts Office (to discuss student account balance) and the Financial Aid Office (to discuss federal loan repayment requirements/options) to ensure a complete understanding of the financial effect of the leave of absence. If, at the time of a leave of absence, a student's payments exceed the amount of tuition liability, the Student Accounts Office will use the overpaid amount to reduce any financial aid awarded before returning any funds to the student.

## 1.08. Foreign Study

### A. Independent Study Abroad and ABA-Approved Study-Abroad Programs

An independent study abroad program undertaken at a foreign law school provides an excellent opportunity for students to expand their knowledge of comparative and international legal issues. Credits for an independent study abroad program are governed by the rules of Mitchell Hamline School of Law and by the American Bar Association (ABA) Criteria for Accepting Credit for Student Study at a Foreign Institution. The law school works with students to assist them in developing a viable plan.

#### Requirements:

1. Students who have completed their first year or, if part-time, the equivalent, may submit applications for independent study abroad programs. Generally, students should complete all of their required courses at the law school before seeking to study abroad, so students are generally in their third or fourth year before undertaking this independent study program. There may be some exceptions to this and students who have not completed all required courses should schedule an initial consultation with the Dean of Students.
2. The maximum number of credits a student may earn at a foreign institution is governed by section B below. Credits earned abroad may not be used to satisfy Mitchell Hamline graduation requirements.
3. Students must be in good standing to register for a study abroad program.
4. Credit is given for grades earned of “C” or better, “Pass” or the equivalent. Grades that satisfy criteria set forth in the Catalog may be transferred to Mitchell Hamline.
5. If instruction is to be done in a language other than English, students must be fluent in the language of instruction at the foreign institution.
6. Students who are interested in pursuing a study abroad program must consult the Dean of Students prior to seeking approval (see 7 below). In addition, students must consult the respective program web page for information regarding courses, cost, withdrawal, faculty, travel, housing, insurance, financial aid, country information, passports and visa requirements.
7. Students must receive pre-approval from the Mitchell Hamline Vice Dean, Academics before beginning any independent study abroad program. Courses taken or completed before approval is granted will not transfer to Mitchell Hamline.
8. For your information, consult the [ABA Criteria for Accepting Credit for Student Study at a Foreign Institution](#).

## Application Process

Students need to apply no later than the beginning of the semester prior to the time they seek to attend the foreign program, approximately four months in advance – the earlier the better.

For more information regarding independent study abroad opportunities and how to draft a proposal for your course of study abroad, contact the Dean of Students.

In general, students pay the tuition and fees applicable to the foreign institution and do not pay tuition and fees at Mitchell Hamline for the credits earned abroad. In addition to the tuition and fees charged by the foreign institution, a study abroad administrative fee will be charged to all Mitchell Hamline students pursuing an independent study abroad.

## Academic Advising

A full-time Mitchell Hamline law school faculty member and one professor from the foreign institution must supervise the student's course of study.

## Financial Aid

Financial aid availability for Study Abroad/Off-campus programs during summer, fall or spring is based on the number of credits approved by MHSL Registrar for the course of study. Fall or spring semesters require a minimum of 6 credits; summer requires 2 credits. J-term study abroad financial aid eligibility has no credit minimum, but requires 6 credit minimum registration in either the preceding fall or following spring semester. The Study Abroad financial aid budget is based on estimated and actual costs for the program which are determined by the host school and communicated directly to the MHSL Financial Aid Office.

MHSL scholarships cannot be applied to any study-abroad program charges and are not portable to other schools. Early termination of your study-abroad program may require financial aid repayment. Please contact the Financial Aid Office for additional details and instructions.

## Other Important Consideration and Helpful Hints

Students are strongly advised to begin the application process as early as possible, as it requires approval from several parties; this task is lengthy and time-consuming.

Students need to develop a reliable contact and gain permission from a full-time professor at the host foreign law school. It is wise to develop a specific contact at the foreign university who is able to answer questions regarding the intended course of study.

## ABA Approved Foreign Programs

As another option, students may earn “transfer credits” towards their J.D. by participating in a study- abroad program offered by any ABA-approved law school. There are many such programs, located around the world, which are run by ABA-approved U.S. law schools. Some of these programs are offered in the summer and some are offered for one semester or longer. It is the student’s responsibility to demonstrate that the proposed program complies in all respects with ABA standards.

See the American Bar Association website for a complete [list of ABA-approved schools](#).

## B. Educational Opportunities at Foreign Institutions

The faculty of Mitchell Hamline School of Law recognizes that study of the legal systems and cultures of other countries enhances students’ legal education. For example, MHS� students have the option of participating in law programs offered by any ABA-approved law school. In addition to these programs, the law school will provide a limited number of students the opportunity to participate in available educational opportunities at foreign institutions that will enhance the students’ legal education, subject to the following criteria:

1. Students in good standing at the law school may spend no more than two semesters of study at any foreign institution after successful completion of two semesters in the law school.
2. A proposed course of foreign study must be approved in advance by the Vice Dean, Academics and must comply with the [American Bar Association Criteria for Accepting Credit for Student Study at a Foreign Institution](#) (the ABA Criteria).
3. Students may earn no more than 15 credit hours toward the J.D. degree from foreign institutions.
4. In order to count credit hours earned under this rule toward the J.D. degree, students must earn grades of the equivalent of C or higher. Credit hours will be applied towards the J.D. degree on a pass-fail basis, and grades earned will not be reflected in a student’s GPA or class rank.
5. A full-time faculty member at the law school familiar with the course of study at the foreign institution must act as sponsor of the student’s foreign study.
6. Courses taken at a foreign institution do not fulfill courses required for graduation.
7. Credit will be given only for approved academic coursework at foreign institutions, and not for foreign externships.
8. Ordinarily, foreign courses of study will be approved only at institutions with which Mitchell Hamline School of Law has an existing working relationship.
9. Student studying at foreign institutions must comply with all other rules promulgated from time to time by the law school administration for purposes of compliance with the ABA Criteria.

## 1.09. Exceptions to the Academic Rules

Unless an academic rule specifies otherwise, no person has authority to grant an exception to that rule, under any circumstances. If a rule grants specific waiver authority to a particular person or people, only that person or people may waive that rule, and only in the circumstances specified.

# Policies

## Bias Incident Policy

Mitchell Hamline School of Law (the “School”) is committed to providing a working and learning environment that maximizes the potential of each student, faculty member and staff member. As such, the School is committed to creating an environment that advances equal opportunity in which all faculty, adjunct faculty, staff, and students can work and learn in a safe and discrimination-free atmosphere. Bias Incidents interfere with that environment. These incidents include intentional or unintentional expressions made against property, an individual, or a group of individuals based on the perpetrator’s conscious or unconscious bias regarding the victim’s actual or perceived race, color, creed, religion, national origin, sex/gender, gender identity, gender expression, marital status, familial (or parental) status, disability, status with regard to public assistance, sexual orientation, age, family care leave status or veteran status or any other protected class defined by law (“bias incidents”). The Law School encourages reporting of such incidents. All reported incidents will be investigated. Informal processes and resolutions are encouraged with the consent of the parties. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.

Incidents that require formal investigation will be referred to one of the existing grievance processes including but not limited to Non-Discrimination, Non-harassment, and Hate Crime Policy, Title IX, or Student conduct. The formal investigation would follow the process outlined in the relevant policies and may be subject to disciplinary action under the relevant policy as circumstances warrant.

Retaliation against a person who reports or complains about bias incidents, or who participates in or supports the investigation of a bias incident complaint, is also prohibited and will not be tolerated.

Additional resources regarding non-discrimination and harassment include the School’s Non-Discrimination and Non-Harassment Policy; Hate Crime Policy; Title IX Sexual Harassment Policy (Student Respondent) and Sex Discrimination and Sexual Misconduct Policy (Student Respondent); and the School’s Title IX Sexual Harassment Policy (Employee and Third-Party Respondent) and Sex Discrimination and Sexual Misconduct Policy (Employee and Third Party Respondent).

### A. Definition

**Bias Incident** refers to unintentional or intentional action taken that one could reasonably conclude is motivated, in whole or in part, by the alleged offender’s bias

against an actual or perceived aspect of one's protected class, including actual or perceived race, color, creed, religion, national origin, sex/gender, gender identity, gender expression, marital status, familial (or parental) status, disability, status with regard to public assistance, sexual orientation, age, family care leave status or veteran status or any other protected class defined by law. Bias incidents include expressions of all kinds, which could include, but are not limited to, words, actions, signs, or symbols.

## B. Reporting Procedure.

If a student, faculty member or staff member believes that they have been the subject of a bias incident involving another student, faculty member, staff member or any other person whom the student, faculty member or staff member encounters in the course of employment or education, or if a student, faculty member or staff member observes a bias incident, the individual should report the conduct through the use of the [Bias Incident Report Form](#) located on the Grievance Reporting Processes page of the website.

You may choose to remain anonymous. Alternatively, you may contact the following school official:

1. **Students:** Contact the Dean of Students (651-695-7668). If there is a complaint against the Dean of Students, it is to be reported to the Vice President of Institutional Management.
2. **Faculty and Staff:** To the Director of Human Resources (651-290-6322) If there is a complaint against the Director of Human Resources it may be reported to the Vice President of Institutional Management.
3. **Complaints of bias incidents involving the President and Dean** should immediately be reported to an Officer of the Board of Trustees.

## C. Response to Incidents

The school will respond to every complaint or report of a bias incident. Anonymous reports may limit the scope of the response or resolution. Informal processes and resolutions are encouraged with the consent of the parties. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.

Incidents that require formal investigation will be referred to one of the existing grievance processes including but not limited to Non-Discrimination, Non-harassment, and Hate Crime Policy, Title IX, or Student conduct. The formal investigation would follow the process outlined in the relevant policies.

## D. No Reprisal

There will be no retaliation against any good faith complainant or reporter of a bias incident under this policy, nor against any person who participates in an investigation.

Retaliation against a person who reports or complains about bias incidents, or who participates in or supports the informal resolution process.



# Character and Fitness: Amendments and Updates

## A. Qualifications for Admission to the Bar

In addition to a bar examination, there are character, fitness, and other qualifications for admission to the bar in every U.S. jurisdiction. Applicants are encouraged to determine the requirements for any jurisdiction in which they intend to seek admission by contacting the jurisdiction. Addresses for all relevant agencies are available through the [National Conference of Bar Examiners](#).

Please note that violations of law may also be within the jurisdiction of the Student Code of Conduct.

## B. Application Amendments

An amendment is a disclosure that should have been made when initially applying for admission to the law school. In the law school application, all students are asked to provide information related to their character and fitness to practice law.

Students have an ongoing responsibility to amend their application for admission if new information that should have been disclosed is discovered any time after the application is submitted. A student who determines that an amendment to their application is required must complete the online [Application Amendment form](#). Amendments must include the details of the incident(s) that were not initially disclosed, relevant dates, disposition, and the reason(s) for not disclosing the information initially.

In the case of both Amendments and Updates, the burden is on the student to ensure that the amendment or update has been received and responded to by the law school.

## C. Student Record Updates

Updates to student records apply to incidents that occur after initial application to the law school. A student is required to update their student record if, after applying to Mitchell Hamline School of Law, and during their legal education, an incident occurs that would have had to have been reported under one of the conduct questions on the Application for Admission. There are two exceptions to this obligation to update the school: (1) parking violations do not need to be reported; and (2) moving violations that do not involve drugs or alcohol do not need to be reported.

**Note:** Parking or moving violations that indicate a pattern of conduct should be disclosed. Generally, a single incident during your law school career falls within the exceptions; however, students are advised to notify the Dean of Students if they have any doubts.

Students who need to disclose incidents covered by the above must complete the online [Student Record Update form](#) and include the details of the update (including relevant dates, dispositions, etc.).

In addition to the requirement of disclosing an incident that has occurred after enrollment has commenced, the law school highly recommends discussing the incident(s) with the Dean of Students (Student Services – Room 119). Doing so allows the School to provide counseling and advice on resources and steps to consider taking. Some infractions or patterns of infractions may have an effect on bar admission. We encourage visiting with the Dean of Students about all infractions, and **highly recommend** you visit with the Dean of Students when an infraction(s):

- Involves alcohol or drugs;
- Represents a pattern of conduct (including parking or moving violations);
- Involves dishonesty; or
- Involves any incident that may call into question the ability of the student to meet the essential eligibility and character and fitness requirements required for licensure in most jurisdictions. As an example, see Rule 5 of the [Minnesota Rules for Admission to the Bar](#)

In the case of both Amendments and Updates, the burden is on the student to ensure that the amendment or update has been received and responded to by the law school.

# Disability Discrimination Grievance Process Policy

Mitchell Hamline School of Law (MHSL) is committed to ensuring equal educational opportunities for all qualified students in accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 and does not discriminate on the basis of disability in the administration of its education-related programs and activities

Mitchell Hamline School of Law has adopted this Disability Discrimination Grievance Process Policy to provide prompt and equitable resolution of grievances alleging action prohibited by the ADA and/or Section 504.

Any student who believes that they have been subjected to discrimination on the basis of disability or have been denied access or accommodations required by law, shall have the right to a prompt and equitable consideration of their concerns through this Disability Discrimination Grievance Process Policy. This Policy addresses the following concerns:

- Disagreements or denials regarding disability designation and status.
- Denial of requested accommodations, auxiliary aids, and/or services.
- Claims of inaccessibility of any a MHSL program, activity, or facility.
- Alleged harassment or discrimination on the basis of a disability by MHSL or any of its staff and faculty.

The Disability Discrimination Grievance Process Policy is not intended to supersede other Mitchell Hamline School of Law policies and procedures which may exist for addressing alleged violations of the ADA and/or Section 504, or other issues for which separate policies and procedures exist.

For concerns of harassment or discrimination by another student, please refer to the Non-Discrimination and Non-Harassment Policy in the MHSL College Catalog.

The Policy requires a two-step process: 1) a Preliminary Grievance; and 2) if desired, a Formal Grievance.

## A. Preliminary Grievance Process

Prior to initiating a formal grievance process, students must first attempt to resolve their grievance, academic or otherwise, through a preliminary grievance process. Under

this preliminary process, the Director of Disability and Student Services can directly address a particular concern using the appropriate MHS� policies or procedures.

Students may initiate the preliminary grievance process by submitting in person, by mail, and/or by email the Preliminary Disability Discrimination Grievance Form to the Director of Disability and Student Services promptly after the alleged discriminatory action occurs (if possible). The Director of Disability and Student Services will review the grievance and provide a response in writing within 10 working days.

**Please Submit [Preliminary Disability Grievance Forms](#) to:**

Director of Disability and Student Services  
Mitchell Hamline School of Law  
875 Summit Avenue  
St. Paul, Minnesota 55105  
[DisabilityServices@mitchellhamline.edu](mailto:DisabilityServices@mitchellhamline.edu)  
Phone 651-695-7700

Note: If your grievance is against the Director of Disability and Student Services, please instead submit the following Form to the Dean of Students.

## B. Formal Grievance Process

If the student is dissatisfied with the outcome of the preliminary grievance process, they may initiate the formal grievance process by submitting the formal grievance via a written report within sixty (60) days of the alleged incident or thirty (30) days after the end of the preliminary process, whichever is later.

The student must submit in person, by mail, and/or by email a written report of relevant information and any related materials to the Director of Disability and Student Services,<sup>1</sup> who will promptly review the information and related materials and forward them to the Dean of Students or designee for a prompt and equitable review:

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<sup>1</sup> Unless the grievance specifically relates to conduct by the Director of Disability and Student Services, in which case the information will be provided directly to the Dean of Students, who shall in turn review the grievance.

Lynn LeMoine  
Dean of Students  
Mitchell-Hamline School of Law  
875 Summit Avenue  
St. Paul, MN 55105  
Phone: 651-290-8642  
Fax: 651-290-7538  
[lynn.lemoine@mitchellhamline.edu](mailto:lynn.lemoine@mitchellhamline.edu)

The student's formal grievance written report must clearly state:

- The name, address, and phone number of the student.
- The name(s) of the individual(s) (if any) alleged to have engaged in the discriminatory conduct and any potential witnesses.
- The dates of and location(s) at which the alleged discriminatory conduct occurred.
- The basis and rationale for the grievance.
- The specific facts and/or policies supporting the student's position.
- The remedy and resolution desired by the student.

**The Dean of Students or designee will:**

- Undertake a prompt and equitable investigation.
- Interview all parties and obtain potentially relevant documents, information and names of witnesses.
- Interview witnesses as deemed necessary and secure any relevant documentation (such as notes, emails, pictures, grades, etc.) and information.
- Respect privacy to the extent possible. Students must understand that the MHSL cannot guarantee absolute confidentiality because it cannot conduct an effective investigation without revealing certain information to witnesses or respondents.
- Retain the right to utilize and inform persons who may have a need to know the information obtained during the investigation for legitimate institutional purposes.
- Abide by Federal/State laws and MHSL policies when reviewing the grievance.
- Act as an impartial fact finder in the matter.
- Absent unusual circumstances, render a written decision no later than thirty (30) days after receiving the student's grievance, determining by a preponderance of the evidence (more likely than not) whether the student's grievance is supported by the evidence provided.

## C. Appeal Process

Students who are dissatisfied with the decision issued by the Dean of Students or designee after the formal grievance process can request an appeal of the decision. The request for an appeal must be made in a written report that includes or attaches all relevant information.

An appeal may only be pursued on the following grounds: 1) the appealing student has material new evidence that was not previously available that would alter the underlying decision; 2) the appealing student has objective evidence of bias on the part of the prior decision maker; or 3) the appealing student has material evidence indicating that the prior decision was arbitrary and capricious.

Any appeal must be submitted within five (5) business days of issuance of the decision being appealed and must be submitted in person, by mail, and/or by email to the Vice Dean, Academics:

Morgan Holcomb  
Vice Dean of Academics  
Mitchell Hamline School of Law  
875 Summit Avenue  
St. Paul, MN 55105  
[morgan.holcomb@mitchellhamline.edu](mailto:morgan.holcomb@mitchellhamline.edu)

Absent unusual circumstances, a written decision will be issued within twenty (20) business days after receipt of the request for an appeal. The decision of the Vice Dean, Academics is final. The decision could be any of the following: 1) upholding the prior decision, with a brief rationale; 2) reversing the prior decision, with a brief rationale; or 3) sending the matter back to the underlying decision maker for further investigation, with a brief rationale.

A student only gets one appeal for a particular grievance.

Please note that filing a grievance under this Policy does not preclude or negate an individual's right to file an ADA or Section 504 complaint with the U.S. Department of Education Office of Civil Rights.

OCR Office for Minnesota is located at:  
Chicago Office  
Office of Civil Rights  
U.S. Department of Education  
John C. Kluczynski Federal Building  
230 S. Dearborn Street, 37th Floor

Chicago, IL 60604  
Telephone: 312-730-1560  
Fax: 312-730-1576  
Email: [ocr.chicago@ed.gov](mailto:ocr.chicago@ed.gov)

## D. Non-Retaliation

Mitchell Hamline School of Law strictly prohibits retaliation against any individual who files or otherwise participates in the investigation of a disability-related grievance. A student who believes that they have been retaliated against for filing or otherwise participating in the investigation of a grievance shall submit in person, by mail, and/or by email a written report of relevant information and related materials to the Director of Disability and Student Services.

If the individual's non-retaliation grievance pertains to the Director of Disability and Student Services, the individual shall submit in person, by mail, and/or by email a written report of relevant information and any related materials to the Dean of Students.

# Hate Crimes Policy

## A. Policy

Mitchell Hamline School of Law (the “Law School”) is committed to creating an environment that advances equal opportunity in which all faculty, adjunct faculty, staff, and students can work and learn in a safe and discrimination-free atmosphere. The Law School does not tolerate acts of discrimination or harassment for reasons of actual or perceived legally protected classes of individuals. The Law School strictly prohibits hate crimes and encourages victims of those actions to report those incidents. Such incidents will be investigated. Any person who violates this policy will be subject to disciplinary action, up to and including termination/dismissal.

## B. Definitions

**Hate Crimes** are criminal acts—or attempted criminal acts—against an individual or group of individuals because of their actual or perceived race, color, creed, religion, national origin, sex/gender, gender identity, gender expression, marital status, age, disability, status with regard to public assistance, sexual orientation, or veteran status or any other protected classes defined by law. The Minnesota Legislature has determined that, if certain crimes are perpetrated because the victim falls within a protected class, then the perpetrator will face heightened penalties. Hate crimes under state law include Crimes in three specific groupings: criminal damage to property, assault, and harassment/stalking. In addition, under federal law, the Law School is obligated to record and report instances of crimes of murder; sex offenses, forcible or nonforcible; robbery; aggravated assault; burglary; motor vehicle theft; manslaughter; arson; larceny-theft; simple assault; intimidation; and destruction, damage, or vandalism of property and any other crimes involving bodily injury to another person in which the crime was committed because of actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, gender expression, ethnicity, or disability of the victim. A hate crime is both a violation of law and a violation of campus policy.

## C. Reporting

**Reporting hate crimes:** If you believe that you are the victim of a hate crime or have been physically threatened, or if you believe you have witnessed a hate crime or have witnessed someone being physically threatened, whether on or off campus, call 9-1-1 or Campus Security. You may make this call anonymously. Campus Security is available by calling 651-290-6330.

