

# Title IX Sexual Harassment Policy

## Scope

Applies to the following persons when Sexual Harassment or allegations of Sexual Harassment occur among those participating in Mayo Clinic College of Medicine and Science (MCCMS) Education Programs and/or Activities:

- 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;
- All learners and students, including recognized learner or student organizations;
- Third parties (such as non-employee physician/scientists, patients, alumni, contractors, vendors, and visitors);
- Any other member of Mayo Clinic's community.

This policy does not apply to Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of Mayo Clinic's Education Programs and Activities.; Such Sexual Harassment may be prohibited by the [Learner Professional Conduct Policy](#) if committed by a learner/student, the [Unacceptable Conduct Policy](#) if committed by a member of the Consulting/Voting Staff, or the [Mayo Clinic Code of Conduct](#) and other Mayo Clinic policies and standards if committed by any employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in Mayo Clinic's Education Programs and Activities, such as an international learning experience. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the [Learner Professional Conduct Policy](#) if committed by a learner/student, the [Unacceptable Conduct Policy](#) if committed by a member of the Consulting/Voting Staff, or the [Mayo Clinic Code of Conduct](#) and other Mayo Clinic policies and standards if committed by an employee, including but not limited to the [Faculty Misconduct Policy](#).

This policy applies only to Sexual Harassment. Complaints of other forms of sex discrimination are governed by the MCCMS's [Non-Discrimination Policy](#).

## Purpose

To reinforce that respect, including consideration and courtesy, is a Mayo Clinic Value and expected of everyone. MCCMS is committed to providing a learning and working environment that promotes mutual respect, including one free from harassment 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 MCCMS's position on Sexual Harassment and expectations for appropriate behavior in Educational Programs and/or Activities; and to provide all members of the MCCMS community with a framework for addressing, resolving, and remediating Sexual Harassment that may arise in those contexts.

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

- Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681;
- The Violence Against Women Act of 2013 (VAWA); and
- State and local laws concerning Sexual Harassment in educational settings.

## Policy

- MCCMS prohibits Sexual Harassment in its Educational Programs and Activities. For purposes of this policy, Sexual Harassment is defined to include:
  - Quid Pro Quo Sexual Harassment;
  - Hostile Environment Sexual Harassment;
  - Sexual Assault;
  - Domestic Violence;
  - Dating Violence ; and
  - Stalking.
- MCCMS prohibits such Sexual Harassment:
  - 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.
- MCCMS's prohibition on such Sexual Harassment includes a prohibition on [retaliation](#) for asserting claims of Sexual Harassment, or for conducting or participating in, or refusing to participate in, an investigation or resolution of Sexual Harassment.
  - Any report or Formal Complaint of Retaliation will be processed under this policy in the same manner as a report or Formal Complaint of Sexual Harassment.
  - MCCMS retains discretion to consolidate a Formal Complaint of Retaliation with a Formal Complaint of Sexual Harassment for investigation and/or adjudication purposes if the two Formal Complaints share a common incident.

## MCCMS Response to Reports of Sexual Harassment

- MCCMS is committed to the prompt, full, and fair resolution of Sexual Harassment complaints and has established the [Title IX Sexual Harassment Complaint Resolution Procedure](#) (Procedure) to address complaints.
  - The Procedure is intended to be flexible so as to allow MCCMS 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.
- MCCMS 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.
- MCCMS will act in accordance with the Procedure and may investigate alleged Sexual Harassment within the Scope of this policy that occurred:
  - On Mayo Clinic property or in Mayo Clinic facilities,
  - During or at an official MCCMS Educational Program and/or Activity within the United States.
- MCCMS has designated the following person to coordinate its compliance with laws regarding Sexual Harassment, including Title IX/VAWA, and to receive inquiries regarding Sexual Harassment:

Title IX Coordinator

Amy Boyer

Office phone: (507) 284-4714

Cellular: (507) 269-9873

Email: [Boyer.Amy@mayo.edu](mailto:Boyer.Amy@mayo.edu)

- The Title IX Coordinator is responsible for:
  - Ensuring MCCMS's compliance with Title IX;
  - Identifying and addressing any patterns or systemic problems of Sexual Harassment at MCCMS;
  - 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 Harassment 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 Harassment; and
  - Implementing the complaint resolution procedure or to designate appropriate persons for implementing the complaint resolution procedure.

