



Mayo Clinic College of Medicine and Science

Rochester, Minnesota Campus

2024 Annual Security Report

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# Annual Security Report and Disclosure of Crime Statistics

## Purpose of the Annual Security Report (ASR)

The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (informally known as the “Clery Act”) requires all postsecondary institutions to publish an annual campus security report by October 1 of each year. This report informs the Mayo Clinic College of Medicine and Science (“MCCMS” or “the College”) Rochester, MN, campus community of Clery reportable crime statistics for the past three years and contains institutional policies and programs that pertain to sexual misconduct, safety, crime prevention, and procedures notifying the campus community in the event of an emergency. Its purpose is to inform the campus community including current and prospective students and employees of what safety and security features MCCMS has to offer and what Clery crime statistics have been reported at MCCMS. MCCMS is committed to taking the actions necessary to provide a safe and secure working and learning environment for all students and employees. As a member of the campus community, you can feel assured that security procedures are in place and are routinely evaluated for their effectiveness.

## Availability of the Annual Security Report

The Annual Security Report (ASR) is published and distributed by the College via email to all current students and employees each year, in compliance with the Clery Act requirements. The ASR can also be found on the MCCMS consumer information and disclosures webpage via the link: <https://college.mayo.edu/about/college-profile/consumer-information-and-disclosures/>. Prospective students and employees are also notified of the report’s availability. The ASR is also available in print form upon request by contacting David L. Dahlen, Education Compliance Officer, 200 First Street SW, Rochester, MN 55905, [Dahlen.David@mayo.edu](mailto:Dahlen.David@mayo.edu), or 507-284-3208.

## Preparing the Annual Security Report

Each year, the College’s ASR is prepared by the Education Compliance Officer, with assistance from the Office of Continuous Accreditation, Licensure, and Compliance, the Clery Compliance Oversight Committee, Mayo Clinic Security Department, and law enforcement agencies. Through the efforts of these entities, an annual review of the following is used to prepare the ASR:

- Applicable policies that are required as part of the ASR.
- An inventory of crime prevention and educational programming efforts that are offered by the College for the campus community.
- Reporting avenues for the campus community to report crimes at MCCMS.

Additionally, the Education Compliance Officer will keep updated with any new initiatives or compliance information to be placed in the ASR, as stated by the U.S. Department of Education.

## Compiling Crime Statistics and Crime Reporting

The crime statistics included in this ASR are reported through one of the following areas for the College:

- Mayo Clinic Security Department
- Local Law Enforcement / Police Department
- Designated Campus Security Authorities (“CSAs”)

CSAs generally include officials of the College who have significant responsibility for student and campus activities (i.e. Deans, Vice Deans, and Associate Deans, Administrators, Operations Managers, Program Managers, Academic Advisors,

Student Advisors, Student Services Director, Education Compliance Officer, and Title IX Coordinator) and officers who work in Mayo Clinic Security. The intent of including non-law enforcement personnel as CSAs is to acknowledge that many people, students in particular, are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals. Examples of individuals who DO NOT meet the criteria for being CSAs include a faculty member who does not have any responsibility for student and campus activities beyond the classroom, clerical staff, custodians, maintenance personnel and cafeteria staff.

## Reporting of Criminal Offenses

### Who should MCCMS Community Members specifically report Clery Crimes to?

It is preferred that students and members of the campus community who are the victim of, or witness to, any crime on campus accurately and promptly report incidents to the Mayo Clinic Security Department (507-284-2179) and/or to the local law enforcement agencies by dialing 911 from any Mayo Clinic phone on campus, including cell phones.

The College encourages accurate and prompt reporting of all crimes and other emergencies occurring on campus, on property owned by Mayo Clinic, or on nearby public property to the Mayo Clinic Security Department (507-284-2179) and/or to the local law enforcement agencies (dial 911) when the victim of a crime elects to or is unable to make such a report.

Below is a listing of entities that members of the campus community can report crimes to, and the reports will be made available to the Education Compliance Officer for statistical reporting purposes.

- Mayo Clinic Security Department
- Campus Security Authorities (CSAs)
- Office of Student Services
- Ombudsman
- Administration
- Education Compliance Officer
- Title IX Coordinator
- Local Police Department

Campus Security Authorities (CSAs) are trained to act as resources for anyone who wishes to report the occurrence of a crime, but who do not want to make a report to the local police department. While there are many CSAs on campus, the College prefers reports be made to the following CSAs:

Title	Telephone Number
Mayo Clinic Security	507-284-2179
Title IX Coordinator	507-284-4714 (Office) 507-269-9873 (Cell)
Education Compliance Officer	507-284-3208
Director of Student Development	507-293-0036
Administrator, Mayo Clinic Alix School of Medicine	507-266-4232
Administrator, Mayo Clinic School of Health Sciences	507-285-3178
Administrator, Mayo Clinic Graduate School of Biomedical Sciences	507-538-7630

Campus Security Authorities (CSAs) are obligated under the law to inform the Mayo Clinic Security Department or the Integrity and Compliance Office of the type of crime and its location for statistical purposes. Making a report to a CSA

does not generally initiate a police report or an investigation through the College, unless the reporting party specifically requests assistance with making a police report or initiating an investigation from the College.

All reports of sexual violence, dating violence, domestic violence and stalking will be forwarded to the Title IX Coordinator (Integrity and Compliance Office) for investigation. When an alleged victim requests confidentiality or that there be no investigation, the Title IX Coordinator will weigh this request in the context of its responsibility to provide a safe and non-discriminatory environment. Employees who have been designated as Reporting Officials under Title IX are required to forward the name of all individuals involved with an allegation of dating violence, domestic violence, sexual assault, and stalking to the Title IX Coordinator for investigation. In the case of anonymous complaints, the Title IX Coordinator is limited in its ability to conduct a full investigation and to fully respond to the effects of a crime.

All reported crimes will be documented on the security daily crime log. Finally, all applicable crimes reported to Mayo Clinic Security Department and to CSAs will be included in the annual statistical disclosure. These public disclosures will **not** include any personally identifying information of any reporting parties, witnesses, or victims.

The College encourages its professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics. The College does not have pastoral counselors.

## Reporting Crimes

Victims of crimes have the right to not report crimes to the local authorities or to local law enforcement. However, the College encourages all victims of crimes to accurately and promptly report the incident to one of the CSAs or to the Title IX Coordinator so that you can get the assistance you need, find out about the resources available to you, and understand more about the investigative process, should you elect to have the incident investigated.

Campus Crimes that must be included in the ASR if reported to a CSA are:

- Murder and non-negligent manslaughter
- Negligent manslaughter
- Sex offenses (Rape, Fondling, Incest, Statutory Rape)
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Liquor law arrests
- Liquor law referrals for disciplinary action
- Weapons violations arrests
- Weapons violations referred for disciplinary action
- Drug law arrests
- Drug law referrals for disciplinary action
- Dating violence
- Domestic violence
- Stalking
- All hate crimes noted by category of bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability), which includes murder and non-negligent manslaughter, negligent manslaughter,

sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism to property.

## Confidential and Anonymous Reporting

As part of the College reporting process, we encourage all individuals to report crimes, emergencies, or other incidents occurring on campus, on other property owned by Mayo Clinic, or on nearby public property. When the victim or witness of a crime elects not to or is unable to make such a report to Mayo Clinic Security or to the respective law enforcement agency, but wants it included as a statistic in the Annual Security Report (ASR), that individual can voluntarily make a confidential report by

- calling the Compliance Hotline at 888-721-5391, or
- submitting an online report via the [Education Incident Submission Form](http://intranet.mayo.edu/charlie/continuous-accreditation-licensure-compliance/) located on the Office of Accreditation, Licensure, and Compliance webpage at <http://intranet.mayo.edu/charlie/continuous-accreditation-licensure-compliance/>, or
- submitting an online report via the Integrity and Compliance Office hotline webpage at <http://intranet.mayo.edu/charlie/integrity-compliance-program/>
- submitting an online report via the Integrity and Compliance Office hotline external webpage at <https://secure.ethicspoint.com/domain/media/en/gui/23071/index.html>

## Confidential Reporting

If you are the victim of a crime of dating violence, domestic violence, sexual assault, or stalking, and you do not want to pursue action through the College disciplinary process or criminal justice system, you may still want to consider making a confidential report to a Campus Security Authority (CSA), Reporting Officials, or the Title IX Coordinator.

The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents occurring on campus and alert the campus community to potential danger.

Reports filed in this manner are counted and disclosed in the annual statistical disclosure, considered for the need to issue a timely warning, and are included in the daily crime log. These public disclosures will not include any personally identifying information of any reporting parties, witnesses, or victims.

Campus Security Authorities and Reporting Officials have a duty to promptly contact the Title IX Coordinator after becoming aware of an incident or allegation of sexual harassment and/or provide information giving them reason to believe that sexual harassment may have occurred, even if a complainant requests confidentiality.

## Anonymous Reporting

Reporting incidents of dating violence, domestic violence, sexual assault, and stalking can be difficult. You can make an anonymous report by calling the Compliance Hotline at 888-721-5391, or submitting an online report via the Compliance Hotline webpage at <http://intranet.mayo.edu/charlie/integrity-compliance-program/>.

This resource was established for reporting such matters in a way that is protective of your concerns and identity. When using the Compliance Hotline, you are not required to provide your name or other information that might identify you. However, if you choose to remain anonymous, the College will be limited in the scope of its investigation and response. The reporting website will not track the identity of the computer you use.

