

Compliance

Title IX Sexual Misconduct Policy

Scope

Applies to the following persons when participating in Mayo Clinic educational programs, activities, organizations, or events:

- All Mayo Clinic employees, including Consulting Staff, Administrative Voting Staff, Allied Health employees, employed Research Temporary Professionals, faculty members, and other employees;
- Applicants for employment or admission to educational programs;
- The Board of Governors;
- All learners and students, including recognized learner or student organizations; and
- Third parties (such as non-employee physician/scientists, patients, alumni, contractors, vendors, and visitors).

Purpose

To maintain a safe and healthy learning and working environment in which no member of the Mayo Clinic community is excluded from participation in, denied the benefits of, or subjected to discrimination in any Mayo Clinic educational program, activity, organization, or event on the basis of sex, sexual orientation, gender identity, gender expression, or through sexual assault, sexual exploitation, relationship violence or stalking.

To reinforce that respect, including consideration and courtesy, is a Mayo Clinic Value and expected of everyone. Mayo Clinic is committed to providing a learning and working environment that promotes mutual respect, including one free from discrimination and violence. This policy is intended to foster all of Mayo Clinic's Values, including personal responsibility, individual accountability and civility toward others.

To communicate Mayo Clinic's position on sexual misconduct and expectations for appropriate behavior in educational programs, activities, organizations, and event; and to provide all members of the Mayo Clinic community with a framework for addressing, resolving, and remediating sexual misconduct that may arise in those contexts.

To comply with federal, state, and local laws related to sexual misconduct in educational programs and activities, including:

- Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, which prohibits discrimination based on sex in all programs or activities that receive Federal financial assistance;
- The Violence Against Women Act of 2013 (VAWA), which extends certain protections regarding sexual assault, relationship violence, and stalking in educational programs and activities; and
- State and local laws concerning sexual misconduct in educational settings.

Policy

- Mayo Clinic prohibits [sexual misconduct](#), including:
 - (1) sex discrimination,

- (2) sexual and gender-based harassment,
- (3) sexual assault,
- (4) sexual exploitation,
- (5) domestic violence and dating violence, and
- (6) stalking.
- Mayo Clinic prohibits sexual misconduct in all aspects of its educational programs, activities, organizations, and events, including but not limited to, admissions, employment, academics and learner services.
 - Regardless of whether the complainant and respondent are members of the same or opposite sex.
 - Regardless of national origin, immigration status, citizenship, or other similarly protected status.
- Mayo Clinic's prohibition on sexual misconduct includes a prohibition on [retaliation](#) for asserting claims of sexual misconduct, or for conducting or participating in an investigation or resolution of sexual misconduct.

Mayo Clinic Response to Reports of Sexual Misconduct

- Mayo Clinic is committed to the prompt, full, and fair resolution of sexual misconduct complaints and has established the Title IX Sexual Misconduct Complaint Resolution Procedure (Procedure) to address complaints.
 - The Procedure is intended to be flexible so as to allow Mayo Clinic to fulfill its mission and maintain a safe, non-discriminatory learning and working environment. The Title IX Coordinator or a designee has discretion to deviate from the Procedure when deemed appropriate under the circumstances.
- Mayo Clinic will take prompt action after receiving a report of sexual misconduct, including a review of the matter and, if necessary, investigating and taking appropriate steps to stop, remedy, and prevent the recurrence of the sexual misconduct.
- Mayo Clinic will act in accordance with the Procedure and may investigate alleged sexual misconduct covered by this policy that occurred:
 - On Mayo Clinic property or in Mayo Clinic facilities,
 - During or at an official Mayo Clinic educational program or activity (regardless of location), or
 - Otherwise affects Mayo Clinic's working or learning environments, regardless of whether the alleged conduct occurred off Mayo Clinic property or outside of Mayo Clinic facilities.
- In situations where the alleged sexual misconduct occurred outside of the context of a Mayo Clinic educational program, activity, organization, or event, or where the respondent is not a member of the Mayo Clinic community (including when the respondent has completed a program or left Mayo Clinic), Mayo Clinic typically will not conduct an investigation, but will provide appropriate resources to impacted individuals and, where appropriate, the broader Mayo Clinic community.
- Mayo Clinic has designated the following person to coordinate its compliance with laws regarding sexual misconduct, including Title IX/VAWA, and to receive inquiries regarding sexual misconduct, including complaints of sex discrimination:

Title IX Coordinator/Chief Compliance Officer

Kimberly K. Otte

Office phone: (507) 284-9029

Pager: (507) 255-3161

Email: otte.kimberly@mayo.edu

- The Title IX Coordinator is responsible for:
 - Ensuring Mayo Clinic's compliance with Title IX;

- Identifying and addressing any patterns or systemic problems of sexual misconduct at Mayo Clinic;
 - Coordinating the dissemination of information and education and training programs;
 - Receiving complaints under this policy and related procedures;
 - Assisting members of the Mayo Clinic community in understanding that sexual misconduct is prohibited by this policy;
 - Answering questions about this policy;
 - Ensuring that relevant employees and learners are aware of the procedures for reporting and addressing complaints of sexual misconduct; and
 - Implementing the complaint resolution procedure or to designate appropriate persons for implementing the complaint resolution procedure.
- A person may also file a complaint of sex discrimination in educational programs and activities with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html> or by calling 1-800-421-3481.