## **Promptness, Fairness, and Impartiality (Conflicts of Interest)**

- MCCMS will provide prompt, fair, and impartial investigations and resolutions.
- All MCCMS officials involved in a case, including but not limited to the Title IX Coordinator, Investigator, Hearing Officer, Administrative Officer, Sanctioning Official, Appeal Officer, Informal Resolution Facilitator, or any such official's designee (for purposes of this section "MCCMS Officials"), will discharge their obligations under the Policy and Procedure fairly and impartially.
- If either party believes that any MCCMS Official involved in a case has a conflict of interest, the party should promptly inform the Title IX Coordinator or the Mayo Clinic Legal Department.
- All Mayo Clinic employees and MCCMS Officials involved in a case 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 MCCMS Official involved in the case has a conflict of interest.
- If it is determined by the Title IX Coordinator or the Mayo Clinic Legal Department that an involved MCCMS Official cannot apply the Title IX Sexual Harassment 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.
- The failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any [Appeal](#) or otherwise.

## **Required Training**

- Mayo Clinic Officials, as defined under Promptness, Fairness, and Impartiality (Conflicts of Interest), will be trained in compliance with 34 C.F.R. § 106.45(b)(1)(iii) and any other applicable federal or state law.

## **Reporting**

### **When to Report**

- MCCMS encourages individuals to report Sexual Harassment 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.
- 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 Harassment directly to the Title IX Coordinator.
  - Mayo Clinic Security - Mayo Clinic Security employees receiving a report of Sexual Harassment 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 Harassment through the Compliance Hotline at 888-721-5391 or emailing [The Compliance Hotline](#).
  - A report of Sexual Harassment 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 Harassment anonymously through the Compliance Hotline.
  - Anonymous reporting does not fulfill the reporting obligations of MCCMS [Reporting Officials](#).

- In cases of anonymous reports, MCCMS may be limited in its ability to investigate, and reporters should be aware that MCCMS may not be obligated to investigate anonymous reports.
  - MCCMS 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 - MCCMS strongly encourages Complainants of Sexual Assault, Dating Violence, Domestic Violence and Stalking to report to law enforcement.
  - Whether to notify law enforcement of Sexual Harassment is a decision that will be left to the Complainant in most cases, and MCCMS 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, MCCMS may notify law enforcement of an incident of Sexual Harassment, 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, MCCMS personnel, as designated by the Title IX Coordinator, will provide prompt assistance in notifying the appropriate law enforcement officials.
  - Complainants wishing to report Sexual Harassment to local law enforcement may contact the officials listed in Policy Notes.
  - The Title IX Sexual Harassment Policy and Procedure are administrative, applied by MCCMS, and separate and distinct from civil and criminal legal systems.
  - In general, reports of Sexual Harassment made to MCCMS will proceed under the Title IX Sexual Harassment Policy and Procedure regardless of any parallel investigation by law enforcement.
    - In some circumstances and where requested by the Complainant and/or law enforcement, MCCMS 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**

- MCCMS [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.
- A Reporting Official'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 Harassment.
- Mayo Clinic employees who learn of Sexual Harassment 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**

- MCCMS strongly encourages all members of the Mayo Clinic community to report any incident of Sexual Harassment.

### **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.

## Confidentiality and Its Limits

- MCCMS will maintain confidentiality with regard to Title IX reports or Formal Complaints of Sexual Harassment or Retaliation, including the Complainant, the identity of any individual who has been reported to be a perpetrator of Sexual Harassment or Retaliation including any Respondent, and the identity of any witness as well as records generated in response, 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.
  - MCCMS 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.
  - MCCMS may reveal the identity of any person or the contents of any record as permitted by FERPA, if necessary to carry out the MCCMS's obligations under Title IX including the conduct of any investigation, adjudication, or appeal under this policy or any subsequent judicial proceeding, or as otherwise required by law.
  - Despite MCCMS's general obligation to maintain confidentiality as specified in this policy, the parties to a report or Formal Complaint will be given access to investigation and adjudication materials as provided in this policy and procedure.
- Complainants and others may discuss incidents of Sexual Harassment in confidence with [Confidential Care and Support Resources](#) (See definition for rare exception to ability to provide confidentiality).
- MCCMS cannot guarantee absolute confidentiality to those who make complaints. Complainants who are not sure they wish to report Sexual Harassment should contact a Confidential Care and Support Resource before sharing information with an MCCMS Reporting Official.