If you do provide your name, or if your identity becomes known during an investigation, the College might become obligated to use your identity in the process of investigating any alleged sexual harassment. However, the College forbids retaliation against people who make good faith reports of violations of law or College policy. Therefore, if you



experience retaliation or other negative consequences as the result of providing information through the Compliance Hotline or having your identity revealed in the process, you should report it to the Title IX Coordinator. Information you provide will be used to help determine whether there has been a violation of law or policy. Information may be shared with persons within the College if they have a need to know. Other persons, organizations, or agencies may obtain access to this information if they have statutory or judicial authority to do so.

Do not use the Compliance Hotline website to report immediate threat to life or property. Reports submitted through this service may not receive an immediate response. If you require emergency assistance, call 911.

## Security of and Access to Campus Facilities

Mayo Clinic maintains a system to control access to campus facilities and sensitive areas via electronic access-control devices such as identification cards, keys, and access codes. Building access is restricted to students, faculty, employees and their invited guests and people on official business. Building security controls are managed by the Mayo Clinic Security Department and include, but are not limited to, the following physical and electronic elements:

- Access control (electronic card readers)
- Duress alarms
- Emergency call boxes
- Intercom stations
- Intrusion detection systems (burglar alarms)
- Lock and key control
- Real time location services
- Security Officer services
- Security video management systems

We strive to make our campus safe by limiting access to buildings after hours. Mayo Clinic buildings are locked during the evenings and weekends. Access to these buildings is only granted to those with key or card access to the respective building. Persons authorized to remain in the building after closing time are required to have proper identification at all times. Mayo Clinic security personnel conduct frequent internal and external checks of all buildings on campus. Security personnel also perform vehicle patrols of parking lots and surrounding areas.

For Clery Act reporting purposes, the College does not have on campus student housing facilities or resident halls.

## Monitoring and Reporting of Criminal Activity at Off Campus Locations

For Clery Act reporting purposes, the College does not have any buildings or property owned or controlled by student organizations.

The Mayo Clinic Security Department does not monitor criminal activity at off campus locations. When a student is involved in an off-campus offense, the local law enforcement agency that has primary jurisdiction handles the case.

## Security Considerations in the Maintenance of Campus Facilities

Mayo Clinic is concerned about the safety and security considerations and maintenance of their campus facilities. The Mayo Clinic Security Department works collaboratively with the Facilities Department to identify maintenance issues on campus that may be safety hazards. Safety checks are completed to identify street or safety lights that are not functioning properly, or to determine if shrubs or other landscaping might need trimming.

The Facilities Department routinely evaluates the maintenance and safety of its buildings periodically throughout the year. Additionally, maintenance personnel will respond to safety hazards, such as broken windows or lighting concerns

and will regularly check to ensure there is adequate lighting on pathways and that egress lighting is working in hallways and stairwells.

## Law Enforcement Relationships, Jurisdiction, and Authority to Arrest

The Mayo Clinic Security Department is not a law enforcement agency. Officers of the Mayo Clinic Security Department are not commissioned law enforcement peace officers and do not have the authority to arrest. The College does not have written agreements with local law enforcement agencies for the investigation of alleged criminal offenses. However, the Mayo Clinic Security Department maintains a close working relationship with state and local law enforcement agencies both on campus and in areas within close proximity to the campus. Mayo Clinic Security Officers, however, are authorized to enforce campus security and safety policies.

Rochester Police Officers are contracted to staff the Mayo Clinic Hospital-Rochester, St. Marys Campus on a part-time basis. They have the authority to arrest and investigate criminal activity that is reported to them. Responsibilities include general investigations of crimes that occur on the St. Marys Campus and being responsible for the protection of life and property of staff, patients, and visitors. Their role is equivalent to a school resource officer.

## Daily Crime Log

The College maintains a daily crime log available for the public. The log is available during regular business hours and can be requested by contacting the College at [CampusSafety@mayo.edu](mailto:CampusSafety@mayo.edu). The daily crime log includes crimes which occurred within the College Clery geography, which have been reported to the College by Campus Security Authorities, the police department, and other applicable law enforcement agencies. The daily crime log includes:

- Incident report number
- Date incident occurred
- Incident report type
- Site and building
- Incident status

## Timely Warnings, Emergency Notifications, Emergency Response and Testing

### Timely Warnings

Timely warnings will be issued for Clery crimes that are believed to pose a serious or on-going threat to the campus community. These campus-wide notifications are designed to give the campus community information which will aid in the prevention of similar crimes. Crimes which may trigger a timely warning include criminal homicide, sexual assault, robbery, aggravated assault, burglary, arson, or any other crime that Mayo Clinic Crisis Incident Response Team (CIRT) believes poses a serious or ongoing threat to the campus community.

Incidents will be evaluated on a case-by-case basis by the CIRT to determine if a timely warning is warranted. When a timely warning is warranted, the CIRT or designee will compose the warning, route the draft to Mayo Clinic authorities for approvals, and distribute the warning to all students and employees of Mayo Clinic College of Medicine and Science via the mass notification system. The mass notification system is used in conjunction with additional communication methods including, but not limited to overhead announcements, desktop alerts, Mayo Clinic home webpage, E-mail, group paging, and security personnel.

Anyone with information warranting a timely warning should immediately report the circumstances to the Mayo Clinic Security Department at 507-284-2179, or by calling 911

## Emergency Notifications

Emergencies or dangerous situations should be reported to Mayo Clinic Security Department (507-284-2179) or by calling 911. Emergency notifications (alerts) notify the campus community of any significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health and safety of students or employees.

Prior to issuing an emergency notification, the Emergency Management Incident Commander will confirm an emergency with the assistance from campus security personnel, local police, other emergency professionals on the scene, and/or notifications from the National Weather Service. Information obtained from these sources will be used to determine the scope and content of the notification.

Upon confirmation of an emergency or dangerous situation, the Emergency Management Incident Commander and the Healthcare Incident Command System (HICS) team will, without delay, and taking into account the safety of the campus community, determine the content of the notification and initiate the appropriate notification system(s). The message will include safety precautions to take, where the problem exists and what areas to avoid to keep themselves safe.

Notifications may be delayed if issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Some examples of emergency notifications (alerts) are:

- Approaching extreme weather
- Natural disaster
- Hostile threat
- Bomb threat
- Explosion, fire, or gas leak
- Environmental hazards
- Disease outbreak

## Emergency Response

Emergency response operations include coordination of campus and community resources to save lives, protect property, and provide for the continuity of Mayo Clinic operations. The Emergency Management Incident Commander and the HICS team in collaboration with first responders and other appropriate departments and personnel will make an assessment if a segment (based on whether the range of the threat is isolated to a specific area of campus) of the campus needs to take action and that information will be included within the alert sent out to all individuals affected. If deemed necessary, the Emergency Management Incident Commander or designee will notify the local police department and local media in order that the larger community external to the campus will be made aware of the emergency.

## Emergency Notification Systems

Mayo Clinic has several methods of communicating important safety information quickly in the event of a significant emergency or dangerous situation that poses an immediate threat to the health and safety of the campus community. The situation will dictate which notification methods are used. In some situations, multiple notifications may be used. Notification methods include: the mass notification system, overhead announcements, desktop alerts, Mayo Clinic webpage announcements, campus email, group paging, and on-scene emergency and security personnel.

Members of the College community will automatically receive mass notifications via their school email addresses. Personal contact information will be entered into the mass notification system via an opt-in basis.

Mayo Clinic maintains an emergency management program. Within the context of these emergency preparedness programs, Emergency Management develops and makes available emergency response plans via the Mayo Clinic Emergency Management website, new student orientation, new employee orientation, and online learning modules.

## Emergency Response Testing

A vital part of individual and organizational emergency preparedness is implementing response plans in a simulated emergency (i.e., an exercise) to assess institutional response capabilities and to determine if the current plan is adequate. The Department of Emergency Management conducts an exercise to test the emergency response procedures of the campus at least once annually. Tests of the emergency procedures may be announced or unannounced. The Department of Emergency Management is responsible for documenting and analyzing the effectiveness of each test and retains documentation of each test including a description of the test, date, and time of the test, and whether the test was announced or unannounced. In connection with at least one such test, the College will distribute information to its students and employees to remind them of the College's emergency response and evacuation procedures.

## Security Awareness and Crime Prevention

The College uses several methods to convey important safety and security information to students and employees. These methods include in-person presentations, online training modules, and distribution of written materials via email and/or the Mayo Clinic Safety and Security websites. Crime prevention and safety information is also provided to new students during orientation week. A presentation on safety and security at Mayo Clinic is also provided at new employee orientation. New students and employees receive education on the prevention of dating violence, domestic violence, sexual assault, and stalking through an in-person presentation by the Title IX Coordinator or designee.

The College offers information about safety and security awareness/prevention programs that are available to the campus community, as well as crime prevention services and tips. These programs are designed to inform students and employees about the prevention of crime, security procedures and practices, and risk-reduction choices for taking responsibility for one's own safety and the safety of others. Campus safety and security policies are discussed with new students and new employees at their incoming orientation. The Mayo Clinic Security Department welcomes the opportunity to make classroom presentations on security topics to students and employee groups of any size. Campus security also provides a safety escort program for students and employees. In addition, students and employees have access to on-line safety and security presentations and a downloadable security guide that provides tips on situational awareness, risk reduction, safety, and security for work, home, and travel.