Promptness, Fairness, and Impartiality (Conflicts of Interest)

- Mayo Clinic will provide prompt, fair, and impartial investigations and resolutions.
- All Mayo Clinic officials involved in the investigation, disciplinary, remediation, or appeal process will discharge their obligations under the Title IX Complaint Resolution Procedure fairly and impartially.
 - If it is determined that an involved Mayo Clinic official cannot apply the Title IX Sexual Misconduct Policy and Procedure fairly and impartially due to any actual or perceived conflict of interest, another appropriate individual will be designated to administer the Policy and Procedure.
- If either party believes that the Title IX Coordinator, the Title IX Coordinator's designee, investigators or adjudicators involved in a case have a conflict of interest, the party should inform the Title IX Coordinator or the Mayo Clinic Legal Department to:
 - Determine whether a conflict exists and,
 - If appropriate, designate a replacement.
- All Mayo Clinic employees involved in the complaint process or investigation, discipline, remediation, or appeal of a complaint have a duty to consult with the Title IX Coordinator or Mayo Clinic Legal Department if they have reason to believe that they or another Mayo Clinic employee has a conflict of interest.

Required Training

- The Mayo Clinic personnel who implement the Title IX Policy and Procedure will receive annual training on issues related to sex discrimination, sexual harassment, coercion, sexual assault, sexual exploitation, relationship violence, stalking, and related retaliation, and how to conduct a fair and equitable investigation.

Reporting

When to Report

- Mayo Clinic encourages individuals to report sexual misconduct as soon as possible to location officials and/or law enforcement, where appropriate.
 - Promptly notifying the Title IX Coordinator, a Confidential Care and Support Resource, or law enforcement helps ensure that a complainant receives support, helps with the preservation of evidence, and facilitates an appropriate investigative or other response.
- Reports may be made at any time, but delayed reports may limit the availability of evidence and witnesses, and make it difficult for Mayo Clinic to respond in an effective and fair matter.

- Incidents reported after the passage of more than two years will be addressed at the discretion of Mayo Clinic, as determined by the Title IX Coordinator in consultation with other appropriate Mayo Clinic officials, based on the availability of the parties, witnesses, and evidence and in light of Mayo Clinic's interest in providing a safe, non-discriminatory learning and working environment.
- 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.

Where to Report

- Emergency Reports
 - An individual should dial 911 to be connected with emergency responders.
- Reporting Options at Mayo Clinic - Reports may be made verbally or in writing to the following:
 - [Title IX Coordinator](#) - All members of the Mayo Clinic community are strongly encouraged to report information of any incident of sexual misconduct directly to the Title IX Coordinator.
 - Mayo Clinic Security - Mayo Clinic Security employees receiving a report of sexual misconduct must notify the [Title IX Coordinator](#).

Location	Contact
Albert Lea, MN	Emergency 27777 or (507) 377-4774 Non-emergency (507) 668-2100
Austin, MN	Emergency 29999 Non-emergency (507) 440-7786
Arizona	(480) 342-0576
Eau Claire, WI	(715) 838-3994
Florida	(904) 953-2323
La Crosse, WI	(608) 392-2956 (Monday - Friday) (608) 498-1246 (All hours)
Mankato, MN	507-385-4801 or ext. 44801
Rochester, MN	Downtown location (507) 284-2179 TDD Line (Hearing Impaired) (507) 266-0564 St. Mary's location (507) 255-5108 TDD Line (Hearing Impaired) (507) 255-1512

- Compliance Hotline/Anonymous Reports - Individuals may report sexual misconduct through the Compliance Hotline at 888-721-5391 or emailing [The Compliance Hotline](#).
 - A report received through this system will be sent directly to the Title IX Coordinator or their designee, and the reports or information contained in them will not be disseminated except as necessary to conduct a full and fair investigation.
 - Individuals may report sexual misconduct anonymously through the Compliance Hotline.
 - Anonymous reporting does not fulfill the reporting obligations of Mayo Clinic [responsible employees](#).
 - In cases of anonymous reports, Mayo Clinic may be limited in its ability to investigate, and reporters should be aware that Mayo Clinic is not obligated to investigate anonymous reports.
 - Mayo Clinic strongly encourages that reports identify the individual filing the report, the complainant, the respondent, and related detail to the extent possible.
- Reporting to Law Enforcement - Mayo Clinic strongly encourages complainants of sexual assault, relationship violence, and stalking to report to law enforcement.
 - Whether to notify law enforcement of sexual misconduct is a decision that will be left to the complainant in most cases, and Mayo Clinic recognizes a complainant's right to decline to report to law enforcement.
 - In rare cases where there is an ongoing threat to the Mayo Clinic community, Mayo Clinic may notify law enforcement of an incident of sexual misconduct, limiting personally identifiable information disclosed to the extent possible under the circumstances.
 - If a complainant elects to report an incident to law enforcement, at the request of the complainant, Mayo Clinic personnel, as designated by the Title IX Coordinator, will provide prompt assistance in notifying the appropriate law enforcement officials.
 - Complainants wishing to report sexual misconduct to local law enforcement may contact the officials listed in Policy Notes.
 - The Title IX Sexual Misconduct Policy and Procedure are administrative, applied by Mayo Clinic, and separate and distinct from civil and criminal legal systems.
 - In general, reports of sexual misconduct made to Mayo Clinic will proceed under the Title IX Sexual Misconduct Policy and Procedure regardless of any parallel investigation by law enforcement.
 - In some circumstances and where requested by the complainant and/or law enforcement, Mayo Clinic may place a hold on its Procedure to facilitate the law enforcement process.
 - Decisions made or sanctions imposed through these or other Mayo Clinic policies and procedures are not subject to change simply because criminal or civil legal proceedings against a respondent for the same conduct are dismissed, reduced, or rejected in favor of the respondent.