**Retain Evidence:** If you feel that you are the victim of a hate crime, please remember to include as much detail as possible in your report. For example, make a record of where and when the incident occurred, document the identities or descriptions of people who you were with, document the names of any additional witnesses, and document any



and all information about the perpetrators. Retain any physical evidence, including any photos of messages, text messages, or evidence of other communications.

The Law School prohibits retaliation against individuals who report hate crimes, who assist others in making such reports, or who participate in resulting investigations.

Acts of discrimination or retaliation can result in **disciplinary action**, up to and including termination of employment or expulsion from the Law School.

## D. Questions

Please contact Christine Szaj, Vice President of Institutional Management and Title IX Coordinator at 651-695-7733; Lynn LeMoine, Dean of Students and Assistant Title IX Coordinator at 651-290-7668; Director of Human Resources at 651-290-6322; the Vice Dean of Administration; or the President and Dean.

# Non-Discrimination and Non-Harassment Policy

Updated August 2023

Mitchell Hamline School of Law (the “School”) is committed to providing a working and learning environment that maximizes the potential of each student, faculty member and staff member.

Discrimination or harassment of any sort interferes with that environment. Therefore, discrimination or harassment on the basis of actual or perceived race, color, creed, religion, national origin, sex/gender, gender identity, gender expression, marital status, familial (or parental) status, disability, status with regard to public assistance, sexual orientation, age, family care leave status or veteran status or any other protected class defined by law (“discrimination or harassment”) is prohibited and will not be tolerated. Retaliation against a person who reports or complains about discrimination or harassment, or who participates in or supports the investigation of a discrimination or harassment complaint, is also prohibited and will not be tolerated.

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

Additional resources regarding non-discrimination and harassment include the School’s Title IX Sexual Harassment Policy (Student Respondent) and Sex Discrimination and Sexual Misconduct Policy (Student Respondent), and the School’s Title IX Sexual Harassment Policy (Employee and Third-Party Respondent) and Sex Discrimination and Sexual Misconduct Policy (Employee and Third-Party Respondent), located in the School’s [Policy Repository](#).

## A. Definitions

**Discrimination** occurs when an individual is treated adversely or differently because of that person’s actual or perceived race, color, creed, religion, national origin, sex/gender, gender identity, gender expression, marital status, familial (or parental) status, disability, status with regard to public assistance, sexual orientation, age, family care leave status or veteran status or any other protected class.

**Harassment** includes conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, creed, religion, sex, age, national origin, disability, marital status, sexual orientation, status with regard to public assistance, membership or activity in a local commission, or any other protected class status defined by applicable law and that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working or educational environment; or

2. Has the purpose or effect of unreasonably interfering with an individual's work or educational performance; or
3. Otherwise adversely affects an individual's employment or educational opportunities.

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

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

## B. Reporting Procedure

If a student, faculty member or staff member believes that they have been discriminated or harassed by another student, faculty member, staff member or any other person whom the student, faculty member or staff member encounters in the course of employment or education, or if a student, faculty member or staff member observes discrimination or harassment, the individual should immediately report the conduct as follows:

1. **Students:** To the Dean of Students (Lynn LeMoine, 651-695-7668), Vice President of Institutional Management and Title IX Coordinator (Christine Szaj, 651-695-7733), Vice Dean of Administration, or President and Dean. Anyone who receives a report or complaint of discrimination or harassment regarding a student should immediately report it to the Dean of Students.
2. **Faculty and Staff:** To the Director of Human Resources (651-290-6322), Vice President of Institutional Management and Title IX Coordinator (Christine Szaj, 651-695-7733), or President and Dean. Anyone who receives a report or complaint of discrimination or harassment regarding a faculty or staff member should immediately report it to the Director, Human Resources or the Vice President of Institutional Management and Title IX Coordinator (Christine Szaj, 651-695-7733).

Complaints of discrimination or harassment involving the President and Dean should immediately be reported to an Officer of the Board of Trustees.

Students or employees with questions or who wish to file a complaint concerning sexual misconduct, sexual harassment, sexual intimidation, sexual exploitation, or sexual violence based on any of the above protected classes, may do so using the [online reporting form](#) or may contact the School's Vice President of Institutional Management and Title IX Coordinator, Christine Szaj, at [christine.szaj@mitchellhamline.edu](mailto:christine.szaj@mitchellhamline.edu). Additional resources for complaints regarding sexual misconduct include the School's Title IX Sexual Harassment Policy (Student Respondent) and Sex Discrimination and Sexual Misconduct Policy (Student Respondent), and the School's Title IX Sexual Harassment Policy (Employee and Third-Party Respondent) and Sex Discrimination and Sexual Misconduct Policy (Employee and Third-Party Respondent), located in the School's [Policy Repository](#).

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

If discrimination or harassment reoccurs, it should immediately be reported to any of the individuals listed above. The School does not tolerate any retaliation or intimidation directed towards anyone who makes a complaint or report of discrimination or harassment or who participates in the investigation of a complaint. The Reporting Procedure described above should also be used if an employee believes they have been subjected to prohibited retaliation or intimidation.

## C. Investigation of Complaint

Every complaint or report of discrimination or harassment made to any individual listed above will be investigated. A complaint will be investigated by (a) the Dean or the Dean's designee; or (b) an individual who is not an employee of the School, who may be retained by the School for the purpose of investigating complaints of harassment, and who has experience and expertise in conducting investigations ("Consultant"); or (c) a combination of the above. If the investigation is commenced by the Dean or the Dean's designee, the investigation may be referred to the Consultant at any point in time. Reasons for referral could include, but are not limited to, the scope or complexity of the investigation or a perceived or actual conflict of interest.

The timing and specific nature of the investigation of any complaint will be determined by the investigator. Although investigations will be conducted with sensitivity to confidential issues, investigative information will be communicated as appropriate to those with a need to know. Because the circumstances of every complaint are different, discretion and flexibility will be utilized in conducting an appropriate investigation of each complaint.

If the investigation is commenced or completed by the Consultant, a written fact-finding report will be prepared upon completion of the investigation. This report may summarize information as appropriate. The Dean or the Dean's designee will review the

report, may conduct additional fact-finding, and will determine whether it appears this policy has been violated.

## D. Disciplinary or Corrective Action

If it appears that a violation of this policy may have occurred, timely and appropriate disciplinary or corrective action will be taken as follows:

1. A faculty or staff member found to have committed a violation of this policy may be subject to a broad range of consequences, up to and including termination of employment. If necessary, a matter will be referred to the appropriate disciplinary authority as required by School policy and by existing agreements with the faculty to determine what corrective action is appropriate.<sup>1</sup>
2. A student found to have committed a violation of this policy may be subject to a broad range of consequences up to and including expulsion, suspension, or other appropriate action.

If it appears that the safety or security of the School or of an individual member of the community may be jeopardized, the Dean or the Dean's designee may take immediate action to prevent the occurrence or reoccurrence of discrimination or harassment.

## E. No Reprisal

There will be no retaliation against any good faith complainant or reporter of discrimination under this policy, nor against any person who participates in an investigation. The School will investigate complaints and take appropriate action against any employee who retaliates against any person who makes a good faith report; who testifies, assists, or participates in an investigation; or who testifies, assists or participates in a process relating to the report. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Appropriate action may include disciplinary or corrective action, up to and including termination or expulsion.

In addition, neither the School, nor any officer, employee, or agent of the school may retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individuals for exercising their rights to avail themselves of the School's grievance procedures.

## F. Questions

Please direct any questions to the appropriate office:

**Staff** – Director of Human Resources or the Vice President of Institutional Management and Title IX Coordinator

**Faculty** – Vice Dean of Administration; Director of Human Resources; President and Dean; or Vice President of Institutional Management and Title IX Coordinator

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<sup>1</sup> The discipline of tenured faculty members shall be consistent with the School's Tenure Code.

**Students** – Dean of Students; Vice Dean of Administration; Vice President of Institutional Management and Title IX Coordinator; or President and Dean.

## G. 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, contacting the following agencies:

[Equal Employment Opportunity Commission](#)

1-800-669-4000

[info@eeoc.gov](mailto:info@eeoc.gov)

[U.S. Department of Education Office for Civil Rights](#)

1-800-421-3481

[ocr@ed.gov](mailto:ocr@ed.gov)

# Sex Discrimination and Sexual Misconduct Policy (Student Respondent)

**Revised: August 14, 2020**

**Updated: August 2023**

## I. Purpose and Notice of Non-Discrimination

It is the policy of Mitchell Hamline School of Law (“School”) to maintain an environment free from discrimination, including but not limited to when misconduct is based on actual or perceived race, color, creed, religion, national origin, sex, gender, gender identity, gender expression, marital status, familial (or parental) status, disability, status with regard to public assistance, sexual orientation, age, family care leave status or veteran status, membership or activity in a local human or civil rights commission, or any other protected class defined by law. Consistent with this commitment, the School prohibits Sexual Misconduct<sup>1</sup>, *i.e.*, misconduct based on actual or perceived sex, gender, gender identity, sexual orientation, and gender expression.<sup>2</sup> The School prohibits all forms of Sexual Misconduct against Employees, Students, and Third Parties. This Policy concerns incidents when Students are accused of Sexual Misconduct. For other situations, please see the following policies:

- Sex Discrimination and Sexual Misconduct Policy (Employee or Third-Party Respondent)
- Title IX Sexual Harassment Policy (Student Respondent)
- Title IX Sexual Harassment Policy (Employee or Third-Party Respondent)
- Non-Discrimination and Non-Harassment Policy
- Problematic Consensual Romantic Relationship Policy<sup>3</sup>

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

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

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

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

The School is committed to investigating, resolving, and preventing all Complaints of Sexual Misconduct—whether formal or informal, verbal, or written—including when those acts are based on someone’s actual or perceived protected class status, and the School will discipline or take appropriate action against any Student who violates this Policy.<sup>4</sup> The School will investigate and, when appropriate, will conduct prompt, fair, and impartial investigation proceedings for Complaints of Sexual Misconduct.

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

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

## II. Scope and Applicability

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

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

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



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

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

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

### III. Definitions

#### Prohibited Conduct

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

**A. Sexual Misconduct**, for purposes of this Policy, includes a variety of prohibited behaviors, including but not limited to Sexual Exploitation, Sexual Intimidation, Sex Discrimination, and any other non-consensual conduct of a sexual nature.<sup>7</sup> Some occurrences of Sexual Misconduct may not be sexual in nature. Similarly, Sexual Exploitation constitutes Sexual Misconduct and may apply to situations where the sexual conduct itself was consensual, but a related conduct—which was not on its own sexual—nonetheless constitutes Sexual Exploitation (*e.g.*, videotaping or allowing

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

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

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

friends to watch a consensual sexual activity without the Consent of the other person).  
Examples of Sexual Misconduct include:

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

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

## Other Important Definitions

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

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

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

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

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

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

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

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

**K. Consent** is defined by Minnesota law (Minn. Stat. § 609.341, subd. 4) and means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the Complainant or that the Complainant failed to resist a particular sexual act. A person who is mentally incapacitated or physically helpless as defined by this section cannot consent to a sexual act. Corroboration of the Complainant’s testimony is not required to show lack of consent. Under Minnesota law, **mentally incapacitated** means that a person under the influence of alcohol, a narcotic, anesthetic, or any other substance, administered to that person without the person's agreement, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration.

**L. Title IX Coordinator** means the person who is primarily responsible for addressing issues of sex-based Discrimination, including coordinating the School’s efforts to comply with its obligations under Title IX and its governing regulations. The School's Title IX Coordinator is Christine Szaj, Vice President of Institutional Management (651-695-7733).

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

## IV. Reporting Procedures for Incidents of Sexual Misconduct

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

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

### A. Forms of Reporting

#### 1. Reporting Directly to a School Administrator Identified Below

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

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

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

Jill Bryant, Vice Dean of Administration  
875 Summit Ave, St. Paul, MN 55105  
651-695-7726  
[jill.bryant@mitchellhamline.edu](mailto:jill.bryant@mitchellhamline.edu)

Director of Human Resources<sup>8</sup>, Deputy Title IX Coordinator  
875 Summit Ave, St. Paul, MN 55105  
651-290-6322

Jim Hilbert, Interim President and Dean  
875 Summit Ave, St. Paul, MN 55105

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<sup>8</sup> The Director of Human Resources will typically serve as the Deputy Title IX Coordinator in situations when an Employee is either the Respondent or the Complainant.

651-290-7510

[jim.hilbert@mitchellhamline.edu](mailto:jim.hilbert@mitchellhamline.edu)

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

## 2. Complaints Regarding Conduct of the President and Dean

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

## 3. Online Reporting

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

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

## 4. Notifying Law Enforcement

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

## 5. Additional Resources and Contact Information

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

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

## B. Recurrence

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

## C. Reports of Crimes Due to Protected Status

If anyone believes that they have been a victim of a crime, including larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and/or

any other crime involving bodily injury to any person, in which the Complainant believes they were selected because of their actual or perceived sex, gender, sexual orientation, gender identity, or gender expression, they should, if desired, report the incident to the Campus Authorities or local law enforcement.

## D. Prohibition Against False Reports

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

## E. Statement on Confidentiality

Although confidentiality cannot be assured, investigations will be conducted with sensitivity to confidential issues and investigative information will be communicated as appropriate to those with a need to know, pursuant to applicable law and the need to conduct an investigation and take any needed action.

## V. Investigation and Resolution

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

The School, at its discretion, may take immediate steps, based on the severity of the allegations, to protect the parties involved in the Complaint process pending completion of an investigation. If the School conducts an individualized safety and risk analysis and determines that there is an immediate threat to the physical health or safety of any Student, Employee, or other person arising from the allegations and that such immediate threat justifies removal, the School retains the right to remove a Respondent from the School's education program or activity on an emergency basis. In this instance, the School will provide the Respondent with notice of its decision and an opportunity to challenge the decision immediately following removal.

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

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

## A. Formal Resolution Process

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

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

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

### Initial Investigation

#### 1. Receipt of Complaint

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

#### 2. Assignment of Investigator

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

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

### **3. Notice**

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

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

### **4. Commencement of Fact-Finding Process**

The investigation may, as appropriate, consist of personal interviews with the alleged Complainant, the reporter (if someone other than the alleged Complainant), the Respondent, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the Complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

To ensure the School can gather the information necessary to uphold School policies, each Student or Employee who is requested to participate in a fact finding is required to fully cooperate with the investigator. Unless otherwise directed by the investigator, Students and Employees will be expected to limit their discussion of the matter under investigation to those who need to know the information for the purposes of assisting in the resolution of the Complaint. Nothing in this paragraph is intended to limit or restrict in any way a Complainant from contacting at any time the police or governmental agencies responsible for the enforcement of any applicable laws.

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

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

## **Adjudication**

### **1. Prior or Subsequent Conduct**

In determining whether alleged conduct constitutes a violation of this Policy, the School may consider the facts and surrounding circumstances, the nature of the behavior, past



incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. During the investigation, the School will never consider evidence about the Complainant's prior sexual conduct with anyone other than the Respondent.

## **2. Standard of Proof**

Whether a particular action or incident constitutes a violation of this Policy requires a determination based on all the facts and surrounding circumstances using a preponderance of the evidence standard.

## **3. Written Report and Opportunity to Respond**

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

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

## **4. Disciplinary Sanctions by the School**

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

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

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

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

## 5. Appeals

If a Student is involved (either as the Complainant or the Respondent), then both the Complainant and Respondent have a right to appeal. The appeal should be filed in writing with the Title IX Coordinator within 5 business days of being notified of the results of the investigation. The appeal should set forth the grounds on which the appeal is being filed and all of the facts and arguments in support of the appeal. A delay in filing the appeal may be grounds for rejection of that appeal.

The **ONLY** grounds for appeal are as follows:

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

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

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

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

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

## B. Alternative Resolution Process

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

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

Alternative resolution agreements may include:

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

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

## VI. Cooperation with Law Enforcement

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

The School will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the parties and the Campus community and the avoidance of retaliation.

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

## VII. Attempted Violations

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

## VIII. No Retaliation

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

## IX. Conflict of Interest

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

## X. Alternative Complaint Procedures

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

U.S. Department of Education Office for Civil Rights  
Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661-4544  
Tel: 312-730-1560  
TDD: 877-521-2172  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

## XI. Waiver of Drug/Alcohol Violations

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

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

## XII. Questions

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

## Appendix A. Resources and Contact Information

### **Confidential School Resources:**

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

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

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

### **Community/External Resources**

#### [St Paul Police](#)

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

Non-Emergency Number:

651-291-1111

#### [Casa de Esperanza](#)

St. Paul, MN

651-772-1611

24-hour Bilingual (English and Spanish) helpline

#### [Day One Services](#)

1-866-223-1111

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

#### [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  
651-241-8755  
333 North Smith Avenue  
St. Paul, MN 55102

# Sex Discrimination and Sexual Misconduct Policy (Employee or Third-Party Respondent)

**Revised: August 14, 2020**

**Updated: August 2023**

## I. Purpose and Notice of Non-Discrimination

It is the policy of Mitchell Hamline School of Law (“School”) to maintain an environment free from discrimination, including but not limited to when misconduct is based on actual or perceived race, color, creed, religion, national origin, sex, gender, gender identity, gender expression, marital status, familial (or parental) status, disability, status with regard to public assistance, sexual orientation, age, family care leave status or veteran status, membership or activity in a local human or civil rights commission, or any other protected class defined by law. Consistent with this commitment, the School prohibits Sexual Misconduct<sup>1</sup>, *i.e.*, misconduct based on actual or perceived sex, gender, gender identity, sexual orientation, and gender expression.<sup>2</sup> The School prohibits all forms of Sexual Misconduct against Employees, Students, and Third Parties. This Policy concerns incidents when Employees or Third Parties are accused of Sexual Misconduct. For other situations, please see the following policies:

- Sex Discrimination and Sexual Misconduct Policy (Student Respondent)
- Title IX Sexual Harassment Policy (Employee or Third Party Respondent)
- Title IX Sexual Harassment Policy (Student Respondent)
- Non-Discrimination and Non-Harassment Policy
- Problematic Consensual Romantic Relationship Policy<sup>3</sup>

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

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

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

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

The School is committed to investigating, resolving, and preventing all Complaints of Sexual Misconduct—whether formal or informal, verbal, or written—including when those acts are based on someone’s actual or perceived protected class status, and the School will discipline or take appropriate action against any Employee or—when applicable—Third Party who violates this Policy.<sup>4</sup> The School will investigate and, when appropriate, will conduct prompt, fair, and impartial investigation proceedings for Complaints of Sexual Misconduct.

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

Any Student or Employee who needs a reasonable accommodation to make or respond to a Complaint, or engage in any other activity detailed in this Policy, may contact the Title IX Coordinator or a Deputy Title IX Coordinator to request an accommodation.

Any Employee or Third Party who is found to have violated this Policy is subject to disciplinary or corrective action, up to and including termination or discontinuation of relationship.

## II. Scope and Applicability

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

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

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<sup>4</sup> If a Complainant alleges that they were the victim of Sexual Misconduct by a Student, the Sex Discrimination and Sexual Misconduct Policy (Student Respondent) will apply.



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

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

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

### III. Definitions

#### Prohibited Conduct

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

**A. Sexual Misconduct**, for purposes of this Policy, includes a variety of prohibited behaviors, including but not limited to Sexual Exploitation, Sexual Intimidation, Sex Discrimination, and any other non-consensual conduct of a sexual nature.<sup>7</sup> Some occurrences of Sexual Misconduct may not be sexual in nature. Similarly, Sexual Exploitation constitutes Sexual Misconduct and may apply to situations where the sexual conduct itself was consensual, but a related conduct—which was not on its own sexual—nonetheless constitutes Sexual Exploitation (*e.g.*, videotaping or allowing

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

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

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

friends to watch a consensual sexual activity without the Consent of the other person).  
Examples of Sexual Misconduct include:

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

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

## Other Important Definitions

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

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

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

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

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

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

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

**J. Campus Authorities** means the security department at the School, as well as the Dean of Students, the Title IX Coordinator, the Deputy Title IX Coordinators, the Vice Dean of Administration, and the Dean and President of the School.

**K. Consent** is defined by Minnesota law (Minn. Stat. § 609.341, subd. 4) and means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the Complainant or that the Complainant failed to resist a particular sexual act. A person who is mentally incapacitated or physically helpless as defined by this section cannot consent to a sexual act. Corroboration of the Complainant’s testimony is not required to show lack of consent. Under Minnesota law, **mentally incapacitated** means that a person under the influence of alcohol, a narcotic, anesthetic, or any other substance, administered to that person without the person’s agreement, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration.

**L. Title IX Coordinator** means the person who is primarily responsible for addressing issues of sex-based Discrimination, including coordinating the School’s efforts to comply with its obligations under Title IX and its governing regulations. The School’s Title IX Coordinator is Christine Szaj, Vice President of Institutional Management (651-695-7733).