Some examples of reducing risk as highlighted by Mayo Clinic Security include:

- Paying attention to the things that are going on around you. As the eyes and ears of the College, you are the first line of defense against unauthorized entry, vandalism, and theft.
- Taking personal responsibility for your security and the security of others (students, employees, patients)
- Not allowing tailgating, which is letting someone you do not know or have not identified follow you into an access-controlled area. The College culture is one of courteous and respectful behavior toward all; however, that does not mean you should jeopardize your own safety, the safety of others or Mayo Clinic properties.
- Reporting unauthorized or suspicious people in your work area or any area.
- Paying attention to, and acting upon, feelings of apprehension. If something looks or feels wrong, there is probably a reason for that gut reaction.
- Reducing the opportunity for theft such as securing personal items you bring to the classroom or workplace in a locker or in a locked file cabinet or desk.
- Reporting suspicious activity or other security concerns immediately to Mayo Clinic Security.

## Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Consistent with applicable laws, the College prohibits dating violence, domestic violence, sexual assault, and stalking. The College's policy that is used to address complaints of this nature, as well as the procedures for filing, investigating, and resolving complaints may be found at:

- [Title IX Sexual Harassment Policy](#)
- [Title IX Sexual Harassment Complaint Resolution Procedure](#)

The following sections of this report discuss the College's educational programs to promote the awareness of dating violence, domestic violence, sexual assault, and stalking; provide information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses; and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

### Clery Act VAWA Crime Definitions

For the purpose of classifying incidents for inclusion in the Annual Security Report (ASR), the following definitions are used.

#### Dating Violence

The term "dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition — dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

#### Domestic Violence

The term "domestic violence" means acts of violence committed:

- By a current or former spouse or intimate partner of the victim,
- By a person with whom the victim shares a child in common,
- By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, *or*
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

#### Sexual Assault

Sexual assault means any actual or attempted sexual contact with another person without that person's consent. Sexual contact includes intentional contact by the accused with the victim's genital area, groin, inner thigh, buttocks, or breasts, whether clothed or unclothed, or unlawfully coerced touching by the victim of another's genital area, groin, inner thigh buttocks, or breasts, whether clothed or unclothed.

## 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 consent.

## Fondling

The touching of the private parts (including the genital area, groin, inner thigh buttocks, or breasts) of another person for the purposes of sexual gratification, without consent.

## Incest

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Minnesota state law.

## Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent.

## Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition—

- “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property.
- “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- “Reasonable persons” means a reasonable person under similar circumstances and with similar identities to the victim.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## Minnesota State Law Definitions of VAWA Crimes and Terms

The following definitions are for the purposes of educating the readers regarding jurisdictional crime definitions. Legal citations are given to enable the reader to access information on where the applicable definitions can be referenced under Minnesota law. Some terms are not explicitly defined under Minnesota law; in these instances, information is given to help readers locate VAWA terms in Minnesota State Law.

<b>Crime Type (Minnesota Statutes)</b>	<b>Definition</b>
Dating Violence	The institution has determined, based on good-faith research, that Minnesota law does not define the term dating violence.
Domestic Violence	The institution has determined, based on good-faith research, that Minnesota law does not define the term domestic violence.  However, Minnesota’s Domestic Abuse Act provides the following definitions (Minn. Stat. § 518B.01):

<b>Crime Type</b> <b>(Minnesota Statutes)</b>	<b>Definition</b>
	<ul style="list-style-type: none"> <li>• “Domestic abuse” means the following, if committed against a family or household member by a family or household member: (1) physical harm, bodily injury, or assault; (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or (3) terroristic threats [as defined by statute]; criminal sexual conduct [as defined by statute]; or interference with an emergency call [as defined by statute].</li> <li>• "Family or household members" means: (1) spouses and former spouses; (2) parents and children; (3) persons related by blood; (4) persons who are presently residing together or who have resided together in the past; (5) persons who have a child in common regardless of whether they have been married or have lived together at any time; (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and (7) persons involved in a significant romantic or sexual relationship.</li> </ul> <p>In addition, Minnesota’s criminal statutes define the following:</p> <ul style="list-style-type: none"> <li>• Domestic Assault (Minn. Stat. § 609.2242): Whoever does any of the following against a family or household member as defined in section 518B.01, subdivision 2, commits an assault and is guilty of a misdemeanor: (1) commits an act with intent to cause fear in another of immediate bodily harm or death; or (2) intentionally inflicts or attempts to inflict bodily harm upon another.</li> </ul>
Stalking (Minn. Stat. § 609.749)	<p>Minnesota's stalking statute provides the following:</p> <ul style="list-style-type: none"> <li>• Harassment crimes.               <ol style="list-style-type: none"> <li>1. As used in this subdivision, the following terms have the meanings given: (1) "family or household members" has the meaning given in section 518B.01, subdivision 2, paragraph (b); (2) "personal information" has the meaning given in section 617.261, subdivision 7, paragraph (f); (3) "sexual act" has the meaning given in section 617.261, subdivision 7, paragraph (g); and (4) "substantial emotional distress" means mental distress, mental suffering, or mental anguish as demonstrated by a victim's response to an act including but not limited to seeking psychotherapy as defined in section 604.20, losing sleep or appetite, being diagnosed with a mental-health condition, experiencing suicidal ideation, or having difficulty concentrating on tasks resulting in a loss of productivity.</li> <li>2. A person who commits any of the acts listed in paragraph (c) is guilty of a gross misdemeanor if the person, with the intent to kill, injure, harass, or intimidate another person: (1) places the other person in reasonable fear of substantial bodily harm; (2) places the person in reasonable fear that the person's family or household members will be subject to substantial bodily harm; or (3) causes or would reasonably be expected to cause substantial emotional distress to the other person.</li> </ol> </li> </ul>

Crime Type (Minnesota Statutes)	Definition
	<p>3. A person commits harassment under this section if the person: (1) directly or indirectly, or through third parties, manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act; (2) follows, monitors, or pursues another, whether in person or through any available technological or other means; (3) returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent; (4) repeatedly makes telephone calls, sends text messages, or induces a victim to make telephone calls to the actor, whether or not conversation ensues; (5) makes or causes the telephone of another repeatedly or continuously to ring; (6) repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, through assistive devices for people with vision impairments or hearing loss, or any communication made through any available technologies or other objects; (7) knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties; or (8) uses another's personal information, without consent, to invite, encourage, or solicit a third party to engage in a sexual act with the person.</p> <ul style="list-style-type: none"> <li>• "Stalking" means two or more acts within a five-year period that violate or attempt to violate the provisions of any of the following or a similar law of another state, the United States, the District of Columbia, tribe, or United States territories [including this section and other state laws, including those pertaining to domestic assault, obscene or harassing telephone calls, damage to property, and criminal sexual conduct, as well as others].</li> <li>• It is important to note that <i>State v. Morales</i>, 2020 WL 7330306 (2020) determined that Sections 609.749(2) and (4) are unconstitutional. The statutes, however, remain on the books.</li> </ul>
Sexual Assault	The institution has determined, based on good-faith research, that Minnesota law does not define the term sexual assault
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Minnesota law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape: The institution has determined, based on good-faith research, that Minnesota law does not define the term rape.</li> <li>• Fondling: The institution has determined, based on good-faith research, that Minnesota law does not define the term fondling.</li> <li>• Incest (Minn. Stat. § 609.365): Whoever has sexual intercourse with another nearer of kin to the actor than first cousin, computed by rules of the civil law, whether of the half or the whole blood, with knowledge of the</li> </ul>



Crime Type (Minnesota Statutes)	Definition
	<p>relationship, is guilty of incest and may be sentenced to imprisonment for not more than ten years.</p> <ul style="list-style-type: none"> <li>• Statutory Rape: The institution has determined, based on good-faith research, that Minnesota law does not define the term statutory rape.</li> </ul>
Other "sexual assault" crimes	<p>Other crimes under Minnesota law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> <li>• Criminal Sexual Conduct in the First Degree (Minn. Stat § 609.342): A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the first degree if any of the following circumstances exists: <ol style="list-style-type: none"> <li>1. circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm;</li> <li>2. the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;</li> <li>3. the actor causes personal injury to the complainant, and any of the following circumstances exist: (i) the actor uses coercion to accomplish the act; (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or (iii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;</li> <li>4. the actor uses force as defined in section 609.341, subdivision 3, clause (1); or</li> <li>5. the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists: (i) the actor or an accomplice uses force or coercion to cause the complainant to submit; or (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit.</li> </ol> </li> <li>• Subd. 1a. Victim under the age of 18; crime defined. A person who engages in penetration with anyone under 18 years of age or sexual contact with a person under 14 years of age as defined in section 609.341, subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the first degree if the following circumstances exist: <ol style="list-style-type: none"> <li>1. circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;</li> <li>2. the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;</li> </ol> </li> </ul>