Duty to Report - Mayo Clinic Employees

- Mayo Clinic [responsible employees](#) have a duty to promptly contact the Title IX Coordinator after becoming aware of an incident or allegation of sexual misconduct and/or provide information giving them reason to believe that sexual misconduct may have occurred, even if a complainant requests confidentiality.
- A responsible employee's report cannot be anonymous, though it may be made via the Compliance Hotline at 888-721-5391 or by emailing [The Compliance Hotline](#).
- Other Mayo Clinic employees are strongly encouraged to report information of any incident of sexual misconduct.
- Mayo Clinic employees who learn of sexual misconduct when acting in a professional role as a Confidential Care and Support Resource are not required to notify the Title IX Coordinator about information that their professional license requires them to keep confidential.

Reporting by Others

- Mayo Clinic strongly encourages all members of the Mayo Clinic community to report any incident of sexual misconduct.

Confidentiality and Its Limits

- Mayo Clinic will maintain confidentiality with regard to Title IX reports to the extent reasonably possible consistent with a prompt, equitable, and fair response, investigation, and resolution, and consistent with applicable laws and Mayo Clinic policies.
 - Mayo Clinic considers complaints and investigations conducted under this policy to be private matters for the parties involved and will make reasonable and appropriate efforts to preserve all parties' privacy and [personally identifiable information](#) when investigating and resolving a complaint.
- Complainants and others may discuss incidents of sexual misconduct in confidence with [Confidential Care and Support Resources](#) (See definition for rare exception to ability to provide confidentiality).
- Mayo Clinic cannot guarantee absolute confidentiality to those who make complaints. Complainants who are not sure they wish to report sexual misconduct should contact a Confidential Care and Support Resource before sharing information with a responsible employee.

Requests for Confidentiality

- Mayo Clinic's ability to respond to a report may be limited if a complainant insists that his or her name not be disclosed to the alleged perpetrator.
- Mayo Clinic reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the Mayo Clinic community.

Privacy and Those Participating in Investigations

- Mayo Clinic will advise the parties, advisors, support people/advisors, witnesses, and employees involved in investigations and complaint resolution of the need to protect privacy and the need to exercise ethical behavior in discussing incidents of sexual misconduct.
- Mayo Clinic recognizes that persons involved in the Procedure, including the parties, may need support, advice, and counsel. Therefore, the parties are permitted to discuss and share information relative to an investigation with family, counselors, advisors, or support persons throughout the process.
- Parties must ensure that their communications are consistent with Mayo Clinic's [Anti-Retaliation Policy](#).

Clery Act, State Law, and Timely Warning Reporting

- As required by state and federal law, Mayo Clinic lists statistics about certain offenses, which do not include personally identifiable information, in its annual security reports and provides those statistics to the United States Department of Education and the Minnesota Office of Higher Education.
- The Clery Act requires Mayo Clinic to issue a crime alert in limited circumstances (a.k.a. an "emergency notification" or "timely warning") to the campus community about certain reported offenses which may represent a continuing threat to the Mayo Clinic community.
 - These notices may include that an incident has been reported, general information surrounding the incident, and how incidents of a similar nature might be prevented in the future.
 - The notices will not include any personally identifiable information about the individual who has alleged the sexual misconduct.

Support, Financial Aid, Immigration, Legal, and Other Resources

- Mayo Clinic, as well as outside organizations, will provide [resources](#) to support those who have experienced sexual misconduct.
 - Victims of criminal conduct have rights under the [Crime Victims Bill of Rights](#) in Minnesota, including but not limited to, the right to assistance from the Crime Victims Reparations Board and the Commissioner of Public Safety.
- Mayo Clinic will, at the request of a complainant choosing to transfer to another postsecondary institution, provide information about resources for victims of sexual assault at the institution to which the complainant is transferring.
- Both parties 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.

Amnesty

- To encourage reporting, Mayo Clinic will not sanction a party or witness participating in a good faith sexual misconduct complaint or a sexual misconduct 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.
 - Mayo Clinic may require the individual to attend a course or pursue other educational interventions related to alcohol and drugs.
- Mayo Clinic'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.

Bad Faith Complaints

- Mayo Clinic encourages all good faith complaints of sexual misconduct, and has a responsibility to balance the rights of all parties. If Mayo Clinic's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.