## Requests for Confidentiality

- MCCMS'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.
- MCCMS 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

- MCCMS 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 Harassment.
- While MCCMS will maintain confidentiality as provided in this section, MCCMS will not limit the ability of the parties to discuss the allegations at issue in a particular case.
- Parties must ensure that their communications are consistent with Mayo Clinic's [Anti-Retaliation Policy](#). Further, the manner in which parties communicate about, or discuss a particular case, may constitute Sexual Harassment or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in this policy.

## Clery Act, State Law, and Timely Warning Reporting

- As required by state and federal law, MCCMS 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 MCCMS 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 Harassment.

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

- MCCMS, as well as outside organizations, will provide [resources](#) to support those who have experienced Sexual Harassment.
  - 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.
- MCCMS 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.
- Any individual affected by or accused of Sexual Harassment will have equal access to support and counseling services offered through MCCMS. MCCMS encourages any individual who has questions or concerns to seek support of MCCMS identified resources. The Title IX Coordinator is available to provide information about MCCMS's policy and procedure and to provide assistance. A list of identified resources is located at the end of this policy.

## **Amnesty**

- To encourage reporting and the gathering of information, MCCMS will not sanction a party or witness participating in a good faith 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.
  - MCCMS may require the individual to attend a course or pursue other educational interventions related to alcohol and drugs.
- MCCMS'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 and False Information**

- MCCMS encourages all good faith complaints of Sexual Harassment, and has a responsibility to balance the rights of all parties. If MCCMS's investigation reveals that a report or Formal Complaint was knowingly false or knowing 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 this policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal.
- Violations of this Section are not subject to the investigation and adjudication processes in this policy; instead, they will be addressed under the [Learner Professional Conduct Policy](#) in the case of learners/students and other Mayo Clinic policies and standards, as applicable, for other persons.

## **Rights of Parties**

### **Treatment with Dignity**

- 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 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.

## **Supportive Measures**

- The Title IX Coordinator/Designee may determine that reasonable supportive 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 supportive measures in order to fairly assess the need for and scope of such measures.
  - Supportive measures may be imposed or changed at any point during the investigation and resolution process to protect the interests of the parties.
- Supportive 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 removal may be appropriate.
  - In such cases, the Title IX Coordinator will consult with other MCCMS officials, consider individual circumstances, and endeavor to consult both parties before imposing an interim removal.
- Supportive measures are available regardless of whether an individual chooses to officially report an incident to MCCMS or pursue a complaint.
- MCCMS will keep confidential any supportive 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 supportive measures may constitute a separate violation of this Policy.
- To seek a supportive measure, individuals must contact the Title IX Coordinator.

## **Interim Removal**

- At any time after receiving a report of Sexual Harassment, a learner/student Respondent may be removed from one or more of the MCCMS’s Education Programs and/or Activities on an temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal.
- In the case of a Respondent who is a non-learner employee (administrator, faculty, or staff), and in its discretion, Mayo Clinic may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, including during the investigation and adjudication process.
- For all other Respondents, including independent contractors and guests, Mayo Clinic retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

## **Orders of Protection and 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.

## **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 MCCMS to proceed with an investigation.
- If an individual chooses to not participate, the version of facts relayed by others may be unrefuted, and MCCMS may not have all relevant evidence when determining the outcome of the investigation.
- All parties and witnesses participating in the investigation are expected to cooperate and provide complete and truthful information.
- 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 (including fact and expert witnesses) and other relevant inculpatory and exculpatory evidence.
  - MCCMS will not restrict the ability of the parties to gather and present relevant evidence on their own.
  - 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 Harassment.
  - 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**

- MCCMS 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.
- Harassment and retaliation against members of the Mayo Clinic community are not protected expressions or the proper exercise of academic freedom.
- MCCMS will consider academic freedom in the investigation of reports of Sexual Harassment or retaliation that involve an individual's statements or speech.
- MCCMS will construe and apply this policy consistent with the principles of academic freedom outlined in MCCMS policies. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected the principles of academic freedom outlined in MCCMS policies.