<b>Crime Type</b> <b>(Minnesota Statutes)</b>	<b>Definition</b>
	<ol style="list-style-type: none"> <li>3. the actor causes personal injury to the complainant, and any of the following circumstances exist: (i) the actor uses coercion to accomplish the act; (ii) the actor uses forces, as defined in section 609.341, subdivision 3, clause (2); or (iii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;</li> <li>4. the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists: (i) the actor or an accomplice uses force or coercion to cause the complainant to submit; or (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;</li> <li>5. the complainant is under 14 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;</li> <li>6. the complainant is at least 14 years of age but less than 16 years of age and: (i) the actor is more than 36 months older than the complainant; and (ii) the actor is in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;</li> <li>7. the complainant was under 16 years of age at the time of the act and the actor has a significant relationship to the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;</li> <li>8. the complainant was under 16 years of age at the time of the act and the actor has a significant relationship to the complainant and any of the following circumstances exist: i) the actor or an accomplice used force or coercion to accomplish the penetration; (ii) the complainant suffered personal injury; or (iii) the sexual abuse involved multiple acts committed over an extended period of time. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or (i) the actor uses force, as defined in section 609.341, subdivision 3, clause (1).</li> </ol> <ul style="list-style-type: none"> <li>• Criminal Sexual Conduct in the Second Degree (Minn. Stat. § 609.343): A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the second degree if any of the following circumstances exists:</li> <li>• Adult Victim: <ol style="list-style-type: none"> <li>1. circumstances existing at the time of the act cause the complainant to have reasonable fear of imminent great bodily harm to the complainant or another;</li> </ol> </li> </ul>

<b>Crime Type</b> <b>(Minnesota Statutes)</b>	<b>Definition</b>
	<ol style="list-style-type: none"> <li>2. the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit;</li> <li>3. the actor causes personal injury to the complainant, and any of the following circumstances exist: (i) the actor uses coercion to accomplish the sexual contact; (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or (iii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;</li> <li>4. the actor uses force as defined in section 609.341, subdivision 3, clause (1); or the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists: (i) the actor or an accomplice uses force or coercion to cause the complainant to submit; or (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit.</li> </ol> <ul style="list-style-type: none"> <li>• Subd. 1a. Victim under the age of 18; crime defined. A person who engages in sexual contact with anyone under 18 years of age is guilty of criminal sexual conduct in the second degree if any of the following circumstances exists: <ol style="list-style-type: none"> <li>1. circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;</li> <li>2. the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit;</li> <li>3. the actor causes personal injury to the complainant, and any of the following circumstances exist: (i) the actor coercion to accomplish the sexual contact; or (ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;</li> <li>4. the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists: (i) the actor or an accomplice uses force or coercion to cause the complainant to submit; or (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;</li> <li>5. the complainant is under 14 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the</li> </ol> </li> </ul>

<b>Crime Type</b> <b>(Minnesota Statutes)</b>	<b>Definition</b>
	<p>complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;</p> <ol style="list-style-type: none"> <li>6. the complainant is at least 14 but less than 16 years of age and the actor is more than 36 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;</li> <li>7. the complainant was under 16 years of age at the time of the sexual contact and the actor has a significant relationship to the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;</li> <li>8. the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual contact, and: (i) the actor or an accomplice used force or coercion to accomplish the contact; (ii) the complainant suffered personal injury; or (iii) the sexual abuse involved multiple acts committed over an extended period of time. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or</li> <li>9. the actor uses force, as defined in section 609.341, subdivision 3, clause 1.</li> </ol> <ul style="list-style-type: none"> <li>• Criminal Sexual Conduct in the Third Degree (Minn. Stat. § 609.344): A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists: <ol style="list-style-type: none"> <li>1. the actor uses coercion to accomplish the penetration;</li> <li>2. the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;</li> <li>3. the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or</li> <li>4. at the time of the act, the actor is in a prohibited occupational relationship with the complainant.</li> </ol> </li> <li>• Subd. 1a. Victim under the age of 18; crime defined. A person who engages in sexual penetration with anyone under 18 years of age is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists: <ol style="list-style-type: none"> <li>1. the complainant is under 14 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense;</li> <li>2. the complainant is at least 14 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case if the actor is no more than 60 months older than the complainant, it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor</li> </ol> </li> </ul>

<b>Crime Type</b> <b>(Minnesota Statutes)</b>	<b>Definition</b>
	<p>reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense. Consent by the complainant is not a defense;</p> <ol style="list-style-type: none"> <li>3. the actor uses coercion to accomplish the penetration;</li> <li>4. the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;</li> <li>5. the complainant is at least 16 but less than 18 years of age and the actor is more than 36 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;</li> <li>6. the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;</li> <li>7. the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual penetration, and: (i) the actor or an accomplice used force or coercion to accomplish the penetration; (ii) the complainant suffered personal injury; or (iii) the sexual abuse involved multiple acts committed over an extended period of time. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;</li> <li>8. the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or (i) at the time of the act, the actor is in a prohibited occupational relationship.</li> </ol> <ul style="list-style-type: none"> <li>• Criminal Sexual Conduct in the Fourth Degree (Minn. Stat. § 609.345): A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists: <ol style="list-style-type: none"> <li>1. the actor uses coercion to accomplish the sexual contact;</li> <li>2. the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;</li> <li>3. the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or</li> <li>4. at the time of the act, the actor is in a prohibited occupational relationship with the complainant.</li> </ol> </li> <li>• Subd. 1a. Victim under the age of 18; crime defined. A person who engages in sexual contact with anyone under 18 years of age is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists: <ol style="list-style-type: none"> <li>1. the complainant is under 14 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;</li> </ol> </li> </ul>

<b>Crime Type</b> <b>(Minnesota Statutes)</b>	<b>Definition</b>
	<ol style="list-style-type: none"> <li>2. the complainant is at least 14 but less than 16 years of age and the actor is more than 36 months older than the complainant or in a current or recent position of authority over the complainant. Consent by the complainant to the act is not a defense. Mistake of age is not a defense unless actor is less than 60 months older. In any such case, if the actor is no more than 60 months older than the complainant, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense;</li> <li>3. the actor uses coercion to accomplish the sexual contact;</li> <li>4. The actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;</li> <li>5. the complainant is at least 16 but less than 18 years of age and the actor is more than 36 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;</li> <li>6. the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;</li> <li>7. the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and: (i) the actor or an accomplice used force or coercion to accomplish the contact; (ii) the complainant suffered personal injury; or (iii) the sexual abuse involved multiple acts committed over an extended period of time. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.</li> <li>8. the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or (i) at the time of the act, the actor is in a prohibited occupational relationship.</li> </ol> <ul style="list-style-type: none"> <li>• Criminal Sexual Conduct in the Fifth Degree (Minn. Stat. § 609.3451): A person is guilty of criminal sexual conduct in the fifth degree if the person engages in nonconsensual sexual penetration.</li> <li>• A person is guilty of criminal sexual conduct in the fifth degree if: (1) the person engages in nonconsensual sexual contact; or (2) the person engages in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16, knowing or having reason to know the minor is present.</li> <li>• For purposes of this section, "sexual contact" has the meaning given in section 609.341, subdivision 11, paragraph (a), clauses (i), (iv), and (v). Sexual contact also includes the intentional removal or attempted removal of clothing covering the complainant's intimate parts or undergarments,</li> </ul>

<b>Crime Type</b> <b>(Minnesota Statutes)</b>	<b>Definition</b>
	<p>and the nonconsensual touching by the complainant of the actor's intimate parts, effected by the actor, if the action is performed with sexual or aggressive intent.</p> <ul style="list-style-type: none"> <li>• Criminal Sexual Predatory Conduct (Minn. Stat. § 609.3453): A person is guilty of criminal sexual predatory conduct if the person commits a predatory crime that was motivated by the offender's sexual impulses or was part of a predatory pattern of behavior that had criminal sexual conduct as its goal.</li> </ul>
Consent (as it relates to sexual activity) (Minn. Stat. § 609.341 subd. 4)	<ol style="list-style-type: none"> <li>1. "Consent" means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.</li> <li>2. A person who is mentally incapacitated or physically helpless as defined by this section cannot consent to a sexual act.</li> <li>3. Corroboration of the victim's testimony is not required to show lack of consent.</li> </ol>
<i>The College's Definition of Consent:</i>	<p>The College uses the following definition of consent in its Title IX Sexual Harassment Policy for the purpose of determining whether sexual violence (including sexual assault) has occurred:</p> <p><b>Consent:</b> Words or actions that a reasonable person from the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person who is Incapacitated is not capable of giving Consent.</p>
<i>The College's Definition of Coercion:</i>	<p>The College uses the following definition of coercion in its Title IX Sexual Harassment Policy for the purpose of determining whether sexual violence (including sexual assault) has occurred:</p> <p><b>Coercion:</b> Direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise would not have been performed or acquiesce in an act to which one would otherwise not have submitted. Coercion can include unreasonable and sustained pressure for sexual activity.</p> <p>Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. A person's words or conduct cannot amount to Coercion for purposes of this policy unless they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity.</p>
<i>Additional Information</i>	<p>Minnesota State Statute 609.2242 DOMESTIC ASSAULT:  <a href="https://www.revisor.mn.gov/statutes/cite/609.2242">https://www.revisor.mn.gov/statutes/cite/609.2242</a></p>

Crime Type (Minnesota Statutes)	Definition
	Minnesota State Statute 518B.01 DOMESTIC ABUSE ACT: <a href="https://www.revisor.mn.gov/statutes/cite/518B.01">https://www.revisor.mn.gov/statutes/cite/518B.01</a>  Overview of Criminal Sexual Conduct Crimes and Penalties Applying to Criminal Sexual Conduct: <a href="https://www.house.leg.state.mn.us/hrd/pubs/ss/ssovrcsc.pdf">https://www.house.leg.state.mn.us/hrd/pubs/ss/ssovrcsc.pdf</a>

## Prevention and Awareness Education Program

The College is committed to providing a learning and working environment that promotes mutual respect, including one free from discrimination and violence. The College recognizes that awareness and prevention of sexual harassment is important and offers prevention and awareness programs to a variety of groups. The program advises the campus community members that the College prohibits the offenses of dating violence, domestic violence, sexual assault, and stalking.