Public Awareness Event Participation/Campus Surveys

- Mayo Clinic supports public awareness events related to sexual misconduct and may circulate surveys concerning sexual misconduct and the institutional climate. Mayo Clinic will not treat participation in, or statements made as part of, such events or surveys as reports of sexual misconduct that trigger the Title IX Procedure. Individuals wishing to file a report should do so through the Compliance Hotline at 888-721-5391 or [The Compliance Hotline](#).

Rights of Parties

Treatment with Dignity

- Mayo Clinic prohibits all personnel from suggesting that a complainant is at fault for the reported sexual misconduct or that the complainant should have acted in a different manner to avoid being a victim of sexual misconduct.
- In line with Mayo Clinic Values, specifically of Respect, all members of the Mayo Clinic community are expected to treat complainants, respondents, witnesses, and others involved in a sexual misconduct 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.

Support Person/Advisor

- The parties are permitted to be accompanied by a support person or advisor of their choice throughout the Procedure.
- The support person/advisor must not be another complainant or respondent or potential witness.
- The support person/advisor does not serve as an advocate on behalf of the complainant or respondent, must not be actively involved in any proceedings, and must agree to maintain the confidentiality of the process.
- Mayo Clinic has the right to remove a support person/advisor from a proceeding if he or she becomes disruptive or does not abide by the limitations set in this Policy.

Interim Measures

- The Title IX Coordinator/Designee may determine that reasonable interim measures for the parties involved, or witnesses, are appropriate during complaint resolution (formal or informal), as well as outside of the complaint process.
 - The Title IX Coordinator/ will attempt to meet with each party before imposing interim measures in order to fairly assess the need for and scope of such measures.
 - Interim measures may be imposed or changed at any point during the investigation and resolution process to protect the interests of the parties.
- Interim measures will be determined on a case-by-case basis and may include separating individuals (“no contact” orders), counseling or support services, making alternative class-placement or workplace arrangements, or escort services.
- There may be cases, such as those involving ongoing or repeated policy violations or identifiable safety risks, where an interim suspension may be appropriate.
 - In such cases, the Title IX Coordinator will consult with other Mayo Clinic officials, consider individual circumstances, and endeavor to consult both parties before imposing an interim suspension.
- Interim measures are available regardless of whether an individual chooses to officially report an incident to Mayo Clinic or pursue a complaint.
- Mayo Clinic will keep confidential any interim measures and accommodations provided, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide these measures.
- Failure to comply with the terms of interim measures may constitute a separate violation of this Policy.
- To seek an interim measure, individuals must contact the Title IX Coordinator.

Orders of Protection and Restraining Orders

- Any complainant, respondent, or witness involved in a sexual misconduct 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.

Participation in an Investigation

- Complainants, respondents, and witnesses may choose to participate, or decline to participate, in an investigation.
- The participation of the parties is not required for Mayo Clinic to proceed with an investigation.
- If an individual chooses to not participate, the version of facts relayed by others may be unrefuted, and Mayo Clinic may not have all relevant evidence when determining the outcome of the investigation.
- All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

Equal Opportunity

- During the investigation and resolution of a complaint, the complainant and respondent will have equal rights, including equal opportunities to:
 - Meet with the Title IX Coordinator and individual investigating a complaint.
 - Present oral or written statements.
 - Identify and have considered witnesses and other relevant evidence.
 - Suggest possible questions to be asked of witnesses and the other party.
 - Decide when and whether to repeat a description of an alleged incident of sexual misconduct.
 - Access, in a similar and timely manner, to all information considered in the investigation.
 - Access to review and comment upon any information independently developed during the investigation.
 - Appeal determinations.
 - Access their own statements during and after resolution.

Academic Freedom

- Mayo Clinic is firmly committed to free expression and academic freedom, as well as being equally committed to creating and maintaining a safe, healthy, and harassment-free environment for all members of its community, and firmly believes that these two legitimate interests can coexist.
- Discrimination, harassment, and retaliation against members of the Mayo Clinic community are not protected expressions or the proper exercise of academic freedom.
- Mayo Clinic will consider academic freedom in the investigation of reports of sexual misconduct or retaliation that involve an individual's statements or speech.

Special Guidance Concerning Complaints of Sexual Assault, Relationship Violence, or Stalking

- Mayo Clinic supports victims of sexual assault, relationship 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, Mayo Clinic 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 under this policy.
- If you are the victim of sexual assault or relationship 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.
 - As necessary to preserve evidence, victims of sexual violence or relationship 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.
- It is also important to take steps to preserve evidence in cases of stalking, to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, etc., rather than evidence of physical contact and violence.
- Once a complaint of sexual assault, relationship violence, or stalking is made to Mayo Clinic, the complainant has several options such as, but not limited to:
 - 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.
 - Pursuing disciplinary action through the Mayo Clinic College of Medicine and Science.
 - Requesting that no further action be taken.

- Requesting further information about the Mayo Clinic College of Medicine and Science's policy and procedures for addressing sexual misconduct.
- Requesting further information about available resources.
- Investigation timeline and updates to parties.