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

## IV. Reporting Procedures for Incidents of Sexual Misconduct

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

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

## A. Forms of Reporting

### 1. Reporting Directly to a School Administrator Identified Below

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

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

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

Director of Human Resources<sup>8</sup>, Deputy Title IX Coordinator  
875 Summit Ave, St. Paul, MN 55105  
651-290-6322

Jill Bryant, Vice Dean of Administration  
875 Summit Ave, St. Paul MN 55105  
651-695-7716  
[jill.bryant@mitchellhamline.edu](mailto:jill.bryant@mitchellhamline.edu)

Jim Hilbert, Interim President and Dean  
875 Summit Ave, St. Paul, MN 55105  
651-290-7510  
[jim.hilbert@mitchellhamline.edu](mailto:jim.hilbert@mitchellhamline.edu)

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

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<sup>8</sup>The Director of Human Resources will typically serve as the Deputy Title IX Coordinator in situations when an Employee is either the Respondent or the Complainant.

## 2. Complaints Regarding Conduct of the President and Dean

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

## 3. Online Reporting

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

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

## 4. Notifying Law Enforcement

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

## 5. Additional Resources and Contact Information

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

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

## B. Recurrence

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

## C. Reports of Crimes Due to Protected Status

If anyone believes that they have been a victim of a crime, including larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and/or any other crime involving bodily injury to any person, in which the Complainant believes they were selected because of their actual or perceived sex, gender, sexual orientation, gender identity, or gender expression, they should, if desired, report the incident to the Campus Authorities or local police agencies.

## D. Prohibition Against False Reports

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

## E. Statement on Confidentiality

Although confidentiality cannot be assured, investigations will be conducted with sensitivity to confidential issues and investigative information will be communicated as appropriate to those with a need to know, pursuant to applicable law and the need to conduct an investigation and take any needed action.

## V. Investigation and Resolution

Upon receipt of a Complaint, the School will notify and, when appropriate, obtain consent from the Complainant to promptly undertake or authorize a fair and impartial investigation. Complainants and Respondents may choose to participate or decline to participate in the investigation. That said, participation of these parties is not mandatory for the investigation to proceed.

The School, at its discretion, may take immediate steps, based on the severity of the allegations, to protect the parties involved in the Complaint process pending completion of an investigation. If the School conducts an individualized safety and risk analysis and determines that there is an immediate threat to the physical health or safety of any Student, Employee, or other person arising from the allegations and that such immediate threat justifies removal, the School retains the right to remove a Respondent from the School's education program or activity on an emergency basis. In this instance, the School will provide the Respondent with notice of its decision and an opportunity to challenge the decision immediately following removal.

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

The investigation will generally be completed within 60 calendar days from receipt of the Complaint. If the investigation proceeding will be delayed beyond the 60-day goal, the School will provide the participants with written notice of the delay and the reason for the delay.

The investigation may, as appropriate, consist of personal interviews with the Complainant, the reporter (if someone other than the Complainant), the Respondent, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the Complaint. The investigation may also consist of any other methods and review of documents deemed pertinent by the investigator.

In determining whether alleged conduct constitutes a violation of this policy, the School may consider, among other things, the facts and surrounding circumstances, the nature

of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this Policy requires a determination based on all the facts and surrounding circumstances using a preponderance of the evidence standard.

To ensure the School can gather the information necessary to uphold School policies, each Employee or Student who is requested to participate in a fact finding investigation is required to fully cooperate with the investigator. Unless otherwise directed by the investigator, Students and Employees will be expected to limit their discussion of the matter under investigation to those who need to know the information for the purposes of assisting in the resolution of the Complaint. Failure to follow these requirements and other directions provided by the investigator may result in corrective action as stated below. Nothing in this paragraph is intended to limit or restrict a Complainant from contacting the police or governmental agencies responsible for the enforcement of any applicable laws.

## VI. Actions by the School

Upon completion of the investigation, the investigator(s) will make a finding of facts report to the President and Dean.<sup>9</sup>

Upon completion of the investigation, the President and Dean or their designee will inform the Complainant and Respondent of the results of the investigation.

If a Complaint is substantiated, the School will take appropriate and effective action depending on the circumstances. Such action may include, but is not limited to, training, counseling, suspension or termination of employment, or other appropriate action. If necessary and if the matter is related to the faculty, a matter may be referred to the appropriate disciplinary authority as required by School policy, the Revised Tenure Code, and any existing faculty agreement.

In appropriate situations, the School will provide written notifications to parties about options for, and available assistance in, changing academic, living, transportation, or working situations, if so requested by the parties and if such accommodations are reasonably available. The School will provide these options for Complainants regardless of whether they choose to formally report an incident or report an incident to local law enforcement.

Pursuant to applicable law, the School will make timely reports to the Campus community on certain crimes considered to be a threat to other Students and Employees that are reported to Campus Authorities or local law enforcement. These

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<sup>9</sup> If the Complaint involves the President and Dean, the report shall be made directly to the Chair of the Board of Trustees.

reports will be provided to Students and Employees in a timely manner, will withhold the name(s) of the victim(s) as confidential, and will aid in the prevention of similar occurrences.

In accordance with applicable law, the School retains the right to issue possible sanctions against individuals who violate this Policy, or engage in protective measures following a final determination. The School reserves the right to issue, among others that may be appropriate, any of the following sanctions in any order in these circumstances depending on the facts:

- No-contact directive
- Restriction of privileges
- Probation
- Written Warning
- Suspension
- Termination
- Discontinuation of Relationship or Association (Third Parties)

## VII. Cooperation with Law Enforcement

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

The School will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the parties and the Campus community and the avoidance of retaliation.

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

## VIII. Attempted Violations

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

## IX. No Retaliation

There will be no Retaliation against any Complainant of Sexual Misconduct under this Policy, nor against any person who participates in an investigation. The School will take appropriate action against any Student, Employee, or, when appropriate, Third Party, who retaliates against any person who makes a good-faith report, who testifies, assists,



or participates in an investigation, or who testifies, assists or participates in a process relating to the report. In addition, neither the School, nor any officer, Employee, or agent of the School may retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights to avail themselves of the School's Complaint procedure under this Policy.

## X. Conflict of Interest

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

## XI. Alternative Complaint Procedures

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

U.S. Department of Education Office for Civil Rights  
Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661-4544  
Tel: 312-730-1560  
TDD: 877-521-2172  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

## XII. Waiver of Drug/Alcohol Violations

The School strongly encourages Students to report instances of Sexual Misconduct. As such, Students who report such information will not be disciplined by the School for any violation of its drug and alcohol policies in which they might have engaged in connection with the reported incident.

## XIII. Questions

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

## Appendix A. Resources and Contact Information

### **Confidential School Resources:**

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

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

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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

651-241-8755

333 North Smith Avenue

St. Paul, MN 55102

# Title IX Sexual Harassment Policy (Student Respondent)

**Revised: August 14, 2020**  
**Updated August 2023**

## I. Policy Statement

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

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

- Title IX Sexual Harassment Policy (Employee or Third Party Respondent)
- Sex Discrimination and Sexual Misconduct Policy (Student Respondent)
- Sex Discrimination and Sexual Misconduct Policy (Employee or Third Party Respondent)
- Non-Discrimination and Non-Harassment Policy
- Problematic Consensual Romantic Relationship Policy<sup>1</sup>

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

Any inquiries relating to the application of Title IX and its operating regulations should be referred to the School's Title IX Coordinator<sup>2</sup>, the Assistant Secretary for Civil Rights of the Office of Civil Rights<sup>3</sup>, or both.

## II. Scope and Applicability

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

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

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<sup>2</sup> The School's Title IX Coordinator is Christine Szaj. Her e-mail address is [christine.szaj@mitchellhamline.edu](mailto:christine.szaj@mitchellhamline.edu) and her office address is 875 Summit Ave., St. Paul, MN 55105.

<sup>3</sup> The Assistant Secretary for Civil Rights of the Office of Civil Rights of the Department of Education is Catherine E. Lhamon.

Complainant	Respondent	Applicable Policy
Student	Student <sup>4</sup>	Title IX Sexual Harassment Policy (Student Respondent)
Employee	Student	Title IX Sexual Harassment Policy (Student Respondent)
Employee	Employee or Third Party	Title IX Sexual Harassment Policy (Employee or Third-Party Respondent)
Student	Employee or Third Party	Title IX Sexual Harassment Policy (Employee or Third-Party Respondent)

### III. Definitions

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

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

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

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.

b. **Dating Violence** means violence committed by a person

(1) Who is or has been in a social relationship of a romantic or intimate nature with the victim and

(2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(a) The length of the relationship,

(b) The type of relationship, and

(c) The frequency of interaction between the persons involved in the relationship.

c. **Domestic Violence** means felony or misdemeanor crimes of violence committed by:

(1) a current or former spouse or intimate partner of the victim,

(2) a person with whom the victim shares a child in common,

(3) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,

(4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of Minnesota, or

(5) any other person against an adult or youth victim who is protected from that person's acts under Minnesota's domestic or family violence laws.

d. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to

(1) fear for their or her safety or the safety of others; or

(2) suffer substantial emotional distress.

B. **Consent** is defined by Minnesota law (Minn. Stat. § 609.341, subd. 4) and means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the Complainant or that the Complainant failed to resist a particular sexual act. A person who is mentally incapacitated or physically helpless as defined by this section cannot consent to a sexual act. Corroboration of the victim's testimony is not required to show lack of consent. Under Minnesota law, "**mentally incapacitated**" means that a person under the influence of alcohol, a narcotic, anesthetic, or any other substance, administered to that person without the

person's agreement, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration.

- C. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment. While a Title IX Coordinator can, in certain circumstances, sign a Formal Complaint, doing so does not make the Title IX Coordinator the Complainant.
- D. **Respondent** means the person who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
- E. **Formal Complaint** means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the School investigate the allegation of Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in an Education Program or Activity of the School. As described below, a Formal Complaint may be filed with the Title IX Coordinator or another person designated under this Policy in person, by mail, or by electronic mail, using the contact information listed in this Policy. As used in this definition, **“document filed by a Complainant”** means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the School) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party.
- F. **Employee**, for the purposes of this Policy, means all non-Student employees of the School<sup>5</sup>, including faculty, staff, adjuncts, and administrators.
- G. **Third Party**, for the purposes of this Policy, includes certain third-party affiliates, including volunteers, vendors, visitors, and independent contractors.
- H. **Student**, for the purposes of this Policy, means all students at the School, except for full-time Employees of the School who are also taking classes at the School (for the purposes of this Policy, those individuals are considered Employees). The term “Student” otherwise includes all individuals taking classes at the School, including all degree and non-degree Students.
- I. **Campus** means
  - 1. Any building or property owned or controlled by the School within the same reasonably contiguous geographic area of the School and used by the School in direct support of, or in a manner related to, the School’s educational purposes and
  - 2. Property within the same reasonably contiguous geographic area of the School that is owned by the School but controlled by another person, is used by Students, and supports School purposes.

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



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

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

the Campus Authorities. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the School with actual knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a Student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the School. As used in this definition, "Notice" includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator.

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

## IV. Reporting Sexual Harassment

### A. Making Reports

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

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

Christine Szaj, 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

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

Director of Human Resources<sup>7</sup>, Deputy Title IX Coordinator  
875 Summit Ave, St. Paul, MN 55105  
651-290-6322

Jill Bryant, Vice Dean of Administration  
875 Summit Ave, St. Paul MN 55105  
651-695-7726  
[jill.bryant@mitchellhamline.edu](mailto:jill.bryant@mitchellhamline.edu)

Jim Hilbert, Interim President and Dean  
875 Summit Ave, St. Paul, MN 55105  
651-290-7510  
[jim.hilbert@mitchellhamline.edu](mailto:jim.hilbert@mitchellhamline.edu)

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

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

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

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

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

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

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<sup>7</sup> The Director of Human Resources will typically serve as the Deputy Title IX Coordinator in situations when an Employee is either the Respondent or the Complainant.

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

## B. Anonymous Complaints

Reports of Sexual Harassment can be made online via the [Sexual Misconduct/Sexual Harassment Reporting Form](#). Reports may be made anonymously<sup>8</sup>; however, the reporter is encouraged to provide as much information as possible. All reports will be forwarded to the Title IX Coordinator.

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

## C. Other Resources

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

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

## D. Formal Complaints

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

## E. Prohibition Against False Reports

The willful filing of a false report is a violation of this Policy, as well as the Student Code of Conduct. Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute prohibited retaliation.<sup>9</sup>

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

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

## F. Statement on Confidentiality

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

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

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

### A. The School's Initial Communications with the Complainant

#### 1. Offering Supportive Measures

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

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

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

The School will maintain as confidential any Supportive Measures provided to the Complainant,<sup>10</sup> to the extent that maintaining such confidentiality would not impair the ability of the School to provide the Supportive Measures. The Title IX Coordinator (or,

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<sup>10</sup> While this section concerns Supportive Measures offered to a Complainant before the filing of a Formal Complaint, a Respondent may also receive Supportive Measures if a grievance process is commenced and the School will maintain as confidential any Supportive Measures provided to the Respondent, as well, to the extent that maintaining such confidentiality would not impair the ability of the School to provide the Supportive Measures.

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

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

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

## 2. The Importance of Preserving Evidence

Regardless of whether a Complainant decides to file a Formal Complaint, they will be notified of the importance of preserving evidence as may be necessary to the proof of criminal Domestic Violence, Dating Violence, Sexual Assault, or Stalking, or in obtaining a protective order.

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

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

## 4. Explain How to File a Formal Complaint.

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

## B. The School's Right to Emergency Removal

Regardless of whether a Formal Complaint is filed, the School retains the right to remove a Respondent from the School's Education Program or Activity on an emergency basis, provided that the School undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

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

## VI. Notice of the Filing of a Formal Complaint

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

- Notice of the School's grievance process, including any informal resolution process;
- Notice of the allegations potentially constituting Sexual Harassment, including sufficient details<sup>12</sup> known at the time and with sufficient time to prepare a response before any initial interview;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Notice to the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;
- Notice to the parties that they may inspect and review evidence; and
- Any provision in the School's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

## VII. Dismissal of a Formal Complaint

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

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

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

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

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

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

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

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

## VIII. Consolidation of Formal Complaints

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

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

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

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

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

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



## A. General Overview of the Grievance Process

### 1. Formal and Informal Processes

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

### 2. Training of Individuals Participating in the Grievance Processes

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

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

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

## B. Formal Resolution Process

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

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

## 1. Timeframe for Typical Formal Resolution Process

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

## 2. Standard of Evidence

Whether a particular action or incident constitutes a violation of this Policy requires a determination based on all the facts and surrounding circumstances using a preponderance of the evidence standard to evaluate Formal Complaints.

## 3. Investigation of Formal Complaint

### a. Burden of Proof

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

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

### b. Gathering Evidence

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

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

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

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

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

**c. The Party's Advisors**

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

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

**d. The Parties' Right to Review Evidence**

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

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

**4. Investigative Report**

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

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

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

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

## 5. Hearings

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

### **a. The Hearings Will Be Live**

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

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

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

### **b. The Hearings Will Be Recorded**

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

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

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

While a party always has the right to decide when to repeat a description of an incident, if a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witnesses' absence from the live hearing or refusal to answer cross-examination or other questions. For example, the decision-maker(s) may not make any decisions about a party's credibility based solely on their decision not to participate in a hearing or submit to cross-examination.

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

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

#### **e. Evidence Must Be Relevant**

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

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

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

### **6. Determination Regarding Responsibility**

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

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

- Identification of the allegations potentially constituting Sexual Harassment;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the School’s Code of Conduct to the facts;

- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the School's Education Program or Activity will be provided by the School to the Complainant; and
- The School's procedures and permissible bases for the Complainant and Respondent to appeal.

The written determination will be provided to each party simultaneously.

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

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

## 7. Appeals

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

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

The appeal should be filed in writing, either electronically or by mail, with the Title IX Coordinator within 5 business days of the parties being notified of the results of the investigation. If the appeal is sent by mail, it must be postmarked within 5 business days of the parties being notified of the results of the investigation. If the appeal is sent by mail, it must be postmarked within 5 business days of the parties being notified of the results of the investigation. The appeal should set forth the grounds on which the appeal is being filed and all of the facts and arguments in support of the appeal.

If an appeal is filed, the School will:

- Notify the other party in writing when the appeal is filed and implement appeal procedures equally for both parties;

- Ensure that the decision-maker for the appeal is not the same person as the decision-maker who reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator; and
- Ensure that the decision-maker for the appeal complies with the same standards required of decision-maker at the non-appeal level relating to no conflicts or bias.

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

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

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

## 8. Implementation of Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies. In accordance with applicable law, the School reserves the right to issue, among others, any of the following sanctions in any order in these circumstances depending on the facts:

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

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

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<sup>16</sup> "Good cause" may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

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

## C. Informal Resolution Process of a Formal Complaint

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

### 1. Consent by the Parties

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

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

### 2. Typical Timeframe of the Informal Resolution Process

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

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

### 3. Notice to the Parties

The School must provide the parties with written notice disclosing:

- the allegations and
- the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution

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

<sup>18</sup> “Good cause” may include, but is not limited to, considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.



process and resume the grievance process with respect to the Formal Complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

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

## X. Prohibition of Retaliation

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

## XI. Waiver of Drug/Alcohol Violations

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

## XII. Cooperation with Law Enforcement

The School has entered into a memorandum of understanding with the St. Paul Police Department, which delineates responsibilities and requires information sharing, in accordance with applicable privacy law, about certain crimes, including but not limited to Sexual Assault.

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

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

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

The School will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the Complainant and the Campus community and the avoidance of retaliation.

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

### **XIII. Alternative Complaint Procedures**

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

The OCR office for Minnesota is located at:  
U.S. Department of Education Office for Civil Rights Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661-4544  
Tel: 312-730-1560  
TDD: 877-521-2172  
Email: [OCR.Chicago@ed.gov](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](#).

## XIV. School Reporting Obligations

Under the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), the School has a legal duty to track and publish information about certain types of crimes, including but not limited to Sexual Assault, Domestic Violence, Dating Violence, and Stalking. The School will collect, prepare, publish, and distribute, through appropriate publications or mailings, to all current Students and Employees, and to any applicant for enrollment or employment upon request, an annual security report containing, among other things, information relating to the Campus crime statistics of the School and statistics concerning the occurrence on Campus, in or on Non-Campus Buildings or Property, and on Public Property, all criminal offenses reported to Campus Authorities or local authorities related, among other things, to Dating Violence, Domestic Violence, Sexual Assault, and Stalking. The School will not disclose the Complainant’s name or other personally identifiable information in its report.

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

The School also must issue timely warnings to Students and Employees for certain types of incidents reported to them that pose a substantial threat of bodily harm or danger to members of the School community. The School will make every effort to ensure that a Complainant’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

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

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

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<sup>20</sup> This training will include information about topics including but not limited to Sexual Assault, Consent, preventing and reducing the prevalence of Sexual Assault, procedures for reporting Campus Sexual Assault, and Campus resources on Sexual Assault, including organizations that support victims of Sexual Assault. The training will include information about best practices for interacting with victims of Sexual

Pursuant to the Clery Act, the School has implemented education programs to promote the awareness of Rape, acquaintance rape, Domestic Violence, Dating Violence, Sexual Assault, and Stalking. These education programs include primary prevention and awareness programs for all incoming Students and Employees. In these programs, participants will:

- Be provided a statement that the School prohibits the offenses of Domestic Violence, Dating Violence, Sexual Assault, and Stalking;
- Receive the definitions of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Consent, as set forth under Minnesota law;
- Learn safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of Domestic Violence, Dating Violence, Sexual Assault, or Stalking against a person other than such individual;
- Receive information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- Learn about possible sanctions or protective measures that the School may impose following a decision on responsibility of an incident of Rape, acquaintance rape, Domestic Violence, Dating Violence, Sexual Assault, or Stalking;
- Learn about procedures victims of a sex offense, Domestic Violence, Dating Violence, Sexual Assault, or Stalking should follow, including information about:
  - The importance of preserving evidence as may be necessary to the proof of criminal Domestic Violence, Dating Violence, Sexual Assault, or Stalking, or in obtaining a protection order;
  - To whom the alleged offense should be reported;
  - Options regarding law enforcement and Campus Security, including notification of the victim's option to:
    - Notify proper law enforcement authorities, including Campus Security and local police,
    - Be promptly assisted by Campus Security in notifying law enforcement authorities if the victim so chooses, and
    - Decline to notify such authorities
  - Where applicable, the rights of victims and the School's responsibilities regarding orders for protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.
- Learn procedures for School grievance processes in cases of alleged Domestic Violence, Dating Violence, Sexual Assault, or Stalking, including the fact that
  - the proceedings shall:

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Assault, including how to reduce the emotional distress resulting from the reporting, investigatory, and disciplinary process.

- Provide a prompt, fair, and impartial investigation and resolution and
- Be conducted by officials who receive annual training on the issues related to Domestic Violence, Dating Violence, Sexual Assault, and Stalking and how to conduct an investigation and hearing process that protects the safety of the parties and promotes accountability.
- In the proceedings, the Complainant and Respondent may have an advisor of their choice, who may be, but is not required to be, an attorney present during the grievance process; and
- In the proceedings, the Complainant and Respondent shall be simultaneously informed, in writing, of—the outcome of any School grievance process that arises from an allegation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking; the School's procedures for Complainant and Respondent to appeal the results of the determination of responsibility; any change to the results that occurs prior to the time that such results become final; and when such results become final.
- Obtain information about how the School will protect the confidentiality of Complainants and Respondents, including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about the parties, to the extent permissible by law;
- Receive written notification of Students and Employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims of Sexual Assault, Dating Violence, Domestic Violence, and Stalking both on-campus and in the community.
- Receive written notification of victims of Sexual Assault, Dating Violence, Domestic Violence, and Stalking about options for, and available assistance in, changing academic, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

The School also offers ongoing prevention and awareness campaigns for Students and Employees and will provide attendees with, at minimum, the same information listed above. These campaign programs occur on a regular basis and no less frequently than once per year.