The Title IX Coordinator provides an in-person and interactive educational session to all incoming students and all employees on the [Title IX Sexual Harassment Policy](#) and [Title IX Sexual Harassment Complaint Resolution Procedure](#). This training:

- Covers relevant definitions, procedures, and sanctions,
- Discusses risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks,
- States that sexual harassment, which includes dating violence, domestic violence, sexual assault, and stalking, are prohibited acts,
- Covers reporting options – including areas that are anonymous and those individuals that are mandatory reporters,
- Discusses the importance of “consent,”
- Discusses safe and positive options for bystander intervention, *and*
- Defines sexual violence terms, such as sexual assault, stalking, and dating violence.

All students and all employees are required complete on-line training modules on topics such as workplace safety, security, mutual respect, prevention of sexual harassment in the workplace, bystander interventions, confidentiality, and integrity and compliance.

## Risk Reduction Strategies

If you find yourself in an uncomfortable sexual situation, below are some suggestions that may help you reduce your risk:

- Make your limits known before going too far.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be as direct as possible about wanting to leave the environment.
- Grab someone nearby and ask them for help.



- Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
- Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
- Be aware of someone trying to slip you an incapacitating “rape drug” like Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, below are some suggestions that may help you to reduce your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person.
- Don’t make assumptions about the other person’s consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
- Consider “mixed messages” a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don’t take advantage of someone who is drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don’t be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, passing out, staggering, and unusual behavior.

It is also important to be aware of the warning signs of an abusive person. Some examples include: past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; “playful” use of force during sex; Jekyll-and-Hyde personality.

## Safe and Positive Options for Bystander Intervention

For purposes of this Report, “Bystander intervention” means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

Bystander interventions involve many considerations, such as the following:

- Recognizing situations of potential harm – does your “gut” tell you something is wrong?
- Understanding institutional structures and cultural conditions that facilitate violence.
- Overcoming barriers to intervening – assess your options for providing help.
- Identifying safe and effective intervention options – determine the potential risk(s) of taking action.
- Looking out for those around you.
- Realizing that it is important to intervene to help others.
- Treating everyone respectfully.
- Recruiting help from others when a situation seems to be going poorly.
- Keeping yourself safe.
- Contacting the police or calling 911.

## Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

The College encourages individuals to report dating violence, domestic violence, sexual assault, or stalking as soon as possible to local officials and/or law enforcement, where appropriate. You may also contact the College's Title IX Coordinator at 507-284-4714 (Office) or 507-2699873 (Cell). Notifying these individuals helps ensure that a complainant receives support, helps with the preservation of evidence, and facilitates an appropriate investigative response.

The College will take prompt action after receiving a report of dating violence, domestic violence, sexual assault, and stalking, including a review of the matter and, if necessary, investigating and taking appropriate steps to stop, remedy, and prevent the recurrence of sexual harassment.

### On Campus Reporting

If the assault happened on campus, contact the Mayo Clinic Security Department at 507-284-2179 or call 911. You may also contact the Title IX Coordinator at 507-284-4714 (Office), 507-269-9873 (Cell) or [Boyer.Amy@mayo.edu](mailto:Boyer.Amy@mayo.edu) to report the crime.

### Off-Campus Reporting

If the assault happened off-campus, contact the local police department or call 911. Even if you do not want to file a report, police will arrive on scene, ensure your safety, provide you with additional resources and can transport you to the hospital to seek medical attention, if requested. Officers will complete a police report if you would like.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported.
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses; and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

### Advocacy Support

If you would like assistance and support from a victim's advocate, you should contact the Olmsted County Victim Services 24-hour crisis line by calling 507-289-0636. Advocates can offer support, resources, safety planning, assist in filing a police report and answer questions you may have regarding next steps.

You may also contact Mayo Clinic Employee Assistance Program at 507-266-3330 to arrange an appointment with a counselor. Counselors provide counsel and guidance for a variety of life issues that may impact personal or professional well-being.

### Medical Assistance

Victims are eligible for a medical-forensic exam. To obtain an exam, visit Mayo Clinic Hospital Saint Marys emergency department, 1216 Second Street SW, Rochester, MN (507-255-5591) or contact Olmsted County Victim Services 24-hour crisis line by calling 507-289-0636 and tell them that you have been sexually assaulted. You do not need to report the

assault to law enforcement in order to receive an exam. The medical-forensic exam ensures proper collection of forensic evidence and protects the chain of custody of that evidence should you later decide to file a police report. Medical-forensic examinations are paid for by the county per [Minnesota Statute 609.35](#).

## Evidence Preservation

The College supports victims of sexual assault, dating violence, domestic violence, or stalking, and strives to reinforce that these crimes are never the victim's fault. When a physical crime of violence has been perpetrated, the College recommends that the victim immediately go to the emergency room of a local hospital and contact local law enforcement, in addition to making a prompt complaint to law enforcement authorities and to the Title IX Coordinator.

If you are a victim of sexual assault, dating violence, or domestic violence do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order.

Victims of sexual assault, dating violence, or domestic violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

Where appropriate, the Title IX Coordinator will assist, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with an alleged incident of sexual assault.

Victims of dating violence, domestic violence, sexual assault, and stalking are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents. These documents can be helpful in proving the alleged crime and are helpful in obtaining court orders of protection.

If a victim chooses to not make a complaint regarding an incident, they nevertheless should consider speaking with law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

Support resources will be offered to the complainant regardless of when a report is made. An individual may file a report regardless of whether they have complete information about an incident, including when they do not know the identity of the respondent.

## Public Reporting and Disclosures and Personally Identifying Information

Crimes reported to Campus Security Authorities and Reporting Officials at the College, Title IX Coordinator, and Mayo Clinic Security are recorded on a publicly available crime log and if applicable are included in the campus annual statistical disclosure. Information included in these public disclosures will not include any personally identifiable information about the victim or witnesses.

## Assistance for Victims: Rights and Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, when a victim reports to the College, the College will assist victims of dating violence, domestic violence, sexual assault, and stalking and will provide each victim with a written explanation of their rights and options.

Once a complaint of sexual assault, dating violence, domestic violence, or stalking is made to the Title IX Coordinator, the complainant has several options such as, but not limited to:

- Receiving assistance with accessing fair and respectful health care and counseling services.
- Contacting parents or a relative.

- Seeking legal advice.
- Seeking personal counseling (always recommended).
- Pursuing legal action against the perpetrator.
- Seeking an order of protection or restraining order from a court of law.
- Pursuing disciplinary action through the College.
- Requesting that no further action be taken.
- Requesting further information about the College’s policies and procedures addressing sexual and other harassment.
- Requesting further information about available resources.
- Investigation timeline and updates to appropriate parties.

In Minnesota, a victim of domestic violence, dating violence, sexual assault, or stalking has rights as their case moves through the criminal justice system. For a list of these important rights (i.e. right to be notified, right to protection from harm, right to participate in prosecution, right to apply for financial assistance, and the rights of victims of domestic violence, sexual assault, and harassment), please visit the Minnesota Office of Justice Programs Crime Victim Bill of Rights webpage (last updated March 2019): <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-rights.aspx>.

## Procedures for Disciplinary Action

The College will take prompt action after receiving a report of sexual harassment, including a review of the matter and, if necessary, investigating and taking appropriate steps to stop, remedy, and prevent the recurrence of the sexual harassment.

After receiving a report of dating violence, domestic violence, sexual assault or stalking, the Title IX Coordinator will contact the complainant to discuss availability of supportive measures, explain the process for filing and pursuing a formal complaint, provide options for filing complaints with the local police and information about resources that are available on campus and in the community.

The Title IX Coordinator will provide written notice about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available on campus and within the community. The complainant will also receive written notification about how to request changes to academic, living, transportation, and working situations or protective measures and information about the College’s investigation process. Both parties (complainant and respondent) will be provided with written information on general counseling, financial aid, immigration, legal and other appropriate resources at the commencement of a report or investigation and upon request. Any individual affected by or accused of sexual harassment will have equal access to support and counseling services offered through the College. The College encourages any individual who has questions or concerns to seek support of College identified resources. The Title IX Coordinator is available to provide information about the College’s policy and procedure and to provide assistance.

The Title IX Coordinator may determine that reasonable supportive measures for the parties involved, or witnesses, are appropriate during the compliant resolution, as well as outside of the complaint process.

Supportive measures will be determined on a case-by-case basis and may include:

- Counseling
- Extensions of academic or other deadlines
- Course related adjustments.
- Modification to work or class schedules

- Campus escort services
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of campus
- Separating individuals (“no contact” orders)

Supportive measures are available regardless of whether an individual chooses to officially report an incident to the College or pursue a complaint. To seek a supportive measure, individuals must contact the Title IX Coordinator (507-284-4714) or email [boyer.amy@mayo.edu](mailto:boyer.amy@mayo.edu).