Informal Resolution

- Mayo Clinic allows the use of informal means of resolution, in lieu of the formal investigation and resolution procedure.
- Mayo Clinic applies the following standards to any informal resolution method that is used:
 - Mayo Clinic does not mediate sexual misconduct complaints;
 - The informal process can be used only with both parties' voluntary cooperation and appropriate involvement by the institution through the Title IX Coordinator;
 - The complainant will not be required to "work out" the problem directly with the respondent; and
 - Either party may terminate the informal process at any time and elevate the complaint to the formal investigation procedures detailed in the Title IX Procedure.

Investigation

Investigation Timeline

- Mayo Clinic will promptly investigate complaints of sexual misconduct.
 - Mayo Clinic will attempt to conclude most investigations in 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/Designee.

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/Designee will refer the case to the appropriate sanctioning official for imposition of any appropriate disciplinary or remedial action.

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 misconduct occurred.
- The burden is on MCCMS, as investigator, to gather sufficient information to reach a fair, impartial decision as to whether a policy violation has occurred.

Investigation Report

- At the conclusion of the investigation, the Title IX Coordinator will issue a final report that contains:
 - Summary of information learned during the investigation;
 - Determination of whether a preponderance of the evidence substantiates a finding of a violation of the Title IX Sexual Misconduct Policy;
 - Designation of the appropriate official(s) to:
 - Where necessary, make a determination of appropriate disciplinary and remedial action, and
 - Determine any appeal.

- Each party will be given the opportunity to read the report in a meeting with the Title IX Coordinator or a designee.
 - The parties will not be given a copy of the report.

Sanctions

- If a respondent is found to have committed a policy violation, the decision will be communicated to the appropriate sanctioning official based on the respondent's status (learner, employee, third party).
 - Relevant sanctioning policy/procedures for respondents;
 - For learners:
 - Warning, Probation, Dismissal, and Appeal Policy
 - Warning, Probation, Dismissal, and Appeal Procedure
 - For Mayo Clinic employees, as applicable:
 - Appeals Policy/Procedure
 - Appeals Procedures
 - Faculty Misconduct
 - Third parties (such as nonemployee physician/scientists, patients, alumni, contractors, vendors, and visitors)
- The investigatory provisions of the above policies and procedures do not apply to investigations under the Title IX Policy and Procedure.
- The written determination of the investigator, and any sanction issued by the sanctioning official, is final, subject only to the right of appeal.

Possible Sanctions and Remediation

- Violations of this policy may result in sanctions and/or corrective actions, which can include, but are not limited to:

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

Probation	
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- Mayo Clinic may assign other sanctions as appropriate in each particular situation. 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.

Appeals

- A party may appeal either:
 - A report finding that the preponderance of the evidence does not substantiate a finding of a policy violation, or
 - The determination of any sanction or remedial action.
- Based on the respondent's status (learner, employee, third party), the relevant appeal procedures are found in corresponding policies/procedures identified below:
 - For learners:
 - Warning, Probation, Dismissal, and Appeal Policy
 - Warning, Probation, Dismissal, and Appeal Procedure
 - For Mayo Clinic employees: as applicable:
 - Appeals Policy/Procedure
 - Appeals Procedures
 - Faculty Misconduct Policy
 - Third parties (such as nonemployee physician/scientists, patients, alumni, contractors, vendors, and visitors)

Multiple Complainants, Respondents, or Incidents

- Where there is more than one complainant against the same respondent, more than one respondent, or reports of multiple incidents of sexual misconduct between the parties, the Title IX Coordinator/Designee, in her or his discretion, will determine whether to proceed with one or multiple investigation processes, and may combine portions of multiple investigations to lessen the burden on the parties or witnesses or to facilitate fair and prompt resolution.

Education

- Mayo Clinic recognizes that the prevention of sexual misconduct is important and offers educational programming to a variety of groups covered by this Policy and the Procedure.
 - Among other elements, such training will cover relevant definitions, procedures, and sanctions; will provide safe and positive options for bystander intervention; and will provide risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. To learn more about education resources, please contact the Title IX Coordinator.

Record Retention

- Mayo Clinic will retain, through its data management systems, documents related to sexual misconduct complaints, investigations, and resolution consistent with its [Records Management and Retention Policy](#).

Policy Notes

Care and Support Resources

Location	Type of Service	Contact
Austin, MN	Crime Victims Resources	<p>Crime Victims Resource Center</p> <p>101 14th St. NW, #5</p> <p>Austin, MN 55912</p> <p>507-437-6680</p>
Cannon Falls, Lake City, and Red Wing, MN	Sexual Assault and Relationship Violence Assistance Hope Coalition	<p>1407 W. 4th St.</p> <p>Red Wing, MN 55066</p> <p>1-800-519-6690</p>
Eau Claire, WI	Medical Attention	<p>Emergency Department</p> <p>Mayo Clinic Health System - Eau Claire</p> <p>1221 Whipple Street</p> <p>Eau Claire, WI 54701</p> <p>715-838-3212</p>
	Sexual Assault Assistance	<p>Family Support Center Sexual Assault Outreach</p> <p>21 S. Barstow St., Ste. 7, 2nd Floor</p> <p>Eau Claire, WI 54701</p> <p>Crisis Hotline: 715-830-0188</p> <p>eauclairesavs@fscf.org</p>
	Sexual Assault Assistance	<p>Center for Awareness of Sexual Assault</p> <p>105 Garfield Avenue</p> <p>Eay Claire, WI 54702</p> <p>Crisis Hotline: 715-836-4357</p> <p>casa@uwec.edu</p>
Fairbault, MN		Hope Center