## Appendix A. Resources and Contact Information

### **Confidential School Resources:**

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

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

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

### **Community/External Resources**

#### [St Paul Police](#)

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

Non-Emergency Number:

651-291-1111

#### [Casa de Esperanza](#)

St. Paul, MN

651-772-1611

24-hour Bilingual (English and Spanish) helpline

#### [Day One Services](#)

1-866-223-1111

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

#### [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

651-241-8755

333 North Smith Avenue

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, or Stalking—whether the offense occurred on or off Campus—shall be provided with a written explanation of their rights and options. These include the rights and options to:

- Be treated with dignity by Campus Authorities, including the right to be free from suggestions by Campus Authorities that the Complainant is at fault for the alleged crimes or violations that occurred or that the Complainant should have acted in a different manner to avoid such an incident;
- Learn about possible sanctions or protective measures that the School may impose following a decision on responsibility of a School grievance process regarding Rape, acquaintance rape, Domestic Violence, Dating Violence, Sexual Assault, or Stalking;
- Learn about procedures victims should follow if a sex offense, Domestic Violence, Dating Violence, Sexual Assault, or Stalking has occurred, including information about:
  - The importance of preserving evidence as may be necessary to the proof of criminal Domestic Violence, Dating Violence, Sexual Assault, or Stalking, or in obtaining a protection order;
  - To whom the alleged offense should be reported;
  - Options regarding law enforcement and campus authorities, including notification of the Complainant's option to:
    - Notify and/or file charges with proper law enforcement authorities, including Campus Security and local police,
    - Be assisted by Campus Security in notifying and/or filing charges with law enforcement authorities if the Complainant so chooses, and
    - Decline to notify such authorities
  - Where applicable, the rights of victims and the School's responsibilities regarding orders for protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.
- Be provided complete and prompt assistance of Campus Authorities, at the direction of law enforcement authorities, to obtain, secure, and maintain evidence in connection with a Sexual Assault incident. This also includes Campus Authorities' assistance in preserving for a Sexual Assault Complainant materials relevant to a School grievance process.
- Learn procedures for School grievance processes in cases of alleged Domestic Violence, Dating Violence, Sexual Assault, or Stalking, including the fact that
  - the proceedings shall:
    - Provide a prompt, fair, and impartial investigation and resolution and



- Be conducted by officials who receive annual training on the issues related to Domestic Violence, Dating Violence, Sexual Assault, and Stalking and how to conduct an investigation and hearing process that protects the safety of the parties and promotes accountability.
  - In the proceedings, the Complainant and Respondent may have an advisor of their choice, who may be, but is not required to be, an attorney present during the grievance process; and
  - In the proceedings, the Complainant and Respondent shall be simultaneously informed, in writing, of—the outcome of any School grievance process that arises from an allegation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking; the School's procedures for the Complainant and Respondent to appeal the results of the School determination of responsibility; any change to the results that occurs prior to the time that such results become final; and when such results become final.
  - The School's proceedings will forbid retaliation and establish a process for addressing complaints of retaliation.
- Be ensured that the Complainant may decide when to repeat a description of the incident of Sexual Assault;
- Obtain information about how the School will endeavor to protect the confidentiality of parties, including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law;
- Receive written notification about existing fair and respectful counseling, health, mental health, victim and sexual assault advocacy, free legal resources and assistance, and other services available for victims both on-campus and in the community.
- Receive written notification about options for, and available assistance in, changing academic, transportation, and working situations, if so requested by the Complainant and if such accommodations are reasonably available, regardless of whether the Complainant chooses to report the crime to campus police or local law enforcement.
- If the Complainant chooses to transfer to another postsecondary education and if the Complainant so chooses, the School will provide the Complainant with information about resources for victims of sexual assault at the institution to which the Complainant is transferring.
- Consistent with laws governing access to student records, a Student Complainant or other Student who reported an incident of Sexual Assault will be provided with access to the Student's description of the incident as it was reported to the School, including if that student transfers to another postsecondary School.
- A Complainant may also have rights under the Crime Victims Bill of Rights, including the right to assistance from the Crime Victims Reparations Board and

the Commissioner of Public Safety. For example, victims of Domestic Violence, Sexual Assault, and Stalking have the right to:

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

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

## Appendix C. A Respondent's Rights & Options

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

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

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

# Title IX Sexual Harassment Policy (Employee or Third-Party Respondent)

**Revised: August 14, 2020**

**Updated August 2023**

## I. Policy Statement

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

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

- Title IX Sexual Harassment Policy (Student Respondent)
- Sex Discrimination and Sexual Misconduct Policy (Student Respondent)
- Sex Discrimination and Sexual Misconduct Policy (Employee or Third Party Respondent)
- Non-Discrimination and Non-Harassment Policy
- Problematic Consensual Romantic Relationship Policy<sup>1</sup>

Any inquiries relating to the application of Title IX and its operating regulations should be referred to the School's Title IX Coordinator<sup>2</sup>, the Assistant Secretary for Civil Rights of the Office of Civil Rights<sup>3</sup>, or both.

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

<sup>2</sup> The School's Title IX Coordinator is Christine Szaj. Her e-mail address is [christine.szaj@mitchellhamline.edu](mailto:christine.szaj@mitchellhamline.edu) and her office address is 875 Summit Ave., St. Paul, MN 55105.

<sup>3</sup> The Assistant Secretary for Civil Rights of the Office of Civil Rights of the Department of Education is Catherine E. Lhamon.

## II. Scope and Applicability

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

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

Complainant	Respondent	Applicable Policy
Student	Student <sup>4</sup>	Sex Discrimination and Sexual Misconduct Policy (Student Respondent)
Employee or Third Party	Student	Sex Discrimination and Sexual Misconduct Policy (Student Respondent)
Employee or Third Party	Employee or Third Party	Sex Discrimination and Sexual Misconduct Policy (Employee or Third-Party Respondent)
Student	Employee or Third Party	Sex Discrimination and Sexual Misconduct Policy (Employee or Third-Party Respondent)

## III. Definitions

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

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

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

1. An employee of the School conditioning the provision of an aid, benefit, or service of the School on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School's education program or activity; or
3. Any of the following crimes:
  - a. **Sexual Assault:**
    - (1) **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
    - (2) **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
    - (3) **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - (4) **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.
  - b. **Dating Violence** means violence committed by a person
    - (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim and
    - (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
      - (a) The length of the relationship,
      - (b) The type of relationship, and
      - (c) The frequency of interaction between the persons involved in the relationship.
  - c. **Domestic Violence** means felony or misdemeanor crimes of violence committed by:
    - (1) a current or former spouse or intimate partner of the victim,
    - (2) a person with whom the victim shares a child in common,
    - (3) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
    - (4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of Minnesota, or
    - (5) any other person against an adult or youth victim who is protected from that person's acts under Minnesota's domestic or family violence laws.
  - d. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- (1) fear for their or her safety or the safety of others; or
- (2) suffer substantial emotional distress.

**B. Consent** is defined by Minnesota law (Minn. Stat. § 609.341, subd. 4) and means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the Complainant or that the Complainant failed to resist a particular sexual act. A person who is mentally incapacitated or physically helpless as defined by this section cannot consent to a sexual act. Corroboration of the victim's testimony is not required to show lack of consent. Under Minnesota law, **“mentally incapacitated”** means that a person under the influence of alcohol, a narcotic, anesthetic, or any other substance, administered to that person without the person's agreement, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration.

**C. Complainant** means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment. While a Title IX Coordinator can, in certain circumstances, sign a Formal Complaint, doing so does not make the Title IX Coordinator the Complainant.

**D. Respondent** means the person who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

**E. Formal Complaint** means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the School investigate the allegation of Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in an Education Program or Activity of the School. As described below, a Formal Complaint may be filed with the Title IX Coordinator or another person designated under this Policy in person, by mail, or by electronic mail, using the contact information listed in this Policy. As used in this definition, **“document filed by a Complainant”** means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the School) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party.

**F. Employee**, for the purposes of this Policy, means all non-Student employees of the School<sup>5</sup>, including faculty, staff, adjuncts, and administrators.

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

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



**H. Student**, for the purposes of this Policy, means all students at the School, except for full-time Employees of the School who are also taking classes at the School (for the purposes of this Policy, those individuals are considered Employees). The term “Student” otherwise includes all individuals taking classes at the School, including all degree and non-degree Students.

**I. Campus** means

1. Any building or property owned or controlled by the School within the same reasonably contiguous geographic area of the School and used by the School in direct support of, or in a manner related to, the School’s educational purposes and
2. Property within the same reasonably contiguous geographic area of the School that is owned by the School but controlled by another person, is used by Students, and supports School purposes.

**J. Non-Campus Building or Property** means

1. Any building or property owned or controlled by a student organization recognized by the School and
2. Any building or property (other than a branch campus) owned or controlled by the School that is used in direct support of, or in relation to, the School’s educational purposes, is used by Students, and is not within the same reasonably contiguous geographic area of the School.

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

**L. Education Program or Activity** includes locations, events, or circumstances over which the School exercised substantial control over both the Respondent and the context in which the Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the School. This definition includes both education and employment activities within the United States.

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

**N. Title IX Coordinator** means the person who is primarily responsible for addressing issues of gender-based Discrimination and/or Sexual Harassment, including coordinating the School’s efforts to comply with its obligations under Title IX and its governing regulations. This includes coordination of training, education, communications, and the effective implementation of Supportive Measures and administration of the Complaint procedures for the handling of

suspected or alleged violations of this Policy. In certain circumstances, the Title IX Coordinator may delegate some responsibilities to their Deputy Title IX Coordinators.

**O. Deputy Title IX Coordinators** means the persons, in addition to the Title IX Coordinator, responsible for reports and Formal Complaints regarding conduct that occurred against a Student and/or Employee, regardless of the perpetrator of that conduct.<sup>6</sup> In certain circumstances, the Title IX Coordinator may delegate some of their responsibilities to their Deputy Title IX Coordinators.

**P. Actual Knowledge** means notice of Sexual Harassment or allegations of Sexual Harassment to the School's Title IX Coordinator or any other official of the School who has authority to institute corrective measures on behalf of the School, i.e., the Campus Authorities. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the School with actual knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a Student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the School. As used in this definition, "**Notice**" includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator.

**Q. A Deliberately Indifferent** response to a School's Actual Knowledge of Sexual Harassment in an Education Program or Activity only occurs if the School's response to Sexual Harassment is clearly unreasonable in light of the known circumstances.

**R. Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant before after the filing of a Formal Complaint (or when no Formal Complaint is ever filed) or to a Respondent when applicable. Such measures are designed to restore or preserve equal access to the School's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School's educational environment, or deter Sexual Harassment.

## IV. Reporting Sexual Harassment

### A. Making Reports

Any person may report an incident of Sexual Harassment, including Sexual Assault, Stalking, Dating Violence, and Domestic Violence, whether or not the reporting person is the person alleged to be the victim of the Sexual Harassment. As addressed more below, when the School has Actual Knowledge of Sexual Harassment in an Education Program or Activity of the School

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<sup>6</sup> When the Respondent or Complainant is an Employee, the Director of Human Resources will typically serve as the Deputy Title IX Coordinator.

against a person in the United States, the School will act promptly in a manner that is not deliberately indifferent.

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

Christine Szaj, 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<sup>7</sup>, Deputy Title IX Coordinator  
875 Summit Ave, St. Paul, MN 55105  
651-290-6322

Jill Bryant, Vice Dean of Administration  
875 Summit Ave, St. Paul, MN 55105  
651-290-7526  
[jill.bryant@mitchellhamline.edu](mailto:jill.bryant@mitchellhamline.edu)

Jim Hilbert, Interim President and Dean  
875 Summit Ave, St. Paul, MN 55105  
651-290-7510  
[jim.hilbert@mitchellhamline.edu](mailto:jim.hilbert@mitchellhamline.edu)

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

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

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<sup>7</sup>The Director of Human Resources will typically serve as the Deputy Title IX Coordinator in situations when an Employee is either the Respondent or the Complainant.

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

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

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

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

## B. Anonymous Complaints

Reports of Sexual Harassment can be made online via the [Sexual Misconduct/Sexual Harassment Reporting Form](#). Reports may be made anonymously<sup>8</sup>; however, the reporter is encouraged to provide as much information as possible. All reports will be forwarded to the Title IX Coordinator.

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

## C. Other Resources

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

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

## D. Formal Complaints

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

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

## E. Prohibition Against False Reports

The willful filing of a false report is a violation of this Policy, as well as the Student Code of Conduct. Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute prohibited retaliation.<sup>9</sup>

## F. Statement on Confidentiality

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

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

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

### A. The School's Initial Communications with the Complainant

#### 1. Offering Supportive Measures

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

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

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

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

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

<sup>10</sup> While this section concerns Supportive Measures offered to a Complainant before the filing of a Formal Complaint, a Respondent may also receive Supportive Measures if a grievance process is commenced and the School will maintain as confidential any Supportive Measures provided to the Respondent, as well, to the extent

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

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

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

## 2. The Importance of Preserving Evidence

Regardless of whether a Complainant decides to file a Formal Complaint, they will be notified of the importance of preserving evidence as may be necessary to the proof of criminal Domestic Violence, Dating Violence, Sexual Assault, or Stalking, or in obtaining a protective order.

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

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

## 4. Explain How to File a Formal Complaint.

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

## B. The School's Right to Emergency Removal

Regardless of whether a Formal Complaint is filed, the School retains the right to remove a Respondent from the School's Education Program or Activity on an emergency basis, provided that the School undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

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that maintaining such confidentiality would not impair the ability of the School to provide the Supportive Measures.

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

## VI. Notice of the Filing of a Formal Complaint

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

- Notice of the School's grievance process, including any informal resolution process;
- Notice of the allegations potentially constituting Sexual Harassment, including sufficient details<sup>12</sup> known at the time and with sufficient time to prepare a response before any initial interview;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Notice to the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;
- Notice to the parties that they may inspect and review evidence; and
- Any provision in the School's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

## VII. Dismissal of a Formal Complaint

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

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

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

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

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein,

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

- The Respondent is no longer enrolled or employed by the School, or
- Specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

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

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

## VIII. Consolidation of Formal Complaints

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

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

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

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

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

### A. General Overview of the Grievance Process

#### 1. Formal and Informal Processes

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

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



## 2. Training of Individuals Participating in the Grievance Processes

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

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

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

## 3. The School May Put an Employee Respondent on Leave During a Resolution Process

If the School engages in either a Formal or Informal Resolution Process of a Complaint of Sexual Harassment in which an Employee is the Respondent, the School retains the right to place a non-student Employee Respondent on administrative leave during the pendency of the grievance process.

## B. Formal Resolution Process

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

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

## 1. Timeframe for Typical Formal Resolution Process

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

## 2. Standard of Evidence

Whether a particular action or incident constitutes a violation of this Policy requires a determination based on all the facts and surrounding circumstances using a preponderance of the evidence standard to evaluate Formal Complaints.

## 3. Investigation of Formal Complaint

### a. Burden of Proof

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

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

### b. Gathering Evidence

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

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

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

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

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

**c. The Party's Advisors**

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

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

**d. The Parties' Right to Review Evidence**

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

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

**4. Investigative Report**

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

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

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

After the School has sent the Investigative Report to the parties and before reaching a Determination Regarding Responsibility, the decision-maker must afford each party the

opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with answers, and allow for additional, limited follow-up questions from each party. Typically, this request will be made before the hearing.

## 5. Hearings

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

### **a. The Hearings Will Be Live**

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

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

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

### **b. The Hearings Will Be Recorded**

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

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

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

While a party always has the right to decide when to repeat a description of an incident, if a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witnesses' absence from the live hearing or refusal to answer cross-examination or other questions. For example, the decision-makers may not make any decisions about a party's credibility based solely on their decision not to participate in a hearing or submit to cross-examination.

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

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

#### **e. Evidence Must Be Relevant**

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

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

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

### **6. Determination Regarding Responsibility**

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

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

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

The written determination will be provided to each party simultaneously.

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

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

## 7. Appeals

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

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

The appeal should be filed in writing, either electronically or by mail, with the Title IX Coordinator within 5 business days of the parties being notified of the results of the investigation. If the appeal is sent by mail, it must be postmarked within 5 business days of the parties being notified of the results of the investigation. If the appeal is sent by mail, it must be postmarked within 5 business days of the parties being notified of the results of the investigation. The appeal should set forth the grounds on which the appeal is being filed and all of the facts and arguments in support of the appeal.

If an appeal is filed, the School will:

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

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

An appeal will typically be resolved within 10 business days of filing. The timeline may be extended if necessary, including a temporary delay or the limited extension of time for good

cause.<sup>16</sup> The parties will be notified in writing of any extension of the timeframe and the reasons for such extension.

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

## 8. Implementation of Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies. In accordance with applicable law, the School reserves the right to issue, among others, any of the following sanctions in any order in these circumstances depending on the facts:

- No-contact directive
- Restriction of privileges
- Probation
- Written Warning
- Suspension
- Termination
- Discontinuation of relationship or association (in the case of a Third Party)

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

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

## C. Informal Resolution Process of a Formal Complaint

Unless it is alleged that an Employee engaged in Sexual Harassment against a Student, then, at any time prior to reaching a determination regarding responsibility for conduct alleged via a Formal Complaint, the School may facilitate an Informal Resolution process that does not involve the full investigation and adjudication of the Formal Resolution process detailed above.

### 1. Informal Resolution Cannot Be Used in Incidents Where the Respondent is an Employee and the Complainant is a Student

If a Formal Complaint alleges that an Employee engaged in Sexual Harassment against a Student, the Informal Resolution process cannot be used.

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<sup>16</sup> "Good cause" may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

## 2. Consent by the Parties

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

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

## 3. Typical Timeframe of the Informal Resolution Process

Generally, an Informal Resolution process will be completed within 60 calendar days from receipt of a Formal Complaint. This timeline may be extended if necessary, including a temporary delay or the limited extension of time for good cause.<sup>17</sup>

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

## 4. Notice to the Parties

The School must provide the parties with written notice disclosing:

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

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

## X. Prohibition of Retaliation

Neither the School nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or its operating regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Intimidation, threats, coercion, or discrimination, including

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<sup>17</sup> “Good cause” may include, but is not limited to, considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.



charges against an individual for Code of Conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, constitutes retaliation. Any complaint alleging retaliation may be filed according to this Policy.<sup>18</sup>

## **XI. Waiver of Drug/Alcohol Violations**

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

## **XII. Cooperation with Law Enforcement**

The School has entered into a memorandum of understanding with the St. Paul Police Department, which delineates responsibilities and requires information sharing, in accordance with applicable privacy law, about certain crimes, including but not limited to Sexual Assault.

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

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

The School will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the Complainant and the Campus community and the avoidance of retaliation.

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

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<sup>18</sup> The exercise of rights protected under the First Amendment does not constitute prohibited retaliation under this Policy.

### XIII. Alternative Complaint Procedures

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

The OCR office for Minnesota is located at:  
U.S. Department of Education Office for Civil Rights Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661-4544  
Tel: 312-730-1560  
TDD: 877-521-2172  
Email: [OCR.Chicago@ed.gov](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.

### XIV. School Reporting Obligations

Under the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), the School has a legal duty to track and publish information about certain types of crimes, including but not limited to Sexual Assault, Domestic Violence, Dating Violence, and Stalking. The School will collect, prepare, publish, and distribute, through appropriate publications or mailings, to all current Students and Employees, and to any applicant for enrollment or employment upon request, an annual security report containing, among other things, information relating to the Campus crime statistics of the School and statistics concerning the occurrence on Campus, in or on Non-Campus Buildings or Property, and on Public Property, all criminal offenses reported to Campus Authorities or local authorities related, among other things, to Dating Violence, Domestic Violence, Sexual Assault, and

Stalking. The School will not disclose the Complainant's name or other personally identifiable information in its report.

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

The School also must issue timely warnings to Students and Employees for certain types of incidents reported to them that pose a substantial threat of bodily harm or danger to members of the School community. The School will make every effort to ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

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

Pursuant to the Clery Act, the School has implemented education programs to promote the awareness of Rape, acquaintance rape, Domestic Violence, Dating Violence, Sexual Assault, and Stalking. These education programs include primary prevention and awareness programs for all incoming Students and Employees. In these programs, participants will:

- Be provided a statement that the School prohibits the offenses of Domestic Violence, Dating Violence, Sexual Assault, and Stalking;
- Receive the definitions of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Consent, as set forth under Minnesota law;
- Learn safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of Domestic Violence, Dating Violence, Sexual Assault, or Stalking against a person other than such individual;
- Receive information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- Learn about possible sanctions or protective measures that the School may impose following a decision on responsibility of an incident of Rape, acquaintance rape, Domestic Violence, Dating Violence, Sexual Assault, or Stalking;
- Learn about procedures victims of a sex offense, Domestic Violence, Dating Violence, Sexual Assault, or Stalking should follow, including information about:
  - The importance of preserving evidence as may be necessary to the proof of criminal Domestic Violence, Dating Violence, Sexual Assault, or Stalking, or in obtaining a protection order;
  - To whom the alleged offense should be reported;
  - Options regarding law enforcement and Campus Security, including notification of the victim's option to:
    - Notify proper law enforcement authorities, including Campus Security and local police,

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

The School also offers ongoing prevention and awareness campaigns for Students and Employees and will provide attendees with, at minimum, the same information listed above. These campaign programs occur on a regular basis and no less frequently than once per year.