Allegations of dating violence, domestic violence, sexual assault, and stalking will be processed through the College’s [Title IX Sexual Harassment Complaint Resolution Procedure](#) which provides the framework for addressing, resolving, and remediating sexual misconduct that may arise in educational programs, activities, organizations, and events.

Requests for accommodations or supportive measures should be made to the Title IX Coordinator, who is responsible for deciding what, if any, accommodations or supportive measures will be implemented.

When determining the reasonableness of such a request, the College may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations.
- Any continuing effects on the complainant.
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The College will maintain as confidential any accommodations or supportive measures provided a victim to the extent that maintaining confidentiality would not impair the College’s ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or supportive measure. Such decisions will be made by the College in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or supportive measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the College will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

## Amnesty

To encourage reporting and the gathering of information, the College will not sanction a party or witness participating in good faith a sexual harassment complaint or a sexual harassment investigation procedure for drug or alcohol use related to the incident, provided that the drug or alcohol violations did not and do not place the health or safety of any other person at risk. The College may require the individual to attend a course or pursue other educational interventions related to alcohol and drugs. The College’s commitment to amnesty in these situations does not prevent action by police or other legal authorities against an individual who has illegally consumed alcohol or drugs. It is a violation of the College’s policy to retaliate in any way against a student or employee because she/he raised allegations or was accused of sexual harassment, sexual assault, domestic violence, dating violence, or stalking.

## Bad Faith Complaints and False Information

The College encourages all good faith complaints of sexual harassment and has a responsibility to balance the rights of all parties. If the College's investigation reveals that a report or formal complaint was knowingly false or knowingly frivolous, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline. It is a violation of the College's policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal.

## Presumption of Non-Responsibility

From the time a report or formal complaint is made, a respondent is presumed not responsible for the alleged harassment until a determination regarding responsibility is made final.

## Informal Complaint Resolution Process

At any time after the parties are provided written notice of the formal complaint and before the completion of any appeal, the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution, the goal of which is to enter into a final resolution resolving the allegations raised in the formal complaint by agreement of parties. Administrative adjudication is a form of informal complaint resolution.

The process for any informal resolution will be determined by the parties and the Title IX Coordinator, in consultation together. Before commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process to be used;
- Identifies the individual responsible for facilitating the informal resolution, who may be the Title IX Coordinator, another College official, or a suitable third party;
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the formal complaint; and
- Explains any other consequences resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in the paragraph above, each party must voluntarily provide written consent to the Title IX Coordinator before the informal resolution process may begin. During the informal resolution process, the investigation and adjudication processes that would otherwise occur are paused and all related deadlines are suspended.

If the parties reach a resolution through the informal resolution process other than administrative adjudication, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will put the terms of the agreed resolution in writing and give them to the parties for their written signature indicating their agreement. Once both parties and the Title IX Coordinator sign the written resolution, the resolution is final and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the College, unless otherwise provided in the resolution itself, unless it can be shown that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the College. Except for a resolution resulting from the administrative adjudication process, all other forms of informal resolution pursuant to this section are not subject to appeal.

If the form of informal resolution is administrative adjudication there will not be an agreed resolution requiring the parties' signatures; instead, the determination issued by the administrative officer will serve as the resolution and

conclude the informal resolution process, subject only to any right of appeal. Any party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

Unless the Title IX Coordinator provides an extension, any informal resolution process must be completed within 21 days from the parties agreeing to the informal resolution process. If an informal resolution process does not result in a resolution within 21 days, and absent an extension, or temporary suspension of the informal resolution process, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the formal complaint will be resolved through the investigation and adjudication procedures provided in this policy. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended as provided in this section.

Other language in this section notwithstanding, informal resolution will not be permitted if the respondent is a non-learner/student employee accused of committing sexual harassment against a learner/student.

### Formal Complaint Investigation Process

A complainant may file a formal complaint with the Title IX Coordinator requesting that the College investigate and adjudicate a report of sexual harassment. The Title IX Coordinator may file a formal complaint on behalf of the College in any case, including a case where a complainant elects not to file a formal complaint, if doing so is not clearly unreasonable. Such actions will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the Mayo Clinic community. Some factors the Title IX Coordinator may consider include but not limited to: whether a weapon was involved in the incident; whether multiple assailants were involved in the incident; whether the accused is a repeat offender; and does the incident create a risk of reoccurrence. If the complainant or the Title IX Coordinator files a formal complaint, the College will commence an investigation and proceed to adjudicate the matter.

### Investigation Timeline

Investigations into reports of dating violence, domestic violence, sexual assault, and stalking will be conducted by the Title IX Coordinator. The formal complaint investigation will conclude within 60 days depending on the availability of parties, witnesses, evidence, and other scheduling considerations. The parties will be given periodic updates regarding the status of the investigation. If, at any time, a party would like additional updates, that party must contact the Title IX Coordinator.

The investigation will involve the gathering of evidence relevant to the alleged harassment, including inculpatory evidence (which implies or tends to establish responsibility for a violation of the sexual harassment policy as alleged) and exculpatory evidence (which implies or tends to establish a lack of responsibility for a violation of the sexual harassment policy as alleged). The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the College and not with the parties. The investigation will culminate in a written investigation report that will be submitted to the adjudicator during the selected adjudication process.

### Presenting Evidence in Investigations

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the formal complaint. The Investigator retains discretion to limit the number of witness interviews the Investigator conducts or the other evidence the Investigator seeks to gather if the Investigator finds:

- That testimony or evidence would be unreasonably cumulative (that is, repeats what has already been established),
- If the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or

- If the witnesses or evidence are offered to provide information that is categorically inadmissible, such as information concerning sexual history of the complainant.

A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

### Respondent Acceptance of Responsibility

The Respondent may, at any time prior to the issuance of a final investigatory report, accept responsibility for the conduct underlying the complaint. If the Respondent accepts responsibility prior to the issuance of a final investigatory report, the Title IX Coordinator will refer the case to the appropriate Sanctioning Official for imposition of any appropriate disciplinary or remedial action. In such cases, the Sanctioning Official will issue a written decision, including the sanctions imposed, whether the complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator, and a description of the process and grounds for appeal.

### Preponderance of the Evidence Standard

In making any determination on the resolution of the complaint following an investigation, the evidentiary standard is the preponderance of the evidence; that is, whether it is more likely than not that sexual harassment occurred. The burden is on the College, as Investigator, to gather sufficient information to reach a fair, impartial decision as to whether a policy violation has occurred.

### Adjudication Process Selection

Two different adjudication processes, (1) hearing and (2) administrative, may be available to the parties following an investigation. The parties are notified and advised that the hearing process is the default process for adjudicating all formal complaints and will be used unless both parties voluntarily consent to administrative adjudication as a form of informal resolution (where available--that is, in cases other than those in which a non-student employee Respondent is alleged to have sexually harassed a student).

If administrative adjudication is available, a written consent to administrative adjudication will be sent with the notice and will advise each party that if both parties execute the written consent to administrative adjudication, the administrative adjudication process will be used instead of the hearing process. Parties are urged to carefully review this policy, consult with their advisor, and consult with other persons as they deem appropriate (including an attorney) before consenting to administrative adjudication.

Each party will have three days from transmittal of the notice to return the signed written consent form to the Title IX Coordinator. If either party does not timely return the signed written consent, that party will be deemed not to have consented to administrative adjudication and the formal complaint will be adjudicated pursuant to the hearing process.

### Hearing

The Hearing Officer will convene and conduct a pre-hearing conference and a hearing. The pre-hearing conference and the hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, both the pre-hearing conference and the hearing will be conducted with the Hearing Officer, the parties, the advisors, and other necessary College personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio. In the Hearing Officer's discretion, the pre-hearing conference and/or the hearing may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.



While the hearing procedure and rulings from the Hearing Officer will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each party to address the Hearing Officer directly and to respond to questions posed by the Hearing Officer,
- Opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility,
- Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the Hearing Officer and a reason for the ruling provided,
- Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect, and the
- Opportunity for each party to make a brief closing argument.

Except as otherwise permitted by the Hearing Officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the Hearing Officer, the Title IX Coordinator, and other necessary College personnel. With the exception of the Investigator and the parties, witnesses will be sequestered until such time as their testimony is complete. During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them.

While a party has the right to attend and participate in the hearing with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive may be barred from further participation and/or have their participation limited at the discretion of the Hearing Officer. Subject to the minimum requirements specified in this section, the Hearing Officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The Hearing Officer will independently and contemporaneously screen questions for relevance, in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for excluding any evidence.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The Hearing Officer will have discretion to modify the hearing procedure, when good cause exists to do so, and provided the minimal requirements specified in this section are met.

**Subjection to Questioning:** In the event that any party or witness refuses to attend the hearing, or attends but refuses to submit to questioning by the parties' advisors, the statements of that party or witness, whether given during the investigation or during the hearing, will not be considered by the Hearing Officer in reaching a determination of responsibility. However, the Hearing Officer may consider the testimony of any party or witness, whether given during the investigation or during the hearing, if the parties jointly stipulate that the testimony may be considered or in the case where neither party requested the attendance of the witness at the hearing. The Hearing Officer will not draw an inference in the determination regarding responsibility based solely on a party or a witness's absence from the live hearing and/or refusal to submit to questioning by the parties' advisors.

Upon completion of the hearing, the Hearing Officer will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a complainant, respondent, or witness. The Hearing Officer will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or by operation of subjection to questioning.