Sexual Assault 1003 7th St NW
and
Relationship Fairbault, MN 55021
Violence Assistance 1-800-607-2330

Jacksonville, FL Medical Attention
Emergency Department – Mayo Clinic
4500 San Pablo Rd S
Jacksonville, FL 32224
904-953-2000

Relationship violence assistance Hubbard House, Inc.
Jacksonville, FL 32201
Crisis Hotline: 904-354-3114

Relationship violence assistance Quigley House, Inc.
Orange Park, FL 32073
Local Hotline: 904-284-0061
Toll-free Hotline: 1-800-339-5017

Sexual assault assistance; counseling Women’s Center of Jacksonville 5644 Colcord
Jacksonville, FL 32211
Phone: 904-722-3000
24 Hour Rape Crisis Hotline: 904-721-7273
Rape Recovery Team - On-call pager: 904-617-7888
mail@womenscenterofjax.org

La Crosse, WI Medical assistance
Emergency Department:
Mayo Clinic Health System - Franciscan Healthcare
700 West .Avenue South
La Crosse, WI
608-392-7000

Sexual assault and relationship violence Mayo Clinic Health System Safe Path Program.
700 West Ave S

La Crosse, WI 56401

608-392-7804

Relationship violence New Horizons Shelter and Outreach Centers
1223 Main St

La Crosse, WI 54601

Crisis hotline: 608-791-2600 or 1-888-231-0066

Sexual assault and relationship violence Gundersen Health System Domestic Abuse and Sexual Assault Program
1900 South Ave

La Crosse, WI

608-775-3454 or 1-800-362-9567 x53454

Sexual assault and relationship violence University of La Crosse Violence Prevention Program 1725 State St, 149 Graff Main Hall
La Crosse, WI 54601

608-785-5126

Mankato, MN Relationship violence Committee Against Domestic Abuse

100 Stadium Ct

Mankato, MN 56001

CADA 24 hours Crisis Line 1-800-477-0466

or 507- 625-3966

Rochester, MN Medical assistance Patient Receiving Unit

Rochester Methodist Hospital

Staff can help victims contact the Sexual Assault Program for additional assistance and counseling.

Employee assistance, sexual assault, counseling Employee Assistance Coordinators provide confidential assessments, counseling and triage services.
Call:

Mayo Clinic, 507-284-3352

Mayo Clinic Hospital, Saint Mary's Location 507-255-4776

Mayo Clinic Hospital, Methodist Location 507-266-1080

Sexual Assault Program 24-hour assistance daily 507-289-0636

Rochester Area Family Y 507-287-2265

Scottsdale, AZ Medical
attention

Mayo Clinic Hospital Emergency Department
480-342-1776

Crime victim
support
resources

The state of Arizona - Crime Victims Support website lists
all community resources in Arizona for sexual assault
victims at
<http://www.azdps.gov/services/enforcement/crime-victims>

National

Relationship
violence

The National Domestic Violence Hotline
800-799-7233
TTY: 800-787-3224

Sexual assault The National Sexual Assault Hotline (RAINN)
800-656-4673

Law Enforcement Contacts

Location	Contact	Phone Number
Albert Lea, MN	Albert Lea Police Department	507-377-5215
Cannon Falls, MN	Cannon Falls Police Department	507-263-2626
Eau Claire, WI	Eau Claire Police Department	715-839-4972
Faribault, MN	Faribault Police Department	507-334-4305
Jacksonville, FL	Jacksonville Police Department	904-630-7600
La Crosse, WI	La Crosse Police Department	608-789-7200
Lake City, MN	Lake City Police Department	651-345-3344
Mankato, MN	Mankato Public Safety Center	507-387-8700

Phoenix, AZ	Phoenix Police Department	602-262-7626
Red Wing, MN	Red Wing Police Department	651-385-3155
Rochester, MN	Rochester Police Department	507-328-6800
Scottsdale, AZ	Scottsdale Police Department	480-312-5000

Related Procedures

[Appeals Policy/Procedure](#) (Consulting Staff) - Arizona, Florida, Rochester

[Appeal Procedure](#) (Allied Health) - Arizona, Florida, Rochester

[Faculty Misconduct Investigation and Appeal Procedure](#)

[Records Management and Retention Procedure](#)

[Title IX Sexual Misconduct Complaint Resolution Procedure](#)

Related Documents

[Appeals Policy/Procedure](#) (Consulting Staff) - Arizona, Florida, Rochester

[Appeals Procedure Policy](#) (Allied Health) - SE MN Region

[Faculty Misconduct Policy](#)

[Records Management and Retention Policy](#)

Student Resource for Addressing Sexual Misconduct

Definitions

Coercion: 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 not have submitted. Coercion can include unreasonable and sustained pressure for sexual activity. Consent cannot be obtained through coercion.