## Appendix A. Resources and Contact Information

### Confidential School Resources:

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

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

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

### Community/External Resources:

#### [St Paul Police](#)

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

Non-Emergency Number:

651-291-1111

#### [Casa de Esperanza](#)

St. Paul, MN

651-772-1611

24-hour Bilingual (English and Spanish) helpline

#### [Day One Services](#)

1-866-223-1111

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

#### [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

651-241-8755

333 North Smith Avenue

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, or Stalking—whether the offense occurred on or off Campus—shall be provided with a written explanation of their rights and options. These include the rights and options to:

- Be treated with dignity by Campus Authorities, including the right to be free from suggestions by Campus Authorities that the Complainant is at fault for the alleged crimes or violations that occurred or that the Complainant should have acted in a different manner to avoid such an incident;
- Learn about possible sanctions or protective measures that the School may impose following a decision on responsibility of a School grievance process regarding Rape, acquaintance rape, Domestic Violence, Dating Violence, Sexual Assault, or Stalking;
- Learn about procedures victims should follow if a sex offense, Domestic Violence, Dating Violence, Sexual Assault, or Stalking has occurred, including information about:
  - The importance of preserving evidence as may be necessary to the proof of criminal Domestic Violence, Dating Violence, Sexual Assault, or Stalking, or in obtaining a protection order;
  - To whom the alleged offense should be reported;
  - Options regarding law enforcement and campus authorities, including notification of the Complainant's option to:
    - Notify and/or file charges with proper law enforcement authorities, including Campus Security and local police,
    - Be assisted by Campus Security in notifying and/or filing charges with law enforcement authorities if the Complainant so chooses, and
    - Decline to notify such authorities
  - Where applicable, the rights of victims and the School's responsibilities regarding orders for protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.
- Be provided complete and prompt assistance of Campus Authorities, at the direction of law enforcement authorities, to obtain, secure, and maintain evidence in connection with a Sexual Assault incident. This also includes Campus Authorities' assistance in preserving for a Sexual Assault Complainant materials relevant to a School grievance process.
- Learn procedures for School grievance processes in cases of alleged Domestic Violence, Dating Violence, Sexual Assault, or Stalking, including the fact that
  - the proceedings shall:

- Provide a prompt, fair, and impartial investigation and resolution and
- Be conducted by officials who receive annual training on the issues related to Domestic Violence, Dating Violence, Sexual Assault, and Stalking and how to conduct an investigation and hearing process that protects the safety of the parties and promotes accountability.
- In the proceedings, the Complainant and Respondent may have an advisor of their choice, who may be, but is not required to be, an attorney present during the grievance process; and
- In the proceedings, the Complainant and Respondent shall be simultaneously informed, in writing, of—the outcome of any School grievance process that arises from an allegation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking; the School's procedures for the Complainant and Respondent to appeal the results of the School determination of responsibility; any change to the results that occurs prior to the time that such results become final; and when such results become final.
- The School's proceedings will forbid retaliation and establish a process for addressing complaints of retaliation.
- Be ensured that the Complainant may decide when to repeat a description of the incident of Sexual Assault;
- Obtain information about how the School will endeavor to protect the confidentiality of parties, including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law;
- Receive written notification about existing fair and respectful counseling, health, mental health, victim and sexual assault advocacy, free legal resources and assistance, and other services available for victims both on-campus and in the community.
- Receive written notification about options for, and available assistance in, changing academic, transportation, and working situations, if so requested by the Complainant and if such accommodations are reasonably available, regardless of whether the Complainant chooses to report the crime to campus police or local law enforcement.
- If the Complainant chooses to transfer to another postsecondary education and if the Complainant so chooses, the School will provide the Complainant with information about resources for victims of sexual assault at the institution to which the Complainant is transferring.
- Consistent with laws governing access to student records, a Student Complainant or other Student who reported an incident of Sexual Assault will be provided with access to the Student's description of the incident as it was reported to the School, including if that student transfers to another postsecondary School.



- A Complainant may also have rights under the Crime Victims Bill of Rights, including the right to assistance from the Crime Victims Reparations Board and the Commissioner of Public Safety. For example, victims of Domestic Violence, Sexual Assault, and Stalking have the right to:
  - Be informed by the prosecutor of any decision to decline or dismiss a case along with information about seeking an order for protection or harassment restraining order at no cost.
  - Terminate a lease without penalty or payment to escape a violent situation.
  - If a Domestic Violence victim, get a free copy of the incident report the responding law enforcement agency is required to write.
  - If a domestic abuse victim, ask that the prosecutor file a criminal complaint.
  - If a Sexual Assault victim, have a confidential sexual assault exam at no cost and receive notice of rights and resources from the medical facility.
  - If a Sexual Assault victim, refuse a polygraph exam without impacting whether the investigation or prosecution will proceed.

Additional information is available in the Minnesota Crime Victims Bill of Rights.

## Appendix C. A Respondent's Rights & Options

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

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

## Student Complaints

Mitchell Hamline School of Law seeks to provide responsive service and an exceptional student experience. Students who have complaints should contact Dean of Students Lynn LeMoine at [lynn.lemoine@mitchellhamline.edu](mailto:lynn.lemoine@mitchellhamline.edu).

Mitchell Hamline School of Law is registered with the Minnesota Office of Higher Education. Students with a complaint may also wish to contact:

Betsy Talbot  
Minnesota Office of Higher Education  
1450 Energy Park Drive, Suite 350  
Saint Paul, MN 55108  
651-259-3965  
[Betsy.Talbot@state.mn.us](mailto:Betsy.Talbot@state.mn.us)  
[Minnesota Office of Higher Education](https://www.mn.gov/Higher-Education)

### A. Distance Learning Students

Mitchell Hamline School of Law is an approved institutional participant in the National Council for State Authorization Reciprocity Agreements (NC-SARA).



Mitchell Hamline School of Law is authorized to operate in all SARA member states. As a participant in SARA, Mitchell Hamline School of Law follows the [SARA Student Complaint Resolution Process](#) in addressing the complaints of distance education students from SARA member states.

Students with complaints concerning J.D. programs should contact Lynn LeMoine at [lynn.lemoine@mitchellhamline.edu](mailto:lynn.lemoine@mitchellhamline.edu).

Students with complaints concerning Dispute Resolution Institute programs should contact Kitty Atkins at [kitty.atkins@mitchellhamline.edu](mailto:kitty.atkins@mitchellhamline.edu).

Students with complaints concerning Health Law Institute programs should contact Barbara Colombo at [barbara.colombo@mitchellhamline.edu](mailto:barbara.colombo@mitchellhamline.edu).

If you believe further action is necessary, you may contact the Minnesota State Agency entity:

Betsy Talbot  
Minnesota Office of Higher Education  
1450 Energy Park Drive, Suite 350  
Saint Paul, MN 55108  
651-259-3965  
[Betsy.Talbot@state.mn.us](mailto:Betsy.Talbot@state.mn.us)  
[Minnesota Office of Higher Education](#)

Or, you may wish to contact the office of higher education in the state where you live:

[Student Complaint Information by State and Agency](#)

The following state is not a member of SARA. Students who reside in this state may wish to contact the agency below to file a complaint.

#### **California**

California Bureau for Private Postsecondary Education  
PO Box 980818  
W. Sacramento, CA 95798-0818  
[Bureau for Private Post-Secondary Education](#)  
[Student Complaint Form](#)

## **B. Grades and Student Conduct**

Disputes regarding grades and student conduct violations fall outside the SARA complaint process and are governed entirely by the law school's policy and Minnesota law.

## **C. American Bar Association Accreditation**

Many of the policies and procedures in this Catalog are published and crafted in accordance with the American Bar Association's Standards and Rules of Procedure for Approval of Law Schools (see [ABA Standards](#)).

Students who have concerns or complaints regarding a significant problem which directly implicates the law school's program of legal education and/or its compliance with the Standards are encouraged to write to:

Office of the Dean of Students  
Mitchell Hamline School of Law, Suite 119  
875 Summit Avenue  
Saint Paul, MN 55105

The specific problem(s) and the manner in which compliance with the Standards is questioned should be clearly articulated. The Dean of Students will address the issue by convening a meeting of the administrator(s) and/or faculty members with principal responsibility for maintaining compliance with the standard in question. In the event that the administrator with principal responsibility for the standard is the Dean of Students, the question will be referred to the President and Dean.

Students who issue a complaint will receive a response from the institution within 45 days of receipt of the complaint. In the event it is determined that corrective action is required, all necessary steps will be taken as swiftly as possible and, unless the nature of the issue requires a longer timeline, in all cases the corrective action will be taken within one year. A record of complaints, including the resolution of each, will be maintained in the Office of the Dean of Students.

# Student Conduct

## A. General Expectations

As responsible members of the community, Mitchell Hamline School of Law students are expected to maintain the highest ideals of academic, professional, and social conduct. Students are expected to respect the views and personal dignity of other members of the law school community. They are responsible for knowing and abiding by the rules and policies published in the Catalog.

In addition, students are expected to know the standards to which they will be held when they become lawyers. The codes of professional responsibility published by each state's bar association describe these standards. Students should consult these codes for guidance. The Student Code of Conduct at Mitchell Hamline School of Law reflects the standards for professional conduct prescribed by the [Minnesota Board of Law Examiners](#).

## B. Student Code of Conduct

### 1. Statement of Purpose

The Mitchell Hamline School of Law Student Code of Conduct (hereinafter, "the Code") contains the rules that shall govern any student enrolled in courses or programs sponsored or co-sponsored by the law school, and where applicable, any student organization, and the procedures to be followed in administering the rules. These rules state elemental standards of honesty and integrity to the end that graduates of Mitchell Hamline will be academically qualified for the practice of law and possess those character traits necessary to the special trust relationships involved in the practice of law.

### 2. Scope

The Mitchell Hamline Student Code of Conduct is based on the assumption that individual and group responsibility is a part of the educational process. Disciplinary action can help encourage individual responsibility and self-discipline; protect the rights, freedoms, and safety of members of the law school community; and promote respect for the rights of others. Accordingly:

- a. The Code applies to students enrolled in courses or programs sponsored or co-sponsored by the School of Law.
- b. The Code also applies to student groups and organizations at the law school. A student organization may be held responsible under the code if members of the group act in concert to violate law school community standards; a violation arises out of a group-sponsored, -financed, or -endorsed event; a group leader has knowledge of the act or incident before or while it occurs and fails to take

corrective action; a pattern of individual violations is found to have existed without proper or appropriate group control, remedy, or sanction; members of the group cover up or fail to report improper conduct to the appropriate law school officials.

- c. The Code applies to all conduct (academic and other) that relates to an individual's status as a student of the law school. However, the Code is not an exclusive remedy for criminal or tortious acts.
- d. Investigations may be initiated or continued after a student has graduated, or after the student has completed the course or program, if the conduct at issue occurred while the individual was enrolled in the law school or in a program sponsored or co-sponsored by the law school. If a matter is pending when a student is scheduled to graduate, the student's degree may be withheld until the matter is resolved.
- e. The law school may take action for conduct that occurs on school premises or at school sponsored (or co-sponsored) events, whether held on or off campus, or in any other setting whether or not related to school activities.

All complaints of sexual harassment, harassment and discrimination, and sexual violence are subject to the provisions of the law school's Title IX Policy.

### 3. Definitions

**3.1 "Complainant"** means any person who initiates a disciplinary proceeding under the Student Code of Conduct by serving upon the Dean a signed, written complaint.

**3.2 "Dean"** means the Dean and President, or any person designated by the Dean to perform the acts required under the Student Code of Conduct.

**3.3 "Plagiarism"** means the act of using words and ideas that are not one's own and representing them as one's own without proper attribution or credit. The use of another person or an artificial intelligence content-generator's words or ideas must be given adequate documentation whether used in direct quotation or in summary or paraphrase. Plagiarism includes, but is not limited to, submitting the work of another or a content-generator as one's own whether intentional or not.

**3.4 "Respondent"** means any student alleged to have committed a violation of the Student Code of Conduct.

**3.5 "Service" or "Serve"** means to provide a written notice or any other document by personal service, email notification, or by certified mail with a request for a return receipt. Notice by email is effective on the date sent and certified mail is effective on the date of mailing unless otherwise specified. Personal service upon the Dean may also be accomplished by delivery to any law school employee in the Dean's suite.

**3.6 “Student”** means any person enrolled in courses or programs sponsored or co-sponsored by the law school, and where applicable, any student organization.

## **4. Prohibited Conduct**

### **4.1 Unlawful conduct**

A student must not commit any criminal offense that implicates the student’s character or fitness to practice law

### **4.2 Academic misconduct**

A student must not engage in academic misconduct, including, but not limited to, cheating, plagiarizing, violating instructions, falsifying information, representing as original one’s own work written for other purposes, or engaging in conduct that tends to give an unfair advantage to any student in any academic matter. This prohibition applies to all course work, examinations, independent study projects, research projects for instructors, and academically related activities including law review/journals and competitions. This rule is subject to specific instructions by a faculty member or supervisor of the particular activity in question. A student with knowledge of any violations of this section should report the violation promptly.

A plagiarism violation under the Student Code of Conduct will be treated separately from the discipline a student may receive from a professor teaching a course in which the violation occurred.

### **4.3 Honesty and integrity**

A student must not engage in conduct involving dishonesty, fraud, deceit, or intentional misrepresentation if such conduct raises a substantial question as to that student’s character and fitness for admission to the practice of law. Such conduct includes, but is not limited to, making false statements to faculty, staff, or potential or actual employers relating to schoolwork; misrepresenting academic or personal achievement to faculty, staff, or potential or actual employers; or intentionally failing to correct false, inaccurate, or incomplete information previously submitted to the law school.

### **4.4 Concerning Pattern of Behavior or Conduct**

A student must not exhibit a pattern of behavior or pattern of conduct that raises significant concerns about the student’s character or fitness for admission to practice law. Such pattern may include multiple violations of laws or regulations. The code incorporates by reference the character and fitness standards of the Minnesota Board of Law Examiners.

### **4.5 Professional and Social Misconduct**

All students, whether engaged in on-campus, offsite, or online or blended classes are expected to maintain a positive learning environment by refraining from behavior that impedes or otherwise negatively impacts other students as described in the following three subsections:



- **4.5.1 Person and property of others**

A student must not behave in a manner that threatens the safety or property of others. A student must not assault, harass, or otherwise attempt to intimidate any faculty member, staff member, or student, whether in person or with the use of technology. A student must not purposely damage, or knowingly take, the property of any other person without the person's consent.

- **4.5.2 Classroom conduct**

Students must not engage in conduct that substantially and materially disrupts a class or the work of students, staff, or faculty. This rule applies to on-campus, offsite, and online and blended courses.

- **4.5.3 Library rules**

Students must follow all library rules published on the library website or otherwise publicly promulgated. A violation of the [Library's Behavior Policy](#) is a violation of this Student Conduct Code.

#### **4.6 Other law school rules**

From time to time, the law school may issue specific or general rules. When these rules are announced on the law school website, or otherwise widely published, they become binding on all students. A violation of any such rule may be considered a violation of the Student Code of Conduct if such violation implicates the student's character or fitness to practice law.

### **5. Sanctions**

A violation of the Student Code of Conduct may result in expulsion or suspension from the law school, dismissal from one or more classes, restitution, or any other appropriate penalty. A violation by a student organization may result in loss of funding and sponsorship from the law school. The application of any penalty shall depend upon the seriousness of the offense and the presence or absence of mitigating factors. Execution of the penalty may be stayed pending successful completion of specified conditions of a probationary period.

### **6. Rules for Disciplinary Proceeding**

#### **6.1 Initiation of Disciplinary Proceeding**

Any person may initiate a disciplinary proceeding under these rules by sending the Dean, by email, a signed, written complaint. In the complaint, the Complainant shall state the essential facts alleged to constitute a violation of the Code, including (a) the name of the student alleged to have committed the violation (the "Respondent"), (b) the specific allegation(s), and (c) the factual basis for the allegation(s). Upon receipt and review of the complaint, the Dean or a person designated by the Dean (the "Dean's designee") shall either:

a. dismiss the complaint for failure to allege a prima facie violation of the Student Code of Conduct and notify the Complainant of the dismissal and the reason for the dismissal,

OR

b. send the Respondent, by email, a copy of the complaint and a copy of the Student Code of Conduct, and forward the complaint to an investigator assigned by the Dean or the Dean's designee. The investigator must be a person other than the Dean or the Dean's designee. The investigator will investigate the allegation(s) in the complaint and provide the Respondent with a time and place for a meeting with the investigator.

### **6.2 Summary Suspension and/or No-Contact Order**

At any time after receipt and review of a complaint that a student has violated the Student Code of Conduct, the Dean or the Dean's designee may order that the student be temporarily suspended from the school if the allegation against the student is sufficiently serious that it gives rise to a reasonable belief that, given the academic and/or campus environment, immediate separation is required (a) to address a significant risk to the safety of a student, faculty member, or staff member, or to their property or school property, or (b) to stop ongoing harassment or intimidation of a student, faculty member, or staff member.

The Dean or the Dean's designee may also or instead issue a temporary "no-contact" order to the student, ordering the student to have no contact (written, oral, electronic, and/or in-person) with a party who has been the target of the conduct at issue. Breach of the suspension and/or no-contact order can result in additional Student Code of Conduct charges.

The Dean or the Dean's designee may lift the suspension and/or no-contact order when there are no longer grounds for the reasonable belief that a separation and/or no-contact order is necessary (a) to address a significant risk to the safety of a student, faculty member, or staff member, or to their property or school property, or (b) to stop harassment or intimidation of a student, faculty member, or staff member.

### **6.3 Investigation**

Within 14 calendar days after the Respondent is sent a copy of the complaint, the investigator must complete an investigation of the allegation(s) in the complaint. The investigation must include a meeting with the Respondent, unless Respondent refuses to, or otherwise will not, attend. The investigation may include interviews and/or review of documentary evidence or any other information that the investigator deems relevant to the investigation. The Dean or the Dean's designee may extend the length of the investigation for good cause.

#### **6.4 Submission of Investigator's Report**

Upon completion of the investigation, the investigator will submit, by email, a written report on the complaint to the Respondent and to the Dean or the Dean's designee. The investigator's report will include findings of fact based on the investigation. In the report, the investigator will render an opinion as to whether the Respondent has violated one or more specified provisions of the Student Code of Conduct.

#### **6.5 Response by the Respondent to the Investigator's Report**

If the Respondent chooses to respond to the investigator's written report, the Respondent shall submit the written response, by email, to the Dean or the Dean's designee within 7 calendar days of the submission of the investigator's written report to the Respondent. The Dean or the Dean's designee may extend this deadline for good cause.

#### **6.6 Dean's or Dean's Designee's Adjudication and Determination**

The Dean or the Dean's designee will determine within 14 calendar days of the receipt of the investigator's written report whether there is clear and convincing evidence that the Respondent has violated the Student Code of Conduct. In making that determination, the Dean or the Dean's designee will consider the investigator's report and the Respondent's written response, if any, to the investigator's report. The Dean or the Dean's designee may extend this deadline for good cause.

- a. If the Dean or the Dean's designee determines that there is not clear and convincing evidence of a Student Code of Conduct violation, the Dean or the Dean's designee will dismiss the complaint and notify the Respondent and the Complainant of the dismissal.
- b. If the Dean or the Dean's designee determines that there is clear and convincing evidence that the Respondent violated the Student Code of Conduct, the Dean or the Dean's designee may either:
  - i. enter into a voluntary resolution of the complaint with the Respondent, which resolution shall be in writing and shall include the provision(s) of the Student Code of Conduct that the Dean or the Dean's designee has determined that the Respondent violated; the facts establishing the violation(s); and the sanction(s) on which the Respondent and the Dean or the Dean's designee have agreed. The Dean or the Dean's designee shall send the Respondent, by email, a copy of the written, voluntary resolution.

OR

- ii. prepare a written determination that includes the provision(s) of the Student Code of Conduct that the Dean or the Dean's designee has

determined that the student violated and the facts establishing the violation(s), and that imposes on the Respondent a sanction or sanctions authorized by the Code of Conduct. The Dean or the Dean's designee shall send the Respondent, by email, a copy of the written determination and a notice of the Respondent's right to appeal. The notice shall contain the names of the Chairperson and the student, faculty, and staff members of the Academic and Student Affairs Committee.

### **6.7 Confidentiality**

Although the Administration cannot guarantee absolute confidentiality, attempts will be made to keep the allegations on a need-to-know basis. Only those with a demonstrated "need to know" (e.g., the Dean, the Dean's designee, the investigator, and any witnesses) shall be privy to any allegation filed.

## **7. Appeals**

The Respondent may appeal from any adverse determination made under Section 6.6.b.ii by sending the Dean or the Dean's designee, by email, written notice of appeal within 10 calendar days after the Respondent has been sent notice of the Dean's or the Dean's designee's determination. The Dean or the Dean's designee may extend this deadline for good cause. The Dean or the Dean's designee shall promptly send the Chairperson of the Academic and Student Affairs Committee, by email, a copy of the notice of appeal.