## **Special Guidance Concerning Complaints of Sexual Assault, Dating Violence, Domestic Violence or Stalking**

- MCCMS 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, MCCMS 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.
- Any victim of Sexual Assault, Dating Violence, or Domestic Violence should 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 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.
- 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, Dating Violence, Domestic Violence, or Stalking is made to MCCMS, 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.
  - Pursuing disciplinary action through the Mayo Clinic College of Medicine and Science.
  - Requesting that no further action be taken.
  - Requesting further information about Mayo Clinic policy and procedures for addressing sexual and other harassment.
  - Requesting further information about available resources.
  - Investigation timeline and updates to parties.

## Objections Generally

- Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that MCCMS may evaluate the matter and address it, if appropriate.

## Formal Complaint

- A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that MCCMS investigate and adjudicate a report of Sexual Harassment.
  - The Complainant must be participating in, or attempting to participate in, one or more of MCCMS's Education Programs and/or Activities at the time of submission of the Formal Complaint
- The Title IX Coordinator may file a Formal Complaint on behalf of MCCMS in any case, including a case where a Complainant elects not to file a Formal Complaint, if doing so is not clearly unreasonable.
  - Such action 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. Factors the Title IX Coordinator may consider include (but are 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, MCCMS will commence an investigation and proceed to adjudicate the matter.
  - In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, irrespective of the party's level of participation.

- In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.

## Informal Resolution

- 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 the parties.
  - Administrative Adjudication is a form of informal resolution.
- The specific 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 utilized;
  - Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another MCCMS 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 consequence 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 this paragraph, 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 MCCMS, 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 MCCMS.
  - 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.
- A 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 twenty-one 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.

## **Investigation**

### **Investigation Timeline**

- MCCMS will promptly investigate complaints of Sexual Harassment.
  - MCCMS 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.
- 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 MCCMS 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/Designee 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 MCCMS, 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, Hearing and 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 MCCMS 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
  - 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 MCCMS 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 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 MCCMS 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 MCCMS 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.
  - 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.
- 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

- MCCMS 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 MCCMS's Education Programs and/or Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).
- MCCMS 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 MCCMS 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 the appropriate MCCMS officials.
  - 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 MCCMS 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, MCCMS 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 MCCMS provide an advisor, MCCMS 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.
  - MCCMS will have sole discretion to select the advisor it provides. The advisor provided is not required to be an attorney.
  - MCCMS 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 MCCMS provide an advisor.

## **Treatment Records and Other Privileged Information**

- During the investigation and adjudication processes, the Investigator and adjudication personnel 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 MCCMS 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 MCCMS and is considered property of MCCMS, subject to any right of access that a party may have under this policy, FERPA, and other applicable federal, state, or local laws.
- Only MCCMS 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.
  - 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 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

- 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	Dismissal
Loss of oversight, teaching or supervisory responsibility	Degree revocation
Probation	Termination of employment

- Sanctioning Official 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

- Either party 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;
  - The level of sanction; 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.
- 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)
- 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.

## Vendors, Contractors and Third Parties

- Mayo Clinic does business with various vendors, contractors, and other third parties who are not students or employees of Mayo Clinic. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, MCCMS retains its right to limit any vendor, contractor, or third-party's access to campus for any reason.
- Mayo Clinic retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

## Consolidation of Complaints

- MCCMS may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.
- A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Sexual Harassment.

## Education

- MCCMS recognizes that the prevention of Sexual Harassment is important and offers educational programming to a variety of groups covered by this Policy and the Procedure.

- o 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.

## Signatures and Forms of Consent

- For purposes of this policy, either a physical signature or digital signature will be sufficient to satisfy any obligation that a document be signed. Where this policy provides that written consent must be provided, consent in either physical or electronic form, containing a physical or digital signature will suffice.

## Outside Appointments, Dual Appointments, and Delegations

- MCCMS may retain and appoint suitably qualified persons who are not Mayo Clinic employees to fulfill any function of MCCMS under this policy, including, but not limited to, the Investigator, Hearing Officer, Administrative Officer, Informal Resolution Officer, and/or Appeal Officer.
- MCCMS may appoint two or more persons to jointly fulfill the role of Investigator, Hearing Officer, Administrative Officer, Informal Resolution Officer, and/or Appeal Officer.
- The functions assigned to a given MCCMS official under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Hearing Officer, Administrative Officer, Informal Resolution Officer, and Appeal Officer, may be delegated by such MCCMS official to any suitably qualified individual and such delegation may be recalled by MCCMS at any time.