Coercive behavior differs from seductive behavior in the type and amount of pressure someone uses to convince another to engage in sexual activity. A person's words or conduct cannot amount to coercion unless they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity. When someone makes it clear that he/she does not want to engage in sexual activity, that he/she wants to stop, or that he/she does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Complaint: an allegation of Sexual Misconduct reported to or filed with Mayo Clinic.

Complainant: the individual who files a report of having experienced sexual misconduct or on whose behalf a report is filed.

Confidential Care and Support Resources: individuals, who by the nature of their work, are required by law to keep information shared with them confidential and who cannot share information revealed to them without the express permission of the individual sharing the information. These individuals are prohibited by law from breaking confidentiality unless there is an imminent threat of harm to self or others or, in some cases, when a report involves suspected abuse of a minor under the age of 18. These campus and community professionals include medical providers, mental health providers, ordained clergy, rape crisis counselors, and attorneys.

Consent: Consent is informed, freely given, and mutually understood. Consent is not passive and requires an affirmative act or statement by each participant. Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent. Lack of consent is a critical factor in determining whether sexual violence has occurred.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent (see [Coercion](#)).
- If a person is mentally or physically incapacitated or impaired by alcohol or drugs, such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
- If a person is asleep or unconscious, there is no consent.
- If a person is below the minimum age of consent in the applicable jurisdiction, there cannot be consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Being in a romantic relationship with someone does not imply consent to any form of sexual activity.
- Effective consent may not exist when there is a disparity in power between the parties (e.g., faculty/student, supervisor/employee).

Incapacitation: a state where an individual cannot make an informed and rational decision to consent to engage in sexual activity because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the “who, what, where, when, why or how” of the sexual interaction) and/or is physically or mentally helpless. An individual is also considered incapacitated, and therefore unable to give consent, when asleep, unconscious, or otherwise unaware that sexual activity is occurring.

Incapacitation can only be found when the respondent knew or should have known that the complainant was incapacitated when viewed from the position of a sober, reasonable person.

Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol of other drugs, inebriation, or intoxication alone are insufficient to establish incapacitation. Incapacitation is beyond mere drunkenness or intoxication. The impact of alcohol or drugs varies from person to person, and evaluating incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual's:

- Decision-making ability;
- Awareness of consequences;
- Ability to make informed judgments; or
- Capacity to appreciate the nature of circumstances of the act.

No single factor alone is determinative of incapacitation. Some common signs that someone is incapacitated may include:

Slurred speech	Vomiting
Smell of alcohol on breath	Combativeness or emotional volatility

Confusion	Outrageous or unusual behavior
Shaky balance	Unconsciousness
Stumbling or falling down	

Sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other person's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

Investigator: individual(s) designated by the Title IX Coordinator to investigate a particular complaint (and may include the Title IX Coordinator).

Learner/Student: an individual enrolled in the Mayo Clinic School of Health Sciences (MCSHS), Mayo Clinic Graduate School of Biomedical Science (MCGSBS), Mayo Clinic School of Graduate Medical Education (MCSGME), or Mayo Clinic School of Medicine (MCSOM).

Parties: the complainant and respondent.

Personally Identifiable Information: Includes but is not limited to: (i) name; (ii) the name of parent/s or other family members; (iii) address or family address; (iv) a personal identifier, such as a social security number, student or employee number, or biometric record; (v) photograph; (vi) telephone number; (vii) other indirect identifiers, such as a date of birth, place of birth, or mother's maiden name; (viii) other information that, alone or in combination, is linked or linkable to a specific individual and that would allow a reasonable person in the Mayo Clinic community, who does not have personal knowledge of the relevant circumstances, to identify the individual with reasonable certainty; and (ix) information requested by a person whom Mayo Clinic reasonably believes knows the identity of an individual to whom a protected record relates.

Personnel: For the purpose of this policy, the term personnel includes staff physicians, scientists, research temporary professionals, residents, fellows, students, emeritus staff, volunteers, allied health staff, and contractors who regularly work in Mayo Clinic facilities.

Preponderance of Evidence Standard: A standard for determining facts under this policy that asks whether "it is more likely than not" that sexual misconduct occurred.

Relationship Violence (Dating/ Domestic Violence): an umbrella term that collectively refers to prohibited conduct under this policy regardless of the motivation behind the action and includes domestic violence and dating violence.

- **Domestic Violence:** acts of violence committed by a current or former spouse or intimate partner of a 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.
- **Dating Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Relationship violence is prohibited by Minnesota, Arizona, Florida, and Wisconsin law. See Minn. Stat. § 518B.01, et seq.; A.R.S. § 13-3601 et seq.; Fla. Stat. § 741.28, et seq.; Wis. Stat. § 940.19 et seq.

Respondent: The individual against whom a report has been filed.

Responsible Employee: Mayo Clinic's responsible employees include the Board of Governors, all faculty members, advisors to student organizations, Mayo Clinic College of Medicine and Science (MCCMS) administrators, and other Mayo Clinic employees acting engaged in educational programs and activities. Responsible employees have a duty to contact the Title IX Coordinator promptly after becoming aware of an incident or allegation of sexual misconduct.