### **7.1 Stay of Disciplinary Action**

The sending of a notice of appeal shall stay disciplinary action unless the Chairperson of the Code Committee or the Chairperson of the Academic and Student Affairs Committee determines that the safety of persons or property would be jeopardized by a stay and so notifies the Respondent and the Dean or the Dean's designee in writing, by email

### **7.2 Notice of Appeal Hearing**

If the Respondent appeals, the Chairperson of the Academic and Student Affairs Committee shall, within 7 calendar days of the sending of the notice of appeal and at least 10 calendar days prior to the date set for the hearing, send the Respondent and the Dean or the Dean's designee, by email, notice of the time and place for the appeal hearing, and notice of the names of the members of the Code Committee who will hear the appeal. The Chairperson of the Academic and Student Affairs Committee may extend this deadline for good cause.

### **7.3 Scope of Review**

The Code Committee shall examine the record for clear and convincing evidence of the violation. In doing so, the committee may, in its discretion, hear any new or additional evidence submitted by students, the Dean and/or the Dean's designee, or any other

person. In addition, the committee on its own motion may invite persons to submit evidence. If the committee finds that the violation has not been established by clear and convincing evidence the committee shall dismiss the complaint. If the committee believes that a violation has been established by clear and convincing evidence, it will examine the sanction imposed by the Dean or the Dean's designee to determine whether it is appropriate. If the committee finds that the sanction imposed is not appropriate, the committee may assess any less or more severe penalty authorized by the Student Code of Conduct.

#### **7.4 Finality of Committee's Decision**

The decision of the Code Committee shall be final and not subject to reconsideration, except on the grounds of newly-discovered evidence. Request for reconsideration must be sent, by email, to the Chairperson of the Code Committee within 30 calendar days from the date of its decision. The Chairperson of the Code Committee may extend this deadline for good cause. The Chairperson shall determine whether to grant the request. If the request is granted the committee shall hold an additional hearing. It shall give notice of the hearing as prescribed by these rules for the initial hearing. The hearing shall proceed in accordance with the rules governing initial hearings.

#### **7.5 Majority Vote**

Unless otherwise specified all actions of the Code Committee shall be by vote of a majority

#### **7.6 Appeal Hearing Procedures**

- **Hearing Format.** Hearings may be held in person, or via telephone or video meeting.
- **Composition of Code Committee.** The full, five-member Code Committee shall hear the appeal. The Code Committee shall consist of the Chairperson of the Academic and Student Affairs Committee, who will also serve as Chairperson of the Code Committee; two of the faculty members appointed by the Dean to serve on the Academic and Student Affairs Committee; and two students appointed by the President of the Student Bar Association to serve on the Academic and Student Affairs Committee. If the Chairperson of the Academic and Student Affairs Committee is unable or unwilling to serve as the Chairperson of the Code Committee for an appeal, the Chairperson of the Academic and Student Affairs Committee shall name any willing and able faculty member to serve as Chairperson of the Code Committee. If any other faculty member of the Academic and Student Affairs Committee is unable or unwilling to serve as a member of the Code Committee for an appeal, the Chairperson of the Code Committee shall name any willing and able faculty member as a replacement. If any student member of the Academic and Student Affairs Committee is unable or unwilling to serve as a member of the Code Committee for an appeal, the

President of the Student Bar Association shall name any willing and able student as a replacement.

- **Objections.** Once the Chairperson of the Academic and Student Affairs Committee has sent notice to the Respondent and the Dean or the Dean's designee of the names of the members of the Code Committee who will hear an appeal, the Respondent will have 5 calendar days to send the Chairperson of the Code Committee, by email, an objection for good cause to the participation in the hearing of any members of the Code Committee. The Chairperson of the Code Committee may extend this deadline for good cause. If the Chairperson of the Code Committee sustains an objection to a faculty member, the Chairperson shall appoint a substitute faculty member. If the Chairperson sustains an objection to a student member, the Chairperson shall ask the President of the Student Bar Association to appoint a substitute student member. Once the Chairperson of the Code Committee for a given appeal has sent the Respondent and the Dean or the Dean's designee, by email, notice of the names of the substitute member(s), the Respondent will have 5 calendar days to object for good cause to the participation in the hearing of any substitute member. The Chairperson of the Code Committee may extend this deadline for good cause. The objection and replacement process will continue until the Respondent no longer objects, or until the Chairperson of the Code Committee determines that the Respondent does not have good cause for objection to the participation in the hearing of any member of the Code Committee, whichever occurs first. The Chairperson of the Code Committee is the final authority on what constitutes good cause.
- **Open Hearing.** The hearing shall be closed to the public unless the Respondent requests that it be open. However, at the request of the Chairperson of the Code Committee, the Dean of Students may attend any hearing, and may be present in person while the Code Committee deliberates, in order to aid the Code Committee in assessing the feasibility of appropriate sanctions and/or remedial measures.
  1. **Record.** A verbatim record of the hearing shall be made through transcription or by electronic recording. A transcript or tape recording shall be furnished to the Respondent upon request to the Chairperson of the Code Committee within 5 calendar days after the hearing. The Chairperson of the Code Committee may extend this deadline for good cause.
  2. **Representation.** The Respondent may represent the Respondent at the hearing or may be represented by a person of the Respondent's choice, at Respondent's expense. References hereafter to the Respondent shall include the Respondent's representative.
  3. **Evidence.** Any oral or documentary evidence may be received by the committee, but the findings of the committee must be based on reliable evidence. The Chairperson of the committee may prohibit the introduction of irrelevant or unduly repetitious evidence, or unreliable information.

4. **Order of Hearing:**

1. **Opening Statements.** The Dean or the Dean's designee and then the Respondent shall state the issues upon appeal and the contentions of each.
2. **Presentation of Evidence.** The Dean or the Dean's designee shall proceed first with the presentation of evidence, followed by the Respondent.
3. **Questioning.** A witness may be questioned by the Dean or the Dean's designee, by the Respondent, or by members of the committee.
4. **Rebuttal.** Following the presentation of evidence by the Respondent, the Dean or the Dean's designee may offer evidence in rebuttal. The Respondent may then offer evidence in surrebuttal.
5. **Closing Statements.** After all the evidence has been presented, closing statements may be made by the Dean or the Dean's designee and then by the Respondent.
6. **Continuance.** If the Dean, the Dean's designee, or the Respondent asserts surprise by any evidence presented, the Chairperson may grant a reasonable continuance in order to enable the surprised party to obtain evidence to meet the surprise.
7. **Reopening.** In the interest of justice, the Chairperson of the committee may permit either the Respondent or the Dean or the Dean's designee to offer rebuttal evidence or to reopen that person's case-in-chief.

**7.7 Decision of the Committee**

The committee shall make its decision within 10 calendar days of the hearing. The Chairperson of the Code Committee may extend this deadline for good cause. The decision shall be in writing and shall state the determinations of the committee. The Chairperson shall send the Dean or the Dean's designee and the Respondent, by email, a copy of the decision. Any disciplinary penalty approved by the committee shall go into effect upon the sending of the notice to the Respondent.

**8. Good Standing Letter**

If a student has been charged with a violation of the Student Code of Conduct, but the complaint has been dismissed under Section B.6.1.a, Section B.6.6.a, Section B.6.6.b.i, or Section B.7.3, the Registrar may issue a Good Standing Letter, at the student's request, without including any reference to the complaint.

If the complaint has been voluntarily resolved under Section B.6.6.b.i, or if the Dean has determined that the student is guilty of violating one or more provisions of the Code under Section B.6.6.b.ii, the Good Standing Letter must include a statement that the student has been subject to disciplinary action. However, if the time to file a notice of appeal pursuant to Section B.7, has not yet run, the Registrar will not issue a Good Standing Letter until the time to file a notice of appeal has run and the student has not

filed such a notice, or until the student has notified the Dean that they will not appeal, whichever occurs first.

If the student has timely filed a notice of appeal pursuant to Section B.7, the Registrar will not issue a Good Standing Letter until the appeal has been decided. If, on appeal, the Code Committee determines pursuant to Section B.7.3, that the student is guilty of violating one or more provisions of the Code, the Registrar's Good Standing Letter must include a statement that the student has been subject to disciplinary action.

## 9. Amendments

This Code may be amended only after an open meeting for all students to discuss the proposed amendments.

## 10. Construction

Nothing herein shall be interpreted in a manner inconsistent with the ABA Standards for Approval of Law Schools or any other relevant accreditation standards, as amended from time to time.

## C. Other Policies and Conduct Unbecoming a Law Student

Mitchell Hamline School of Law has promulgated other policies that prescribe expectations for academic, professional, and social conduct. Violations of law school policies that contain a specific procedure for addressing violations will be handled through the prescribed procedure. In particular, students should review the [Non-Discrimination and Non-Harassment Policy](#), the [Bias Incident Policy](#), the [Hate Crimes Policy](#), [Title IX Sexual Harassment Policy \(Student Respondent\)](#), and [Sex Discrimination and Sexual Misconduct Policy \(Student Respondent\)](#), and additional policies found in the [Mitchell Hamline Policies Repository](#).

In addition, while a pattern of behavior or pattern of conduct that raises significant concerns about the student's character or fitness for admission to practice law constitutes a violation the Student Code of Conduct, single instances of conduct unbecoming a law student may be subject to administrative action by the law school without resort to the Student Code of Conduct. Such actions may include but are not limited to:

- **Grade Reduction:** The student's grade in a course may be reduced if the violation occurs during class meeting hours, during examination or other evaluation periods, involves online or in-person communications between students or faculty relating to that course, or occurs in the course of a student's interaction with non-Mitchell Hamline students or faculty when the student is engaged in completing work for that course.
- **Letter of Reprimand:** A letter of reprimand by the Dean or Dean's designee may be placed in the student's file.



- **Bar Notification:** The Dean may notify the bar authorities in the state in which the student applies to be admitted to the bar describing the conduct.
- **Counseling Requirement:** The Dean or Dean's designee may require that a student obtain counseling or evaluation for substance abuse, mental health issues, anger management, or other issues, as a condition to continuing their coursework for the semester.
- **Holds:** A hold may be placed on a student record for failure to comply with certain requirements. A hold may prevent a student registering for an upcoming term, accessing grade information, or obtaining transcripts or other official records.

## Additional Student Policies

Additional law school and student policies can be found in the [Mitchell Hamline Policy Repository](#) linked from this Catalog and on the [Current Student Webpage](#).

# Financial Information

## Financial Aid

### A. Financial Aid Office

The Financial Aid Office administers institutional and outside scholarships, federal and non-federal student loans, federal work-study, VA Benefits, MN GI Bill program, MN Indian Scholarship program, and Department of Rehabilitation Service benefits. The [Mitchell Hamline Financial Aid website](#) provides information including timely announcements. Students communicate with the office by e-mail, mail, and on a walk-in basis. Appointments are available.

Federal Financial aid eligibility is determined annually by the [Free Application for Federal Student Aid](#) (FAFSA). The Mitchell Hamline FAFSA School code is G02391. FAFSA applications are accepted and processed throughout the year. Federal aid includes the federal work-study program and federal student loans.

Financial aid pays for tuition, fees, books, supplies, and budgeted living expenses. Registration minimums for federal eligibility are 6 credits in the fall or spring or 2 credits in the summer semester.

Academic eligibility for federal financial aid is reviewed after each semester (see the Mitchell Hamline School of Law [Financial Aid Satisfactory Academic Progress Policy](#)). Students who do not meet financial aid satisfactory academic standards, which include a 2.2 cumulative GPA (depending on applicable requirement) and/or 60% satisfactory completion of attempted credits, may not be eligible to receive financial aid. Notification of a financial aid eligibility probation, warning or ineligible status can occur at any point in the financial aid cycle. If disbursement has occurred, funds may be withdrawn, and the student billed directly. Disbursement of financial aid items is through student accounts managed by the Finance Office.

### B. Cost-of-Attendance (also known as the student's "budget")

#### 1. Establishing the Cost-of-Attendance

Each year, the Financial Aid Office establishes a modest and adequate cost-of-attendance budget which includes actual tuition and fees charges, and estimates of books, supplies and living expenses. Financial aid budget details can be viewed on the [Financial Aid Office website](#).

The total cost-of-attendance is the maximum amount of financial aid available to the student. The FAFSA federal application process results in an expected family contribution (EFC) number, which is compared to the student's total budgeted cost-of-attendance. The difference between the two numbers is the student's eligibility for "need" based financial aid items. Need based financial aid items will be offered when available. Students will be offered financial aid items equal to the total budgeted cost-of-attendance which is the maximum limit for financial aid. A separate, summer cost-of-attendance is established for summer registration. J-term tuition and study abroad program costs are added to the base cost of attendance.

Financial aid availability for Study Abroad/Off-campus is based on the number of credits approved by MHSL Registrar for the course of study (must have at least 6 credits in the fall or spring or 2 in the summer to qualify for financial aid). The Study Abroad financial aid budget is based on estimated and actual costs which are determined by the host school and communicated directly to the MHSL Financial Aid Office. MHSL scholarships cannot be applied to any off-campus program, and are not portable to other schools. Early termination of your study abroad program may result in financial aid repayment. Contact the Financial Aid Office for additional details and instructions.

## 2. Adjustments to the Cost-of-Attendance

Adjustments to the estimated cost portion of the cost-of-attendance are made on a case-by-case basis when special circumstances are documented and submitted for consideration by the Financial Aid Office. In general, cost-of-attendance adjustments can be made for reasonable childcare expenses, uninsured and non-elective medical expenses, student insurance premiums, and a one-time computer purchase.

Adjustments are specific to the semester in which they occur. Request forms for adjustments are available on the Financial Aid Office's [Forms and Additional Resources web page](#) (Cost of Attendance Budget Adjustments web) and must be submitted with detailed documentation. Adjustments to the cost-of-attendance cannot be made for consumer debt, lifestyle choices, moving expenses or other expenses which are not specific to the academic program.

## 3. Federal Work-Study (FWS) Program

Federal Work-Study program is need based and requires a completed [FAFSA Free Application for Federal Student Aid](#) (FAFSA) application to determine eligibility as funds are limited. Earning work-study eligibility replaces federal borrowing eligibility. Work-study must be applied for and approved each year. The academic year for this program begins in summer and continues through the fall and spring semesters. Student must re-apply for work-study for each academic year. On-campus earnings are limited to \$6000, off-campus earnings are limited to \$8,000. Work-study funds are paid in the form of a paycheck issued through Mitchell Hamline School of Law. To apply for work-study jobs, review on-campus and off-campus job listings in the Career Development Symplcity area of the Mitchell Hamline Web site, or visit the Career Development Office, Room

103. Job listings are most plentiful at the start of each semester. Work-study eligibility may be earned throughout the academic year and does not require current enrollment during the summer. Please contact the Financial Aid Office for further information.

#### 4. Scholarships and Awards

The total value of all on or off campus scholarships, grants, stipends and fellowships cannot total more than the student's total tuition charges. In the case of a student earning a stipend, the student holding the position may earn a portion or the entire stipend, depending on the individual student's scholarships. If, for example, a student receives scholarships which equal 100% of a student's tuition charges, they will not be able to earn any of the stipend. If a student is on 85% scholarship, they will be able to earn the stipend up to the total tuition charges for the academic year. This may or may not be the entire stipend. Scholarships do not pay for student fees.

#### 5. Scholarships

The law school awards scholarships to entering students. Students retain these scholarships as long as they remain in good academic standing based on the parameters of the admissions letter. Students who do not maintain good academic standing will forfeit their scholarships effective in the fall term following the spring term after grades/rankings are made available. Other scholarships open for application during the academic year will be announced on the website. Newly available scholarships continue to be announced on the website. The total value of all scholarships cannot exceed a student's tuition costs and are not applicable to student fees. Scholarships are credited to students' accounts after the add/drop deadline for each semester. Withdrawal from the law school before the end of the semester for which a scholarship was awarded will result in the pro rata reduction of the scholarship.

#### 6. Fellowships

Fellowships are included in scholarship totals. The total amount of scholarships, grants, and fellowships received cannot exceed a student's total tuition bill.

#### 7. Outside Scholarships

Throughout the academic year, the law school receives information about scholarships from outside organizations. Scholarship announcements are published on the Financial Aid web page. All scholarship values are counted into financial aid item totals.

#### 8. Student Loans

Mitchell Hamline participates in the federal Department of Education Direct Loan Program. Eligibility for Unsubsidized, and Graduate PLUS federal loan programs requires the annual submission of the [Free Application for Federal Student Aid](#) (FAFSA). The Mitchell Hamline federal school code is G02391. The FAFSA determines the federal loans types a student is eligible to receive. Financial aid must be applied for each

academic year which begins in the summer and continues through the fall and spring semesters. No FAFSA application is required for a private non-federal loans borrowed through commercial or state lenders. International students who do not qualify for federal loans may apply for private non-federal loans. The Mitchell Hamline Financial Aid Office will process any loan and assist with any loan application. All borrowing is optional. There is no obligation to borrow any offered loan. Partial loan amounts may be borrowed.

It is the student's responsibility to complete the appropriate loan applications, promissory notes and any other processing requirements. Complete loan program details including borrower rights and responsibilities are available from lenders. The Federal Direct Loan website is located at [studentaid.gov](https://studentaid.gov). Early application is encouraged to assure that funds are available no later than the due date established by the Finance and Student Accounts Office. Unpaid student accounts may be assessed late fees, and an academic hold may be placed by the Finance Office if funds are not received in a timely matter. See the [Student Finances website](#) for due dates payment plan information.

### Federal Direct Lending Unsubsidized Loan

- Non-need based
- \$138,500 aggregate maximum
- 7.05% fixed interest rate
- 1.057% loan origination fee
- 6-month principal repayment grace period after, graduation, student leaves school or is less than half time
- No credit check is required
- Unsubsidized loans accrue interest from initial disbursement: \$20,500 annual maximum
- All first-time borrowers must complete a Loan Program Entrance Counseling session
- Borrowers who graduate or leave the law school must complete a Loan Program Exit session before their graduation will be certified or transcript will be released.

### Federal Direct Lending Grad PLUS loan

- Non-need based
- No aggregate maximum: limit is the cost-of-attendance minus all other aid received
- 8.05% fixed interest rate
- 4.228% loan origination fee
- 6-month principal repayment grace period after, graduation, student leaves school or is less than half time

- Direct Lending credit approval is required. If the loan is credit denied, it is the student's responsibility to follow up with the lender. The Direct Lending program borrower assistance number is 1.800.557.7394.
- Interest accrues from initial disbursement

### Private Educational Loans

Students may wish to apply for [private educational loans](#) which provide funds for J.D. and LL.M students, international students, and for bar study.

### Emergency Loan Fund (ESLs)

Emergency Student Loans (ESLs) are short-term no interest loans used for extraordinary financial circumstances that may arise during a student's enrollment at the law school. Extraordinary circumstances are those that create a financial hardship that cannot be alleviated by alternative funding options. The Financial Aid Director reviews all ESL requests. For more information on ESLs, contact the Financial Aid department at [finaid@mitchellhamline.edu](mailto:finaid@mitchellhamline.edu). Emergency Student Loans have a \$25 processing fee.

## 9. Other Funding Sources

VA Benefits are processed through the Mitchell Hamline Financial Aid Office. Contact the office for guidance with your benefits. In accordance with Title 38 US Code 3679 subsection (e) of the Veterans Benefits and Transition Act of 2018, Mitchell Hamline School of Law will not impose a penalty on any student using veterans education benefits under Chapter 31 (Vocational Rehabilitation & Employment) or Chapter 33 (Post 9/11 Education Benefit) because of the individual's inability to meet his or her financial obligations to the institution due to the delayed disbursement of funding from the Department of Veterans Affairs (VA).

MN GI Bill is administered through the Financial Aid Office. Eligibility is determined by application through the Minnesota Department of Higher Education.

MN Indian Scholarship program is administered through the Financial Aid Office. Eligibility is determined by application through the Minnesota Department of Higher Education.

## 10. Enrollment Certification

The Law school verifies a student's enrollment to outside interested parties for a variety of reasons. These include deferment of educational loans, insurance, and certification of enrollment status for third-party funding (e.g. VA benefits, employer reimbursement). For these verifications the Law school uses the following definitions:

### Fall and Spring Semesters

- Minimum Full-time enrollment: 12 or more credits
- Minimum Half-time enrollment: 6 credits

- Less than half-time enrollment: 1 – 5 credits

**Summer Session:**

- Full-time enrollment: 4 – 8 credits
- Half-time enrollment: 2 credits
- Less than half-time enrollment: 1 credit

The above credit levels apply to enrollment verification only and may not be the definition for tuition billing levels. The levels for tuition billing can be found on the [Student Finances website](#). Some federal and private loan deferment eligibility requires halftime enrollment as defined by the above credit criteria.

Federal loan eligibility requires at least half-time enrollment.

## 11. Deferment of Existing Student Loan Payments

The law school reports student enrollment electronically to the National Student Loan Clearinghouse starting 2 weeks after the start of the summer semester and continuing throughout the academic year. The start date reported is the first date of the semester. The Clearinghouse updates lender(s) with student enrollment level so lender(s) can determine eligibility for deferring loans.