**Written Decision:** After reaching a determination and consulting with the appropriate official and Title IX Coordinator, the Hearing Officer will prepare a written decision that will include:

- Identification of the allegations potentially constituting sexual harassment made in the formal complaint,
- A description of the procedural steps taken by the College upon receipt of the formal complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing,
- Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination,
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of sexual harassment, including a determination regarding responsibility for each separate potential incident,
- The discipline determined by the appropriate official as referenced in Sanctions,
- Whether the complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator, and
- A description of the College's process and grounds for appeal.

The Hearing Officer's written determination is transmitted to the parties, which concludes the hearing process, subject to any right of appeal.

### **Administrative Adjudication (Optional Form of Informal Resolution)**

The parties may consent to have a formal complaint resolved by administrative adjudication as a form of informal resolution, instead of the hearing process. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX Coordinator. At any time before the Administrative Officer's determination is issued, a party has the right to withdraw from administrative adjudication and request a live hearing. The Administrative Officer will transmit a written decision in the manner as specified in the written decision statement and that written decision serves as the resolution for purposes of administrative adjudication. Transmittal of the Administrative Officer's written determination concludes the administrative adjudication, subject to any right of appeal.

### **Dismissal During Investigation or Adjudication**

The College will dismiss a formal complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that one or more of the following is true:

- The conduct alleged in the formal complaint would not constitute sexual harassment, even if proved; or
- The conduct alleged in the formal complaint falls outside the scope of the policy (that is, because the alleged conduct did not occur in the College's Education Programs and/or Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

The College may dismiss a formal complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that any one or more of the following is true:

- The complainant provides the Title IX Coordinator written notice that the complainant wishes to withdraw the formal complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed),
- The respondent is no longer enrolled or employed by Mayo Clinic, as the case may be, or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator dismisses a formal complaint pursuant to this section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal. The Title IX Coordinator may

refer the subject matter of the formal complaint to other College's offices, as appropriate. A dismissal pursuant to this section is presumptively a final determination as it pertains to this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

### Advisor of Choice

At any meeting described in this policy until an investigation, adjudication, and appeal are complete, the complainant and respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney.

Except for the questioning of witnesses during the hearing, the advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with the College about the matter without the party being included in the communication.

In the event a party's advisor of choice engages in material violation of the parameters specified in this policy, the College may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.

In the event a party is not able to secure an advisor to attend the hearing and requests that the College provide an advisor, the College will provide the party an advisor, without fee or charge to the party, who will conduct questioning on behalf of the party at the hearing. The College will have sole discretion to select the advisor it provides. The advisor provided is not required to be an attorney. The College is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the hearing and requests that the College provide an advisor.

### Treatment Records and Other Privileged Information

During the investigation and adjudication processes, the Investigator and Adjudicator are not permitted to access, consider, disclose, permit questioning concerning, 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 or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, or
- Information or records protected from disclosure by any other legally recognized privilege, such as the attorney client privilege

unless the College has obtained the party's voluntary, written consent to do so for the purposes of the investigation and adjudication process.

The Investigator and/or Adjudicator may consider any such records or information otherwise covered by this section if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense.

### Sexual History

During the investigation and adjudication processes, questioning regarding a 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, 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.

However, a complainant who affirmatively uses information otherwise considered irrelevant by this section for the purpose of supporting the complainant's allegations, may be deemed to have waived the protections of this section.

## Recordings

Wherever this policy specifies that an audio or video recording will be made, the recording will be made only by the College and is considered property of the College, subject to any right of access that a party may have under this policy, Family Educational Rights and Privacy Act (FERPA), and other applicable federal, state, or local laws.

Only the College is permitted to make audio or video recordings under this policy. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated under this policy is strictly prohibited. Any party who wishes to transcribe a hearing by use of a transcriptionist must seek pre-approval from the Hearing Officer.

## Sanctions

If the Hearing Officer finds that a respondent committed a policy violation, the decision will be communicated to the appropriate Sanctioning Official based on the respondent's status (learner, employee, third party) prior to the Hearing Officer issuing a written decision.

The appropriate Sanctioning Official will communicate decisions regarding sanctions to the Hearing Officer, and they will be included in the Hearing Officer's written decision. The determination of sanctions is final, subject only to the right of appeal provided in this policy.

## Possible Sanctions and Remediation

Sanctions are actions intended to eliminate prohibited conduct, prevent its recurrence, and promote accountability while supporting the College's educational mission and legal obligations. Violations of this policy may result in sanctions and/or corrective actions which can include one or a combination of the following:

- Verbal warning
- Written warning
- Disciplinary hold on academic and/or financial records
- Performance improvement/management process
- Required counseling
- Required training or education
- Campus access restrictions
- No trespass order (with respect to campus locations)
- No contact directive (with respect to an individual)
- Loss of privileges
- Loss of oversight, teaching or supervisory responsibility
- Probation
- Termination of contract (for contractors)
- Demotion
- Loss of pay increase
- Transfer (employment)
- Revocation of offer (employment or admissions)
- Disciplinary suspension
- Suspension with pay
- Suspension without pay
- Expulsion
- Degree revocation
- Termination of employment

To the extent appropriate, sanctions and corrective actions will be imposed in accordance with relevant sanctioning guidelines, policies, procedures, and contracts applicable to the respondent. Mayo Clinic may take steps to remediate the effects of a violation on victims and others.

## Right to Appeal

Either party (complainant or respondent) may appeal the determination of an adjudication (through administrative adjudication or the hearing process), or a dismissal of a formal complaint, only on one or more of the following grounds, no other grounds for appeal are permitted:

- A procedural irregularity affected the outcome,
- There is new evidence that was not reasonably available at the time the determination or dismissal was made that could have affected the outcome, and/or
- The Title IX Coordinator, Investigator, Hearing Officer, or Administrative Officer had a conflict of interest or bias for or against complainants or respondents generally, or against the individual complainant or respondent, that affected the outcome.

The determination of an adjudication or dismissal of a formal complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the Appeal Officer has resolved all appeals, either by dismissal or by transmittal of a written decision. No further review beyond the appeal is permitted.

## Rights of Parties

Mayo Clinic prohibits all personnel from suggesting that a complainant is at fault for the reported sexual harassment or that the complainant should have acted in a different manner to avoid being a victim of sexual harassment.

In line with Mayo Clinic Values, specifically that of Respect, all members of the Mayo Clinic community are expected to treat complainants, respondents, witnesses, and others involved in a sexual harassment matter with dignity, while also supporting the impartial investigation and personal accountability for any violations of this policy.

The parties have a right to ask questions of the Title IX Coordinator or other individual investigating a complaint regarding policies, procedures, and the status of the investigation.

## Rights of the Parties in an Institutional Proceeding

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
    - Conducted in a manner that:
      - Is consistent with the institution's policies and transparent to the accuser and the accused.
      - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
      - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.

- Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. Such training addresses topics such as relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest.
  3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
  4. Have the outcome determined using the preponderance of the evidence standard.
  5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.

## Legal Orders for Protection

The College complies with Minnesota law in recognizing Orders for Protection and Harassment Restraining Orders. Any complainant, respondent, or witness involved in a sexual harassment complaint who obtains an order of protection or restraining order must provide a copy of the order to the Title IX Coordinator. Mayo Clinic will take reasonable steps to enforce an order of protection or restraining order on premises controlled by Mayo Clinic.

In Minnesota, victims of dating violence, domestic violence, sexual assault, or stalking can obtain an Order for Protection from domestic abuse or harassment through the judicial court system. If a person needs assistance in obtaining an Order for Protection, they can contact the Olmsted County Victim’s Services (507-289-0636). Filing such an Order for Protection can also be done at the Olmsted County District Court, 151 Fourth Street SE, Rochester, MN, 55904.

Additional information about these orders for protection, forms to complete, resources on domestic abuse and harassment, and the laws can be found at the Minnesota Judicial Branch Domestic Abuse & Harassment website: <http://www.mncourts.gov/Help-Topics/Domestic-Abuse-and-Harassment.aspx>.

Mayo Clinic does not issue legal orders for protection. However, Mayo Clinic will enforce harassment restraining orders and “no-contact orders” against an alleged perpetrator issued by a criminal, civil, or tribal court. A harassment restraining order is a matter handled in civil court and is brought by an individual seeking protection. A “no contact order” is a type of order usually issued by a judge in criminal court that orders the criminal defendant not to have contact with someone. There can be both a “no contact order” and a harassment restraining order.

Any student or employee who has a harassment restraining order and/or a “no contact order” should notify the Title IX Coordinator and provide a copy of the protection orders so that it may be kept on file with the institution and can be enforced on campus, if necessary. Upon learning of any protection orders, Mayo Clinic will take all reasonable and legal actions to accommodate the order and implement the protection order on property owned and controlled by Mayo Clinic.

## Resources for Students and Employees

Students and employees who are victims of dating violence, domestic violence, sexual assault, or stalking are encouraged to contact the following Mayo Clinic resources to obtain the assistance and services that they may need:

- Employee Assistance Program (EAP)
- Human Resources
- Student Services
- Title IX Coordinator
- Mayo Clinic Hospital - Saint Marys campus, 1216 Second Street SW, Rochester, MN
- Mayo Clinic Hospital – Methodist campus, 201 W Center Street, Rochester, MN
- Uline – anonymous and confidential online mental health and well-being resources. Learn more at: [ulifeline.org/mccm](http://ulifeline.org/mccm).
- Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The College’s financial aid website can be found at: <https://college.mayo.edu/admissions-and-tuition/financial-aid/>.