Retaliation: the act of intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's informal or formal complaint under this policy or participation in a Mayo Clinic or Office of Civil Rights (OCR) investigation or proceedings related to sexual misconduct. Contact by third parties (at the request or on behalf of another) may also constitute retaliation and is prohibited under Mayo Clinic's [Anti-Retaliation Policy](#).

Sexual Assault: any actual or attempted sexual contact with another person without that person's consent. As used in this policy, 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. Sexual assault is a crime under Minnesota, Arizona, Florida, and Wisconsin law. See Minn. Stat. § 609.341 et seq.; A.R.S. § 13-1406 et seq.; Fla. Stat. § 794.005, et seq.; Wis. Stat. § 940.225.

Sexual assault includes, but is not limited to, an offense that meets any of the following definitions:

- **Fondling:** The touching of the private body parts (including the genital area, groin, inner thigh, buttocks, or breast) of another person for the purpose of sexual gratification, without consent.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, oral penetration by a sex organ of another person, or oral contact with the sex organ of another person, without consent.
- **Statutory rape:** Sexual intercourse with a person who is under the statutory age of consent.

Sex Discrimination: occurs when persons are excluded from participation in, or denied the benefits of, any Mayo Clinic educational program or activity because of their sex. Sex discrimination also includes discrimination on the basis of pregnancy, gender identity, sexual orientation, and failure to conform to stereotypical notions of femininity and masculinity (i.e., gender stereotyping).

Sexual and Gender-Based Harassment: unwelcome conduct of a sexual nature and includes sexual advances, requests for sexual favors, and other verbal, physical, visual, or digital conduct of a sexual nature when:

- Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual's employment or education;
- Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual; or
- Such conduct interferes with an individual's participation in Mayo Clinic programs or activities by creating what a reasonable person would perceive as an intimidating, hostile, or offensive educational environment. A hostile environment exists when unwelcome conduct of a sexual nature is sufficiently serious to deny or limit a person's ability to participate in or benefit from Mayo Clinic programs and activities.
 - In determining whether a hostile environment exists, Mayo Clinic will consider the totality of circumstances viewed from the perspective of a reasonable person in the alleged victim's

position, including both objective and subjective factors. Examples of factors Mayo Clinic will consider include the type, frequency, and duration of the conduct, the severity of the conduct, whether the conduct is repeated, the age of the alleged victim, any power differential between the alleged victim and alleged perpetrator, and the number of persons involved.

- Harassment without an overt sexual component can also violate the law and this policy where it is shown that the harassment is directed at an individual because of the individual's sex, gender, gender identity, or sexual orientation. In determining whether alleged conduct constitutes sexual harassment, Mayo Clinic will look at the totality of the circumstances, such as the nature of the conduct and the context in which the alleged incidents occurred.
- Examples of Sexual Harassment
 - Pressure for a dating, romantic, or intimate relationship, or for sexual activity
 - Unwelcome touching, kissing, hugging, rubbing, or massaging
 - Unnecessary references to parts of the body
 - Sexual innuendos, jokes, humor, or gestures
 - Displaying sexual graffiti, pictures, videos, or posters
 - Using sexually explicit profanity
 - Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
 - Social media use that violates this policy
 - Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
 - Sending sexually explicit emails or text messages
 - Commenting on a person's dress in a sexual manner
 - Giving unwelcome personal gifts such as flowers, chocolates, or lingerie that suggest the desire for a romantic relationship
 - Commenting on a person's body, gender, sexual relationships, or sexual activities
 - Harassing a male because he "isn't manly enough" or a female because she "is too manly"

Sexual Misconduct: an umbrella term that collectively refers to prohibited conduct under this policy and includes sexual discrimination, sexual and gender-based harassment, sexual assault, sexual exploitation, relationship violence, stalking, and retaliation.

Stalking: a course or pattern of two or more acts of unwelcome and unwanted conduct directed towards a specific person that would cause a reasonable person under the circumstances to feel frightened, threatened, oppressed, or intimidated or to suffer substantial emotional distress. Stalking is prohibited by Minnesota, Florida, Arizona, and Wisconsin law. See Minnesota Statutes Section 609.749; A.R.S. § 13-2923 et seq.; Fla. Stat. § 784.048; Wis. Stat. § 940.32.

- Stalking can include conduct that occurs via electronic communications, including social media (i.e., cyberstalking).

References

[Family Educational Rights and Privacy Act \(FERPA\), 20 U.S.C. § 1232g; 34 C.F.R. Part 99](#)

[Title IX of the Education Amendments of 1972, 20. U.S.C. §1681](#)

Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, § 304, 127 Stat. 54, 89-92 (2013) (codified at 20 U.S.C.A. § 1092(f)(1)(F)(iii), § 1092(f)(8)(A)-(B))

State laws as cited herein

Owner

Kim Otte on behalf of Compliance and Enterprise Risk Management Committee

Contact

Amy Boyer, Integrity and Compliance Office

Revision History

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10/05/2018	Updated Scope, Purpose, Policy Statements.
05/30/2017	Updated policy; change title from Title IX Compliance to Title IX Sexual Misconduct Policy.
	Approval for need to establish document: Continuous Accreditation, Licensure and Compliance Mayo Clinic Education Committee Full Education Administration Meeting (FEAM)

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