Students with private non-federal loans or who have previously borrowed federal loans and are not currently borrowing federal loans should contact the Financial Aid office for in-school deferment forms.

A student who accepts financial aid, registers for classes, and does not withdraw or begin classes is not eligible to receive financial aid.

## C. Study Abroad Programs and Financial Aid

Financial aid availability for Study Abroad/Off-campus programs during summer, fall or spring is based on the number of credits approved by MHSL Registrar for the course of study. Fall or spring semesters require a minimum of 6 credits, summer requires 2 credits. J-term study abroad financial aid eligibility has no credit minimum but requires 6 credit minimum registration in either the preceding fall or following spring semester. The Study Abroad financial aid budget is based on estimated and actual costs for the program which are determined by the host school and communicated directly to the MHSL Financial Aid Office. MHSL scholarships cannot be applied to any study abroad program charges and are not portable to other schools. Early termination of your study abroad program may result in financial aid repayment. Please contact the Financial Aid Office for additional details and instructions.



## D. Return of Financial Aid

A student who withdraws from school or decreases their enrollment status may receive a decrease in the institutional charges as well as a reversal of a portion/all of their financial aid, depending on timing. See Tuition and Title IV Refunds for more information.

## E. Financial Aid Satisfactory Academic Progress Policy

Federal financial aid regulations require all students who receive Title IV federal financial aid and/or Minnesota Office of Higher Education (OHE) funds to maintain good academic standing and a satisfactory pace in the progress toward their degree. These regulations apply to all attempted coursework including coursework for which the student did not receive financial aid. A student who does not meet Financial Aid Satisfactory Academic Progress standards (FA SAP) may lose federal and or state financial aid eligibility, but may regain eligibility when the standards are again met, or with an approved appeal.

For the full text of this important policy, see the [Financial Aid Satisfactory Academic Progress Policy](#) on the Financial Aid Office website.

## Student Accounts

Mitchell Hamline School of Law accepts payments on student accounts charges via ePayment (eCheck: no fee, credit or debit card: 2.85% fee) through your student account, by check, cash, or wire. Check payments can be made in-person, via our drop box after hours, or by mail to the address below:

Finance Office  
Mitchell Hamline School of Law  
875 Summit Avenue  
St. Paul, MN 55105

Finance Office Hours/Location  
Room 276, LEC Building  
Monday–Friday | 8 am–4:00 pm

\*Appointments available by e-mail request to: [student.account@mitchellhamline.edu](mailto:student.account@mitchellhamline.edu)

To log into a student account, go to the [Accessing Your Student Account](#) webpage which includes instructions and other information.

# Tuition and Fees

## A. Tuition Costs

Students are required to view their student account financial status online to determine if an outstanding balance exists on their account, requiring a payment to be made. To view your student account, login to the student record login page and click on the My Student Account tab. Monthly statements will not be distributed, instead [tuition and fees](#) are posted online and real time updates are available through [Student Records](#).

## B. Mandatory Fees

The following fees are mandatory and are assessed in both the Fall and Spring semesters:

- Student Bar Association fee
- Technology Fee
- The Integrated Bar Readiness Program Fee. This fee is used to provide students with a bar readiness program that is integrated throughout the curriculum and delivered throughout the student's law school career at Mitchell Hamline School of Law. This fee is billed a maximum of six semesters during your enrollment in law school.

## C. Other Fees

- Official Transcript – [See How To Order A Transcript](#)
- Late Fees (See Section E.1 below)
- Auditing fees for Alumni: contact office of Alumni Affairs
- Auditing fees for Students and non-Alumni holding a J.D.: contact the Office of the Registrar to determine availability of courses and cost.

## D. LL.M. Billing, Tuition, and Fees

LL.M. students are charged a flat rate per semester no matter how many courses they take. LL.M. students are not charged different full- and part-time rates. Full information about LL.M. tuition and fees can be found the [LL.M. Tuition and Living Expenses Webpage](#).

## E. Payment, Payment Plans, and Refunds

### 1. Time of Payment and Finance Charges (Late Fees)

The payment of tuition and any mandatory and/or elected fees becomes the obligation of the student at the time of registration. Mitchell Hamline School of Law bills students at the beginning of each term.

Payment is due the first business day after the refunds of excess federal loans are disbursed as published online under [Payment Information](#) on the Student Accounts webpage. If the amount due is not paid by the 15th day after the due date, a late fee may be assessed and the student's account will fall into past due status.

Past due accounts will be subject to the following actions:

- A hold will be placed on the account
- Registration will be denied
- Transcript requests will not be processed
- Grades will be withheld
- Students will be Administratively Withdrawn from classes
- Certification of Graduation sent to the State Board of Law Examiners will be withheld
- Past Due accounts assigned to a collection agency will be assessed interest and any other additional collections costs.

If any part of a payment due is not paid on or before the fifteenth day following its due date, a late fee charge of .67% (annual percentage rate of 8%) of the overdue amount may be assessed by the school. In addition to cash or checks, tuition payments can be made via ACH (eCheck) or debit/credit card through online payments via [CASHNet](#). (Please note, a 2.85% fee applies to all credit and debit card transactions. No fees for ACH payments).

## 2. Full Payment Plan

This plan requires that all tuition and any fees are paid the first business day after excess federal loans are disbursed.

Fall 2023 Tuition is due for all students by August 28, 2023. If you have an approved payment plan the first payment for Fall is due August 20, 2023.

J-term and Spring Tuition 2024 for all students due by January 26, 2024. If you have an approved payment plan tuition for J-Term is due January 20, 2024 and the first payment for Spring is due January 20, 2024.

Summer 2024 Tuition is due on or before the class start date.

## 3. Installment Payment Plan

The Installment Payment allows students to spread the cost of tuition over four installments. Financial Aid received by the law school will be credited in full to the student's account

The Installment Payment Plan is offered during fall, spring, and summer semesters.

Payments are due as follows for Fall 2023:

INSTALLMENTS of 25%	PAYMENTS DUE
1st Installment	August 20, 2023
2nd Installment	September 20, 2023
3rd Installment	October 20, 2023
4th Installment	November 20, 2023

Please visit the Student Accounts website under [Payment Information](#) for due dates for 2024 J-Term and Spring installments.

A student's account must be paid in full before the student can register for upcoming semester classes. Students on payment plans must be current on their payments to register for an upcoming term. If you would like to request a payment plan date change, please e-mail [student.account@mitchellhamline.edu](mailto:student.account@mitchellhamline.edu) with your first and last name as well as your student I.D. number.

#### 4. Employer/Outside Agency Tuition Reimbursement

Students expecting to receive employer tuition reimbursement, or any other outside tuition reimbursement, should consult with the Finance Office at the beginning of the semester when the reimbursement is to occur. Documentation from the employer, or outside agency, is required at this time. Once documentation is on file in the Finance Office, tuition payments may be deferred accordingly.

#### 5. Student Refund Checks

First refund checks in each semester will generally be available at the end of the semester add/drop deadline and every Friday afterwards.

Credit balances from fully paid student accounts will be distributed either electronically via CASHNet eRefunds (enrollment required), or via check in accordance with any applicable Federal Regulations. The Finance team will disburse an FSA credit balance to a student within 14 days of the date it was created, or within 14 days of the first day of class.

Student refund checks may be picked up in the Finance Office the Friday after the loan has disbursed, or can be mailed by request. Student refund checks will automatically be mailed to blended learning students to their address of record. Refund checks not picked up will be mailed to the student's address on record one week's time after it becomes available.

Students may return all or a portion of their refund check via the Finance Office up to 21 days after the date of the check. After that date, the student must return any excess funds directly to the loan holder.

## 6. Withdrawal from a Course – Add/Drop-Affecting Tuition

[Tuition Refund Schedules](#) are posted every July for the upcoming academic year for full withdrawals, dismissals or students taking a leave of absence. Students who decrease tiers during a semester (Full-Time to Part-Time, Part-Time to Other, etc.) will be subject to the refund scale percentage on the date of the change. To calculate this, the Finance team will take the difference between the tiers and match that difference to the refund scale, this will be the pro-rated amount shown on top of the new tier charge.

Add/drop activities, once an academic term has begun, that result in a net increase in tuition will be billed accordingly.

Credit balances from fully paid student accounts will be distributed by eRefund (enrollment required) or by check in accordance with any applicable Federal Regulations. For additional questions regarding add/drop of classes, please see Academic Rule 1.07. Registration; Add/Drop; Withdraw: Extensions in this Catalog.

## 7. Withdrawal from Law School – Tuition Refunds

Students who fully withdraw from an academic term, once the term has started, will have a tuition liability calculation completed by the Finance Office. The calculation will be based on the day of the official withdrawal and subject to the percentages listed on the MHSL website under [Tuition and Title IV Refunds](#) for the specific academic term.

After the 60% point in a term, no refunds for tuition are given. Students who receive federal financial aid will have a calculation done for Return of Title IV Funds (R2T4). Mitchell Hamline School of Law will process withdrawal calculations within 10 days after the withdrawal form is received in the Finance Office. If, at the time of withdrawal, a student's tuition payments exceed the amount of tuition liability, the Finance Office uses the overpaid amount to reduce any federal and then non-federal student aid awarded before returning any funds to the student. Any remaining balance on a student account after these calculations are performed is **due immediately**.

## 8. Return of Federal Aid (Title IV) Funds

The percentage of federal (Title IV) aid returned is determined from a calculation using the effective withdrawal or leave date on record and number of days in the period of enrollment. The tuition refund is distributed to federal programs as mandated by federal regulation in the order listed below:

1. Unsubsidized Federal Direct Loan
2. Subsidized Federal Direct Loan

3. Graduate Plus Direct Loan
4. Other Federal Sources
5. Institutional Aid
6. Private Aid (private loans, outside scholarships, etc. )
7. MN SELF Loans (or other state aid)
8. Student Payments

## 9. Non-Title IV Program Refund

The percentage of state aid returned is determined from a calculation using the effective withdrawal or leave date along with other considerations such as percentage of award funded by state funds, payment on accounts, and amount refunded to federal programs

1. Institutional Aid – reduced by the same percent as the student’s tuition is reduced.
2. Minnesota State Aid including SELF loan, Minnesota GI, and MN Indian Scholarship Program.

## 10. Policy on Tuition for Students Returning from Active Duty in the Military

Tuition for students who enter active duty in the military will be charged as follows:

- In times of war: Tuition will be charged at the level that would have been charged during the period the student was serving in the military if the student is called into or voluntarily enters active duty.
- In non-war times: This section applies in non-war times when the student is called into service involuntarily. The section does not apply when a student voluntarily enters active duty during non-war times.

There is a three year look back limit. For example, if a student returns after a five-year absence, the tuition would be at the level from three years prior to the date of return. This section applies to entering students who have made an admission deposit with the law school as well as to all currently enrolled students.

# Tuition and Title IV Refunds

## Refund Schedules

The school's refund policy is separate from the Federal Return of Title IV Funds policy also known as R2T4. The two policies use the same semester tuition refund schedule.

- [Fall Semester Tuition Refund Schedule](#)
- [Spring Semester Tuition Refund Schedule](#)
- [Summer Term Tuition Refund Schedule](#)
- [J-Term Tuition Refund Schedule](#)

Mitchell Hamline is a credit hour program. Fall and spring tuition is charged at full-time (12-15 credits), part-time (8-11 credits) or per credit for 1-7 credits. J-Term and summer tuition is charged on a per credit bases.

After the drop/add period in the semester, the school's liability/refund schedules are used for calculating tuition liability/tuition refund when there is an enrollment credit load tier change. For example, if a student reduces their credit load from full-time (12+ credits) to part-time status (fewer than 12 credits), tuition liability percentage of the full-time tuition charge will be added to the charge for part-time tuition. Financial aid, including scholarships, will be adjusted for any enrollment credit load tier changes. After the semester 60% point, tuition is charged at 100%.

## Withdrawal

Students who plan to withdraw from law school are strongly advised to contact the Student Accounts Office (to discuss student account balance) and the Financial Aid Office (to discuss federal loan repayment requirements/options and the effect a withdrawal will have on current and future financial aid eligibility) to ensure a complete understanding of the financial effect of the withdrawal. If, at the time of withdrawal, a student's payments exceed the amount of tuition liability, the Student Accounts Office will use the overpaid amount to reduce any financial aid awarded before returning any funds to the student.

**Official Withdrawal.** An official withdrawal from the law school is processed by the Dean of Students. It is the responsibility of the student to ensure that their withdrawal request has been approved and processed. The last date for which tuition is charged is the last date of attendance or the date when the student initially contacts the Dean of Students or their designee. The Dean of Students communicates the official withdrawal date to the Finance Office. The official date may result in a tuition refund, no refund/nothing owed, or a remaining tuition liability amount to be paid to the school. Scholarship credits will be recalculated accordingly and if federal student loans were used to pay any portion of the semester's tuition and fee charge, a Return to Title



IV calculation will be performed. Student fees are mandatory and are not refunded to the student.

**Unofficial (Administrative) Withdrawal.** A student who stops attending all classes due to illness, accident, grievous personal loss or other circumstances beyond the student's control will be reviewed by the Dean of Students to determine the appropriate withdrawal date. Students who stop attending all classes without notice to the Dean of Students or a mitigating event are considered to have withdrawn unofficially and will have tuition liability calculated based on the date approved by the Dean of Students, which is either the last date of attendance, the last date the student logged in, or the 50% mark of the semester, whichever is known.

A student may be administratively withdrawn from the law school if they fail to complete at least one credit of coursework for two semesters (fall or spring) consecutively.

Students who withdraw or are withdrawn from the law school prior to earning any academic credit must petition the Admissions Committee for readmission if they wish to return. Students who withdraw or are withdrawn from the law school after earning academic credit(s) must petition the Dean of Students for reinstatement if they wish to return.

## Non-Payment

Mitchell Hamline School of Law does not suspend or withdraw a student from class attendance or resources during a period of instruction due to an unpaid student account balance unless the student is eligible for a full tuition and fee refund.

## Title IV Financial Aid Refund Calculation (R2T4)

Federal aid is considered to be "earned" throughout the semester. The refund percentage as of the date of withdrawal determines the earned and unearned portions of federal Title IV loans. After the 60% point in the semester, all certified federal loans are considered "earned." The above schedules calculate tuition liability and refund percentages based on the number of days in the semester, less any scheduled break of 5 or more days.

Students earn federal loans up to the date of withdrawal. To determine the calculated loan amounts that must be returned, the semester refund percentage is multiplied by the total federal loan funds that were originated for the semester, this calculation determines the amount of earned aid, and all unearned aid must be returned. Both the school and the student are responsible for returning funds. The school returns funds for which it is responsible while the student repays funds to loan holders based on the terms of the borrower's promissory note. If an R2T4 calculation results in a credit

balance on the students account, it will be disbursed to the student no later than 14 days after the calculation of the R2T4.

Originated but undisbursed loan amounts will be offered based on the completed portion of the semester. Funds that have been earned but have not yet been disbursed will be offered to a student within 30 days of the date the institution determines the student withdrew and the institution will allow the student 14 days to accept or decline the funds for a post withdrawal disbursement. Post withdrawal disbursements will be applied first to a student's account. Any credit balance resulting from this disbursement will be handled in accordance with requirements for Title IV credit balances referenced in the above paragraph. Any unearned loan amount you've received must be returned to the Federal Government.

Tuition refunds from accounts paid with federal or state aid will be returned to programs in the order listed below. Fund returns will be completed within 45 days after the date the official withdrawal date was determined.

1. Unsubsidized Federal Direct Loan
2. Subsidized Federal Direct Loan
3. Graduate Plus Direct Loan
4. Other Federal Sources
5. Institutional Aid
6. Private Aid (private loans, outside scholarships, etc.)
7. MN SELF Loans (or other state aid)
8. Student Payments

# Student Affairs

## Academic Excellence

**The Office of Academic Excellence aims to:**

- Partner with students to strategically plan for their successful completion of law school and passage of the bar exam;
- Provide students with varied opportunities to learn, enhance, and refine the skills necessary for success in law school and on the bar exam; and
- Promote a culture of academic excellence that encourages accountability, productivity, creativity, and flexibility when it comes to learning.

**The following services are available to J.D. students:**

### Tutoring

Experienced educators and attorneys work with students in one-on-one and group setting to provide instruction on a variety of academic and bar prep skills. Tutors work with students both in-person and virtually and tailor their teaching approach to each student's individual needs. Tutors are available and ready to assist students during the day, in the evening, and on the weekends.

To request tutoring please complete the [Tutor Request Form](#) found on the [Academic Excellence website](#).

There is no charge for tutoring services.

### Workshops

During the summer, the Office of Academic Excellence provides bar preparation workshops for graduates as a supplement to their commercial bar preparation course.

### Resource Library

The Office of Academic Excellence maintains a virtual resource library that includes a variety of videos and handouts on outlining, exam taking, legal analysis, IRAC, and other critical skills. Students can access the resource library through the [web page of the Office of Academic Excellence](#). The Warren E. Library also maintains a resource library of study aids and guides.

## Legal Methods

Legal Methods is a one-credit course that all students take during their first semester of law school to help them quickly develop the skills they need to succeed in law school and lay a foundation for ultimate bar passage. The course covers critical reading, case briefing, outlining, legal analysis, IRAC, exams, health and wellness, and professionalism.

## Bar Prep Strategies: MPT

Bar Prep Strategies: MPT is designed to teach, reinforce, and enhance the skills that are necessary for successful completion of law school and bar passage. Through completion of past MPT problems, class exercises, individual feedback, and self-reflection students will work to master the skills of critical reading, legal analysis, and IRAC. While this course does not replace the need to take a commercial bar prep course, it will provide early preparation to help students learn key bar exam skills and test taking strategies for the Multistate Performance Test (MPT). While this course is required for some students, it is open to all students. This course is only offered in the fall semester.

## Bar Prep Strategies: MBE and MEE

Bar Prep Strategies: MBE and MEE is available to students during their last spring semester of law school. It centers on two parts of the UBE, the Multistate Essay Examination (MEE) and the Multistate Bar Examination (MBE). While this course does not replace the need to take a commercial bar prep course, it does provide early preparation to help students learn key legal principles tested on the bar exam and bar exam-taking techniques and strategies. Through this course, students will work to master their skills through lecture, modeling, completion of past bar exam questions, written feedback, and self-reflection. Students will also strategically plan their approach to their bar exam preparation post-graduation to ensure passage. While this course is required for some students, it is open to all students.

For more information, see the [Academic Excellence website](#).

# Admissions

The Admissions Office at Mitchell Hamline School of Law works with prospective students to help them determine if law school—and specifically Mitchell Hamline—is the best place for them to pursue their professional goals. Admissions staff travel around the state, region, country, and world to visit with prospective students. They counsel students on the application process and help them prepare for law school. Interested students are provided opportunities to get to know Mitchell Hamline through events, individual and group visits, and by connecting students with people throughout the law school community.

The goal of Admissions is to build an incoming class with a diversity of interests, ideas, beliefs, and backgrounds so that classrooms are places where students can learn the law through a lens that represents the school's diverse communities. To this end, the Admissions Office works to ensure that every student who applies to the J.D. or LL.M. program gets a full and fair review of their application and that its admissions practices meet the high standards set by the American Bar Association.

Additional information about the Admissions Office may be found on the [Prospective J.D. Students](#) webpage.

## Admissions Policy

Mitchell Hamline seeks to educate talented, motivated students who will effectively and ethically serve their clients and employers, their local and wider communities, their profession, and their law school. To achieve that goal, the law school and its Admissions Committee hold themselves to high standards of judgment, experience, and fairness.

In making admissions decisions, Mitchell Hamline strives to ensure that:

- all students offered admission are qualified to meet the challenges of law school and of the profession of law;
- each applicant gets full, careful, personalized consideration;
- all relevant information, quantifiable and nonquantifiable, is considered, including undergraduate and graduate school transcripts, Law School Admission Test (LSAT) score(s), career experience and focus, motivation, activities outside of work or school, interpersonal skills, and intellectual and personal breadth and depth; and
- the entering class complements a diverse student body that includes all major racial and cultural groups, as well as a variety of backgrounds, experiences, and viewpoints.

Information submitted to us as a part of an application becomes the property of the law school.

Mitchell Hamline School of Law reserves the right to reject any applicant for admission, regardless of fulfillment of requirements stated in the application booklet or elsewhere. The law school's nondiscrimination policy is observed in all cases.

## Application Review Process

The Admissions Committee evaluates applications after it has received all the following items:

- Completed application through the Law School Admission Council (LSAC)
- LSAT
- Credential Assembly Service report through LSAC
- Letters of recommendation
- Resume
- Personal statement
- Values statement
- Additional statements or addendums (as needed)

Transfer, visiting, and international (foreign-educated) applicants should note their respective additional application instructions.

Admission decisions are made on a rolling basis. Applicants are notified via e-mail and mail of admission decisions. Applications are available from October 1 – July 15.

First-year applicants must indicate whether they are applying to attend Mitchell Hamline for full-time, part-time evening, part-time day, or part-time blended.

## Persons with Disabilities or Special Needs

We review and process all applications in compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Mitchell Hamline also has taken steps to ensure that campus facilities are accessible to persons with disabilities.

For all students with disabilities, the Admissions Committee welcomes supplemental material, including letters of recommendation and brief samples of written work, which will increase the committee's understanding of the applicant's academic and professional potential.