## Community and Other Resources

The resources and organizations listed below are not affiliated with the College. They are listed for informational purposes only and are not endorsed by the College.

Resource	Contact
Olmsted County Victim Services	Learn more at: <a href="https://www.co.olmsted.mn.us">https://www.co.olmsted.mn.us</a> 24 Hour Crisis Line: 507-289-0636
Olmsted County Adult Behavioral Health	Learn more at: <a href="https://www.olmstedcounty.gov/residents/services-individuals-families/adults-seniors/adult-behavioral-health">https://www.olmstedcounty.gov/residents/services-individuals-families/adults-seniors/adult-behavioral-health</a>
Minnesota Coalition for Battered Women	Learn more at: <a href="http://www.mcbw.org/">http://www.mcbw.org/</a>
Family Service of Rochester, MN	Learn more at: <a href="http://familyservicerochester.org/">http://familyservicerochester.org/</a>
Women’s Shelter Inc.	Crisis Line: 507-285-1010 Telephone: 507-285-1938
United Way of Olmsted County	Telephone: 507-328-7276
Domestic Violence Crisis Line	Telephone: 866-223-1111
Minnesota Coalition Against Sexual Assault	Learn more at: <a href="http://www.mncasa.org/">http://www.mncasa.org/</a> Business: 651-209-0003
Southern Minnesota Regional Legal Services	Learn more at: <a href="http://www.smrls.org/">http://www.smrls.org/</a>
LawHelpMN	Learn more at: <a href="https://www.lawhelpmn.org/">https://www.lawhelpmn.org/</a>
National Domestic Violence Hotline	Telephone: 1-800-799-7233
National Sexual Assault Hotline	Telephone: 1-800-656-4673
Rape, Abuse and Incest National Network (RAINN)	Learn more at: <a href="https://www.rainn.org/">https://www.rainn.org/</a>
U.S. Dept. of Justice Office on Violence Against Women	Learn more at: <a href="https://www.justice.gov/ovw">https://www.justice.gov/ovw</a>
National Coalition Against Domestic Violence	Learn more at: <a href="http://www.ncadv.org/">http://www.ncadv.org/</a>

Resource	Contact
National Sexual Violence Resource Center	Learn more at: <a href="https://www.nsvrc.org/">https://www.nsvrc.org/</a>
U.S. Citizenship and Immigration Services	Learn more at: <a href="https://www.uscis.gov/">https://www.uscis.gov/</a>
Immigration Advocates Network	Learn more at: <a href="https://www.immigrationadvocates.org/">https://www.immigrationadvocates.org/</a>

## Sex Offender Registration

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise campus community members where they can obtain information provided by the State concerning registered sex offenders. It also requires sex offenders to notify the State of each institution of higher education in the State at which they are employed, enrolled, or carrying on a vocation. The State is then required to notify the community of any such information it receives.

Students and employees may contact the local police department to determine whether such persons are in the community. Students and employees may also conduct a public registrant search of offenders by visiting the Minnesota Department of Corrections at: <https://mn.gov/doc/family-visitor/search-individuals-fugitives/>.

The Minnesota Department of Corrections maintains a list of Level 3 sex offenders in Minnesota who have been required by law to register. Anyone interested in determining whether such persons are in the community may access the State registry of sex offenders. The list is available to the public at <https://mn.gov/doc/family-visitor/search-individuals-fugitives/>.

## Publicly Available Recordkeeping

The College will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the College to the extent permitted by law.

## Release of Disciplinary Outcome to Victims of Crimes of Violence or Non-Forcible Sex Offenses

Upon written request, the College will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

## Policy on Drugs and Alcohol

The College's Drug-Free Schools and Communities Act (DFSCA) Policy outlines the standards of conduct regarding the use, sale, or distribution of alcohol and illegal drugs on Mayo Clinic property. To read the policy in its entirety, click here: <https://college.mayo.edu/about/college-profile/consumer-information-and-disclosures/>.



In keeping with the mission, vision, and core values of the College, and in recognition of its obligation to provide a healthy learning and working environment for all students and employees, the College prohibits its students and employees from engaging in:

- The unlawful distribution, dispensing, usage, sale, storage, and/or possession of illegal drugs on Mayo Clinic property or while performing College business.
- The unlawful distribution, dispensing, usage, sale, and/or possession of alcohol on Mayo Clinic property or while performing College business.

The College also enforces the state's alcohol and underage drinking laws and federal and state drug laws. The possession, sale, manufacturing, or distribution of illegal drugs is prohibited on campus or as any part of the College's activities. Violations of the College's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

## Legal Sanctions

Students and employees should be aware that they may be subject to criminal prosecution under federal, state, and local laws that specify imprisonment, fines, and loss of federal financial student aid for conviction of alcohol and drug-related offenses. These legal sanctions are in addition to disciplinary actions by the College.

For more information on the Federal and Minnesota State laws regarding the unlawful possession or distribution of illicit drugs and alcohol visit:

- [Federal DEA Drug and Trafficking Policy](#)
- [Minnesota controlled substances laws and sanctions](#)
- [Minnesota law – underage alcohol offenses](#)
- [Minnesota law – violations and penalties related to liquor laws](#)
- [Minnesota law – driving while impaired, including underage drinking and driving](#)

## Students – Disciplinary Actions

Students who violate the prohibitions as described in the [Drug-Free Schools and Communities Act](#) (DFSCA) policy are subject to disciplinary action in accordance with the College policies. For more information on the policies visit:

- [Substance Abuse and Drug/Alcohol Testing Policy](#) (Students)
- [Warning, Probation, Dismissal and Appeals Policy](#) (Students)

## Employees – Disciplinary Actions

Employees who violate prohibitions as describe in the [Drug-Free Schools and Communities Act](#) (DFSCA) policy are subject to disciplinary action in accordance with Mayo Clinic policy. For more information on the policy visit:

- [Substance Abuse and Alcohol/Drug Testing Policy](#) (Employees)

## Health Risks Associated with the Abuse of Alcohol or Use of Illicit Drugs

The consumption of alcohol and illegal drugs may have serious health risks and may result in changes in behavior including: impaired judgment and coordination, increased incidences of a variety of aggressive acts, impairment in higher mental functions, risk of dependence, and in high doses, respiratory depression and death. Long-term use can lead to permanent damage to vital organs. For more information about health risks associated with alcohol and particular types of drugs, see [National Institute on Drug Abuse](#) (NIDA).

## Wellness and Treatment Assistance Programs

The College has resources available for students and employees who may be experiencing drug and/or alcohol issues. Students and employees who believe they may need assistance with alcohol and/or drug problems are encouraged to seek professional care and treatment.

For more information on the available resources and contacts, please see below:

### Employee & Occupational Health

- [Occupational Health](#), Minnesota campus

### Office of Student Wellness and Academic Success

- [Mental Health Clinician/Academic Success Advisors](#), Minnesota campus
- [Medical Director of Student Services](#), Minnesota campus

### Employee Assistance Program (EAP)

- [Employee Assistance Program](#), Minnesota campus

### Student Assistance Program

- [FEI Workforce Resilience](#): (800) 638-3327 or [FEI](#) (username: feieap)

### Alcoholics Anonymous

- [Alcoholics Anonymous Minnesota](#): (507) 281-1747

### Narcotics Anonymous

- [Minnesota Region of Narcotics Anonymous](#): (507) 281-2227

## Crime Statistics

The statistical summary of crimes for the College over the past three calendar years follows:

Crime	On Campus			Non Campus			Public Property		
	2023	2022	2021	2023	2022	2021	2023	2022	2021
Murder/Non-Negligent Manslaughter	0	0	1*	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	14^	2	6	1	1	2	0	0	0
Fondling	30	20	10	28	21	15	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Aggravated Assault	13	15	20	3	6	19	0	5	0
Burglary	3	8	8	1	0	3	0	0	0
Robbery	0	0	0	0	2	0	0	0	1
Motor Vehicle Theft	10	7	15**	2	8	2	0	1	0
Arson	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	1	0	1	5	0	4	4	0	0
Arrest - Drug Abuse Violation	4	3	2	3	4	7	6	5	0
Arrest - Weapon Violation	1	0	0	3	0	0	4	1	0
Disciplinary Referral - Liquor Law Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	6	1	3	11	4	1	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0
Domestic Violence	0	2	2	0	2	4	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	10	20	9	11	8	6	0	0	0

^ Allegations by patients towards medical care teams following anesthesia/medical procedures.

\* Allegation relates to an incident that occurred prior to 2014.

\*\* 9 of these were of motorized scooters by one suspect.

The College does not have on-campus student housing facilities.

**Hate crimes:**

**2023:** 2 On Campus incidents of Simple Assault characterized by Race bias

5 On Campus incidents of Intimidation characterized by Race bias

**2022:** 1 On Campus incident of Intimidation characterized by Gender bias

1 On Campus incident of Intimidation characterized by Race bias

2 Non-Campus incidents of Intimidation characterized by Race bias

**2021:** 1 On Campus incident of Intimidation characterized by Sexual Orientation bias

1 Non-Campus incident of Intimidation characterized by Race bias

**Crimes reported to the College that were later unfounded:**

**2023:** 0 unfounded crime.

**2022:** 0 unfounded crimes.

**2021:** 0 unfounded crimes.