## Record Retention

- MCCMS will retain, through its data management systems, documents related to Sexual Harassment complaints, investigations, and resolution consistent with Mayo Clinic's [Records Management and Retention Policy](#). Records of this type will be made available for inspection and/or published consistent with federal or state law.

## Policy Notes

### Care and Support Resources

Location	Type of Service	Contact
Austin, MN	Crime Victims Resources	Crime Victims Resource Center 101 14th St. NW, #5 Austin, MN 55912 507-437-6680
Cannon Falls, Lake City, and Red Wing, MN	Sexual Assault and Relationship Violence Assistance Hope Coalition	1407 W. 4th St. Red Wing, MN 55066

1-800-519-6690

Eau Claire, WI Medical  
Attention

Emergency Department  
Mayo Clinic Health System - Eau Claire  
1221 Whipple Street  
Eau Claire, WI 54701  
715-838-3212

Sexual Assault Family Support Center Sexual Assault Outreach  
Assistance

21 S. Barstow St., Ste. 7, 2nd Floor  
Eau Claire, WI 54701  
Crisis Hotline: 715-830-0188  
[eauclairesavs@fscf.org](mailto:eauclairesavs@fscf.org)

Sexual Assault Center for Awareness of Sexual Assault  
Assistance

105 Garfield Avenue  
Eay Claire, WI 54702  
Crisis Hotline: 715-836-4357  
[casa@uwec.edu](mailto:casa@uwec.edu)

Fairbault, MN Sexual Assault Hope Center  
and  
Relationship  
Violence  
Assistance

1003 7th St NW  
Fairbault, MN 55021  
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 <a href="http://www.azdps.gov/services/enforcement/crime-victims">http://www.azdps.gov/services/enforcement/crime-victims</a>
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 Harassment Complaint Resolution Procedure](#)

## Related Documents

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

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

[Faculty Misconduct Policy](#)

[Freedom of Expression and Academic Freedom 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 otherwise not have submitted. Coercion can include unreasonable and sustained pressure for sexual activity.

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.

**Complaint:** An allegation of Sexual Harassment reported to MCCMS.

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

**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, mental health counselors within the environment of counseling sessions, ordained clergy, rape crisis counselors, and attorneys.

**Consent:** 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.

**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.

**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.

**Education Programs and Activities:** All the operations of MCCMS, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by MCCMS. It also includes off-campus locations, events, or circumstances over which MCCMS exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs, including Sexual Harassment occurring in any building owned or controlled by a student organization that is officially recognized by MCCMS.

**Formal Complaint:** A document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that MCCMS investigate the allegation of Sexual Harassment in accordance with this policy. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in MCCMS's Education Programs and Activities. A "document filed by a Complainant" means a document or electronic submission (such as an email) that contains the Complainant's physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.

**Hostile Environment Sexual Harassment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to MCCMS's Education Programs and Activities.

**Incapacitation:** The state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep.

**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 Harassment occurred.

**Quid Pro Quo Sexual Harassment:** An employee of MCCMS conditioning the provision of an aid, benefit, or service of MCCMS on an individual’s participation in unwelcome sexual conduct.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

**Reporting Official:** Includes the Mayo Clinic Board of Governors, MCCMS faculty members, MCCMS administrators, program directors or other employees engaged in or supporting MCCMS educational programs and activities. A Reporting Official must promptly forward any such report of Sexual Harassment to the Title IX Coordinator.

**Retaliation:** intimidation, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

**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.

**Sexual Harassment:** Conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

**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.

**Supportive Measures:** Non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to MCCMS’s Education Programs and Activities without unreasonably burdening another party, including measures designed to protect the safety of all parties implicated by a report or MCCMS’s education environment, or to deter Sexual Harassment. Supportive measures may include: counseling, extensions of academic or other deadlines, course-related adjustments, modifications 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, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.

## 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

## Effective Date of Current Version

12/09/2021