Complete information about the application process is available on the [Prospective J.D. Students](#) webpage.

## Assistant Dean of Academic Affairs

The Assistant Dean, Academic Affairs is responsible for overseeing the advising initiatives to more effectively provide academic direction and degree planning for both Blended and Brick and Mortar students. As part of this initiative, the Assistant Dean, Academic Affairs manages the academic advising team and school-wide advising software, and degree dashboard. The Assistant Dean also works closely with the Vice Dean on curriculum planning by establishing a course frequency plan, developing the academic calendar, and providing oversight over the final examination process. The Assistant Dean serves as a liaison on several academic committees and also works closely with Admissions to recruit and communicate with prospective Blended and Brick and Mortar students. The Academic Affairs team is responsible for onboarding new students in collaboration with Academic Excellence, Admissions, Career, and Professional Development, and the Office of the Dean of Students. The Office of the Academic Affairs is responsible for:

- Academic Advising
- Blended late policy and extensions
- Prep. Week and Capstone week facilitation
- Course evaluations
- Course frequency plan
- Transfer credit request
- Academic calendar
- Adjunct hiring

For additional information, contact Kelly Von Ruden, by email at [kelly.vonruden@mitchellhamline.edu](mailto:kelly.vonruden@mitchellhamline.edu) telephone (651-290-6367), or in person in Room 119.

## Career and Professional Development

A law degree opens doors to a wide variety of career paths in private practice, business, government, and non-profit. The [Office of Career and Professional Development](#) helps students and graduates navigate their own career exploration, professional development, experiential learning opportunities, and individualized long-term employment searches to find the right path for them. Services include:

- One-on-one personal career planning.
- Facilitating mentorships and other professional connections between students and alumni, emeritus faculty, and other legal professionals in their respective geographic or industry communities.
- Programming, one-on-one counseling, and online resources to help students explore career options, including opportunities to meet a wide variety of employers, alumni, and other practicing attorneys.
- Programming, resources, and individualized coaching on interviewing, networking skills, and resume development.
- Guidance and support in managing the job search process designed to help students obtain practical experience throughout their law school careers and find meaningful and fulfilling careers after graduation, including assistance with identifying paid and for-credit work experiences and volunteer opportunities.
- Coursework, resources, and individualized coaching focused on professionalism and professional identity formation to prepare students for success in the workplace.
- Outreach to employers to introduce Mitchell Hamline's distinctive curriculum and student community.
- Partnerships with local and national employers to connect Mitchell Hamline students with the legal and professional market, including on-campus interviewing.
- Online job postings updated daily from a wide variety of employers across geographic markets for a range of available positions, including part-time and full-time jobs, externships, judicial clerkships, work-study opportunities, and fellowships.

For each of these services, the Office of Career and Professional Development aims to support the unique needs of full and part-time, blended learning, and in-residence students throughout each year of law school.

The Office of Career and Professional Development also supports Mitchell Hamline alumni throughout the nation who are seeking assistance with career transitions or professional development. The Office of Career and Professional Development also facilitates connections between Mitchell Hamline alumni and other alumni or Mitchell



Hamline students for career exploration, mentoring, and professional relationship building.

For more information, see the [Office of Career and Professional Development website](#).

## Counseling Services

The demands of law school can place stress on individuals, relationships, and work and academic performance. Mitchell Hamline School of Law provides counseling services, assessments, and referrals for students when appropriate. Discussions are confidential; the counselor will not report your use of the services to the law school unless specifically permitted by the student in writing. (State/Federal confidentiality-exemptions apply. For clarification, please ask your counselor.) Areas of conversation can be reflective of personal concerns as well as those of an academic nature. Students use Counseling Services for normal life concerns as well as feeling of crisis. The counselors are experienced and licensed professionals, not otherwise connected with the law school.

### Cost

**Initial consultations are always free. Mitchell Hamline is currently waiving any copay for counseling services until further notice. During this time, counseling expenses will be covered by Mitchell Hamline School of Law.**

Counseling Services is designed to provide short term counseling. If longer-term services are required, your MHSL counselor will refer you to providers in the community for ongoing care.

### Hours of Operation

Counseling is available a variety of days and times. If you would like to speak to a counselor, you may schedule by clicking the [Make an appointment button](#). If the counseling times offered are not workable for you, please email [counseling@mitchellhamline.edu](mailto:counseling@mitchellhamline.edu) for possible alternatives.

**For students outside of Minnesota:** different states may have different laws regarding tele-counseling across state boundaries. When you speak to your counselor, please inform them where you are located so such laws can be confirmed. If your state does not permit out-of-state tele-counseling, your counselor can discuss options for referrals.

### Emergency Services

Counseling Services does not provide emergency services. If you have a mental health emergency or need immediate assistance for a peer, call Lawyers Concerned for Lawyers (LCL) 24-hour hotline at 651-646-5590. You may also go to your local Emergency Room. In Ramsey County you may call 651-266-7900. In Hennepin County you may call 612-596-1223. The National Suicide and Crisis Lifeline can be reached by dialing 988.

Email contact is not to be used for emergency services.

## Short-term Counseling:

- Stress-related problems
- Academic-related problems
- Life transition issues
- Relationship or family problems
- Anxiety
- Depression
- Assessments
- Referrals

## Educational services and offerings:

- Stress-management
- Test-anxiety assistance
- Performance anxiety assistance

## Dean of Students

The Dean of Students is the chief student advocate and is responsible for the overall success and wellbeing of our students. To accomplish this, the Dean collaborates with other departments including Academic Affairs, Academic Excellence, Admissions, Career and Professional Development, Counseling Services, Disability Services, Diversity, Equity, and Inclusion, Financial Aid, Office of the Registrar, and Student Accounts. The Dean also collaborates with faculty before and after issues arise concerning students' academic and emotional well-being. As an Assistant Title IX Coordinator, the Dean of Students guides students who may have concerns about conduct that falls under the school's Title IX Sexual Harassment Policy (Student Respondent) and Sex Discrimination and Sexual Misconduct Policy (Student Respondent).

The Office of the Dean of Students is responsible for:

- Assistance with Bar Applications and Admission
- Code of Conduct
- Commencement
- Counseling Services
- Dean Certifications
- Disability Services
- Final Exam Variances
- Law School Application Amendments and Updates
- Law School Catalog
- Leaves of Absence or Withdrawals
- Liaison for Student Bar Association and Student Organizations
- Orientation
- Student Practice Certifications outside of Minnesota
- Student Wellbeing

For additional information, contact Lynn LeMoine [lynn.lemoine@mitchellhamline.edu](mailto:lynn.lemoine@mitchellhamline.edu) by email, telephone (651-290-7668), or in person in Room 119.

## Disability Services

Mitchell Hamline School of Law (MHSL) is committed to ensuring equal access to educational opportunities, programs and services for all qualified students in accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, and does not discriminate on the basis of disability in the administration of its education-related programs and activities

Students who require accommodation(s) due to a documented disability should contact Disability Services or visit the [Disability Services webpage](#). Students requesting accommodations must do so through the Accommodation Request Process and provide appropriate documentation of: (1) a disability, which is a physical or mental impairment that substantially limits one or more major life activities; and (2) a need for accommodation, by virtue of the specific functional limitations of the disability, to have equal access to educational opportunities. The law school intends that these procedures will facilitate an interactive process of dialogue and timely exchange of information between the student and the law school.

Disability Services is located within Dean of Students office, room 119. For more information, please visit the [Disability Services Webpage](#) or contact [DisabilityServices@mitchellhamline.edu](mailto:DisabilityServices@mitchellhamline.edu).

## Diversity, Equity and Inclusion

The Office of Diversity, Equity and Inclusion (ODEI) is dedicated to creating and providing an equity informed, inclusive, respectful, and welcoming culture at Mitchell Hamline School of Law. The Office serves as a resource for addressing student needs, issues, and concerns as they relate to diversity, equity, and inclusion. The Office supports the student's perspective, life experience, and serves in an advisory capacity to the administration, faculty, and staff.

The Office of Diversity, Equity and Inclusion supports student success by:

- Using an equity lens to identify and advocate for the removal of barriers to student success.
- Championing and advocating for the recruitment and retention of Asian American, Latinx, African American, American Indian, Multiracial, LGBTQ+, international students, first generation, and students from all historically underrepresented groups.
- Promoting increased diversity in the legal profession by providing education and training opportunities that include developing cultural literacy and diversity programing.
- Empowering students by providing leadership opportunities connected to diversity, equity, and inclusion in the legal community.
- Encouraging and supporting student driven diversity, equity, and inclusion initiatives and programs.

The Office of Diversity, Equity and Inclusion is committed to cultivating invigorating conversations, expanding perspectives, inspiring innovation, encouraging civic engagement, social justice initiatives, building community and connecting people.

For more information, see the [Office of Diversity, Equity and Inclusion website](#).

## Facilities and Amenities

### ID and Building Access Cards

All students must have a valid MHSL ID to enter the building. New students must obtain a photo identification card during orientation or the first week of classes. Students need a MHSL ID to register and to borrow library materials. Replacement ID cards can be obtained at the Library circulation desk. There is a \$10 replacement charge for a lost identification card.

### Lockers

Lockers can be rented on a first-come, first-served basis for \$50 per academic year (\$40 for fall and spring semesters and \$10 for summer). The fee will be applied to your student account (unless you indicate otherwise). Contact the Front Desk at 651-227-9171 for questions about locker rentals or email: [parking.lockers@mitchellhamline.edu](mailto:parking.lockers@mitchellhamline.edu).

### Lost and Found

The campus Security staff is responsible for securing lost items. To turn in or claim an item, contact Security at the Information/Security desk or extension x6330. Lost items may be claimed from the person staffing the front Information/Security desk by providing a complete description of the item and providing identification, when applicable. Any items not claimed within one month may be discarded or donated to charity.

### Room Reservations

The principal purpose of room use at Mitchell Hamline School of Law is support of academic programs. The law school has rooms available on a first-come, first-served basis during times not scheduled by the Registrar for academic programs. Students may reserve rooms by using the online form for events and larger meetings. Room requests will be processed within 48 hours of receipt, Monday through Friday.

To reserve a library room for studying or small group projects please use the [online study room reservation form](#). Study room reservations are limited to a maximum of two 3 hour blocks of time per day. The two daily study room reservations cannot cover consecutive hours. Three hours must separate the end of the first booking and the beginning of the second booking.

For room reservations regarding special event rooms such as The Kelley Board Room, Auditorium, Conservatory, or Chief Justice Chambers, please contact Jeannie Symicek at [jeannie.symicek@mitchellhamline.edu](mailto:jeannie.symicek@mitchellhamline.edu) for more information.

## Bookstore

The Mitchell Hamline Bookstore sells textbooks, study aids, school supplies, candy and snacks, health and beauty aids, as well as imprinted clothing and gifts for adults and children. The bookstore conducts book buyback year round. It is located on the lower level, Room LL45.

Hours for the bookstore and other store information can be found on the [Mitchell Hamline Bookstore website](#). Telephone Number: 651-290-6334.

## Front Desk / Customer Services

The Front Desk is located at the Summit Avenue entrance. Customer Services personnel can be reached at 651-227-9171, Monday through Friday from 8:30 am to 5:00 pm.



# Finance Office

The Finance Department is located in room 276 in the LEC Building (the west wing of the building, accessed via hallway past the library). For students, the Finance Department provides the following services:

## **Student Accounts**

- Invoicing for tuition and fees
- Receipt of tuition billed – cash/check payments or electronic payment via CASHNet®
- Processes Financial Aid Excess Funds (eRefunds or checks)
- Student Account related inquiries
- 1098T tax forms

## **Payroll**

- Support for Paycom timesheet entry
- Pickup payroll checks
- W-2 yearend tax forms

## **Other**

- Processes SBA (Student Bar Association) approved reimbursement checks
- Distributes Metro Transit bus passes
- Student parking passes
- Student locker rentals

For more information, see the [Student Finances website](#).

## Financial Aid Office

The Mitchell Hamline Financial Aid Office administers institutional scholarships, State of Minnesota GI and Indian Benefits, Veterans Benefits, third-party payments including Americorps funds, and federal work-study and loan programs.

The admission application is screened for scholarship eligibility. Scholarships are merit-based with offers included in the admission letter. Financial aid offers meet a total cost of attendance that includes tuition and fee charges and an averaged, estimated education related budget.

Student loan amounts are offered to meet the total cost of attendance minus scholarships and other aid. Each semester's financial aid is credited to pay that semester's student account balance, with excess funds issued to the student.

Student access to individual financial aid files is through the Financial Aid Portal located on the MHSL Financial aid webpage.

For complete information on financial aid at Mitchell Hamline, please visit the [Financial Aid Office website](#).

## Information Technology Services

The Information Technology Services team supports the Mitchell Hamline community in the use of the technology that is integral to the study and practice of law.

All students are provided with a Mitchell Hamline network account that allows password-protected access to online resources including campus email, Microsoft Office 365, research databases, and the Canvas learning management system. Students may also access their Mitchell Hamline academic and financial records via a secure online portal.

The ITS team staffs a computer hardware and software help desk that is reachable by email, phone, or in person. Administrative support for Canvas is also available. Additional 24/7 Canvas support is provided by the vendor.

Most classrooms are equipped with educational technology including computers, Symposium, SMARTboards, document cameras, VCR/DVD players, and digital audio recording devices. Wireless access is available throughout the campus.

For complete information on technology services at Mitchell Hamline, see the [Information Technology Services website](#).

# Registrar

The Office of the Registrar (Room 120) is responsible for records and registration, and enforcing the Academic Rules.

The mission of this office is to safeguard the integrity of academic records while providing fair and efficient services to students, faculty and staff.

The Office of the Registrar's areas of responsibility include:

- Academic Calendar
- CALI Awards, Latin Honors, and Dean's List Processing
- Class Ranks
- Course Catalog Changes
- Course Scheduling and Cancellation
- Dean's Certifications
- Degree Audits and Graduation Term Updates
- Directory Updates
- Enrollment Reporting
- FERPA Compliance
- Grade Posting
- Letters of Good Standing and Enrollment Verifications
- Registration and Records Requests
- Transcript Processing
- Transfer Credit Evaluation

The Office of the Registrar has posted a [FAQ](#) section on its webpage that addresses a wide range of topics.

Various forms related to registration, grading, graduation, records, transcript requests, enrollment verification, letter of good standing, and exams may be found on the [Forms](#) page of the website.

For additional information, see the [Office of the Registrar's website](#).

Contact [registrar@mitchellhamline.edu](mailto:registrar@mitchellhamline.edu) for further information.

# Safety and Security

## Facilities and Security Department

The mission of the MHSL Facilities and Security Department is to support students, faculty and staff by providing a physical environment that is well maintained, clean, comfortable, and conducive to learning, teaching and working.

## Emergency Notification

Students receive emergency alerts and weather-related or other campus closing notifications via their @mitchellhamline.edu email address from the School's e2campus emergency notification system.

Students can add an additional email address that will receive notifications and sign up to receive alerts via text messaging on the demographics section of their [Student Records page](#).

## Accidents and Injuries on Campus

All accidents and injuries on campus should be reported to the on-duty security officer as soon as possible. The on-duty security officer may be reached by phone at 651-290-6330 or 651-227-9171 or by radio at 651-224-8763. There are first aid kits available at the Information/Security Desk at the front (Summit Avenue) entrance and in Student Services.

## Emergency Procedures for Fires

1. Pull the nearest fire alarm box. This will sound alarms in the building and cause all fire and smoke barrier doors to close automatically.
2. Evacuate people a safe distance away from the fire area.
3. If the fire is outside your room and the door or exit is hot, stay in the room, stay low, open a window for fresh air, and if you are able, call 911 or security to report your location. If there is no phone available, call out for help.
4. **If the fire is out of control, immediately exit the building, do not use the elevators.** If there is anyone in the area that needs assistance evacuating the building, notify Security immediately.
5. As soon as you are in a safe place, contact Security by phone at 651-290-6330 or 651-227-9171 or by radio at 651-224-8763, to advise them on the type and status of the fire.
6. The fire department will advise Security if and when the building can be safely re-entered. You may not re-enter the building until the fire department gives the all clear.
7. Report details of the fire to Security immediately after the all clear is given.

8. If the law school closes as a result of a fire, the Dean or Dean's designee will notify the law school community.

## Emergency Procedures for Storms

The severe-weather sirens are tested on the first Wednesday of each month at 1 p.m. If, at any other time the emergency sirens activate, proceed as follows:

Immediately proceed to the lower level of the library or the 1931 building. Stay clear of any outside perimeter windows. Remain in the lower level of the library or the 1931 building until the all-clear status is announced by security personnel.

## Escort Service and Security

The normal hours of operation for the law school's Security staff are Monday through Friday from 7:00 am to 11:00 pm and Saturday and Sunday from 8:00 am to 11:00 pm. A Security officer may be contacted at the Summit Avenue main security desk or by calling 651-290-6330 or 651-227-9171 or by radio at 651-224-8763.

The campus Security department maintains an escort service when the campus is open. A security officer will provide an escort within a 6-block radius of the law school. Students may request an escort by contacting a Security officer at the main security desk. Security escorts are available until 30 minutes before campus building closing time.

All persons are requested to cooperate with a Security officer who asks for identification. All crimes occurring on campus must be reported to the on-duty security officer, who will contact the St. Paul Police Department.

## Warren E. Burger Library

The Warren E. Burger Library supports the research and curricular needs of the students, faculty, and staff of Mitchell Hamline School of Law. The Library also welcomes Mitchell Hamline alumni, the practicing bar, and public patrons to use its resources.

The Library has over 500 seats for patrons including 150 individual study carrels. 18 study rooms can be reserved online by students for group study sessions. Wireless access is available throughout the facility. Laptop computers are available for checkout to students. Four copying, scanning, and printing machines are located in the Library.

The Warren E. Burger Library's collection consists of over 100,000 physical volumes with access to hundreds of thousands of additional titles in electronic format via the Library's database subscriptions. The Library holds a comprehensive collection of federal and Minnesota primary source materials augmented by extensive periodical, treatise, loose-leaf, and reference work holdings. The Library selectively collects United States federal government publications through the Federal Depository Library Program. Materials that are not available in the collection can be requested through the Library's online interlibrary loan system.

The Library Reference department offers research consultation services in-person and by phone, chat and zoom during regularly scheduled hours as well as by appointment. Research consultations may be related to projects that include, but are not limited to, first year courses, long paper research, clinic work, internship and externship projects, etc. The research librarians teach research methods in independent research courses, by invitation in doctrinal and skills courses, and for law school programs such as the law reviews and clinics. They also create and maintain research guides on a variety of topics that can be found on the library website.

The Library curates the Mitchell Hamline archives, manages the Mitchell Hamline Open Access institutional repository, and collaborates with faculty, students, and staff on digital projects.

Students must follow all library rules as published on the library website or otherwise publicly promulgated. A violation of the Library's Behavior Policy is subject to sanctions under the Student Code of Conduct or other law school policies (see the Student Conduct page in the Policies section of this Catalog). For all library policies and additional information, see the [Warren E. Burger Library policies webpage](#).

For complete information about library services at Mitchell Hamline, see the [Warren E. Burger Library website](#).

# Faculty

## Faculty and Administration

### Academic Deans

**Jim Hilbert, Interim President and Dean; Senior Fellow, Dispute Resolution Institute; Professor of Law**

B.A., Carleton College  
J.D., University of Minnesota

**Zeanta Jill Bryant, Vice Dean of Administration; Professor of Law**

B.S., 1980, Northwestern University  
J.D., 1983, Columbia University School of Law

**Morgan Holcomb, Vice Dean of Academics; Professor of Law**

B.A., Grinnell College  
J.D., University of Minnesota Law School

### Faculty

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J.D., Columbia Law School

**Henry Allen Blair, Robins Kaplan Professorship in Litigation Skills and International Dispute Resolution; John H. Faricy Professorship in Empirical Research; Senior Fellow, Dispute Resolution Institute; Professor of Law**

B.F.A., University of North Dakota  
J.D., Hamline University School of Law  
LL.M., James Kent Scholar, Columbia University School of Law  
J.S.D., Columbia University School of Law

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B.S., 2012, Minnesota State University  
J.D., 2015, Hamline School of Law

**Vonda Brown, Assistant Teaching Professor**

J.D., Texas Southern University, Thurgood Marshall School of Law  
B.S., University of Phoenix



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M.A., 1993, Reed College  
M.A., 1997, University of Chicago  
J.D., 2001, University of Minnesota Law School

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J.D., 1985, William Mitchell College of Law

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LL.M. in Health Law, 2002, University of Houston Law Center

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M.Div., Concordia Seminary  
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**Carol Swanson, Emerita Professor of Law**

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J.D., Vanderbilt University School of Law

**Steven R. Swanson, Emeritus Professor of Law**

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J.D., Vanderbilt University School of Law  
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**Peter N. Thompson, Emeritus Professor of Law**

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**Mary B. Trevor, Emerita Professor of Law**

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**Christine D. Ver Ploeg, Emerita Professor of Law**

B.A., 1971, University of Massachusetts  
J.D., 1974, Drake University Law School  
LL.M., 1977, Georgetown Law

**Nancy Ver Steegh, Emerita Professor of Law**

B.A., 1975, University of Minnesota  
M.S.W., 1979, Washington University in St. Louis, George Warren Brown School of  
Social Work  
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