

Title IX Sexual Harassment Complaint Resolution Procedure

Scope

Applies to the following persons when Sexual Harassment or allegations of Sexual Harassment occur among those participating in Mayo Clinic Educational 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; and
- Third parties (such as non-employee physician/scientists, patients, alumni, contractors, vendors, and visitors);
- Any other member of Mayo Clinic's community.

Purpose

To establish and provide all members of the Mayo Clinic community with a framework for addressing, resolving, and remediating Sexual Harassment that may arise in educational programs, activities, organizations, and events.

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.

Equipment/Supplies

N/A

Procedure

The Title IX Sexual Harassment Complaint Resolution Procedure (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. At any and every step of the Procedure, the Title IX Coordinator or a designee has discretion to deviate from the Procedure when deemed appropriate under the circumstances.

This Procedure is the exclusive means of resolving complaints alleging violations of the Title IX Sexual Harassment Policy. To the extent there are any inconsistencies between this Procedure and other Mayo Clinic grievance, complaint, or discipline policies or procedures, the Procedure will control the resolution of complaints alleging violations of the Title IX Sexual Harassment Policy.

Reporting

<p>Complainant, or Any Person Providing a Report of Sexual Harassment</p>	<ol style="list-style-type: none">1. Report Sexual Harassment as soon as possible to location officials and/or law enforcement, where appropriate.<ol style="list-style-type: none">a. Emergency Reports - dial 911 to be connected with emergency respondersb. Title IX Coordinatorc. Mayo Clinic Securityd. Compliance Hotline/Anonymous Reports - Compliance Hotline at 888-721-5391 or emailing The Compliance Hotlinee. Law Enforcement2. Include the following information in the complaint to the extent possible (do not be deterred from reporting if all information is not available):<ol style="list-style-type: none">a. The date(s) and time(s) of the alleged conduct;b. The names of all person(s) involved in the alleged conduct, including possible witnesses;c. All details outlining what happened; andd. Contact information for the Complainant and/or Reporter so that Mayo Clinic may follow up appropriately.
<p>Title IX Coordinator/Designee</p>	<ol style="list-style-type: none">3. Receive report of Sexual Harassment allegations. <p>Preliminary Assessment</p> <ol style="list-style-type: none">4. Conduct a preliminary assessment to determine:<ol style="list-style-type: none">a. Whether the conduct, as reported, falls or could fall within the scope of this policy; andb. Whether the conduct, as reported, constitutes or could constitute Sexual Harassment.5. As part of the preliminary assessment, may take investigative steps to determine the identity of the Complainant, if it is not apparent from the report.6. If determined that the conduct reported could not fall within the scope of this policy, and/or could not constitute Sexual Harassment, even if investigated, close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act (FERPA).<ol style="list-style-type: none">a. May refer the report to other Mayo Clinic offices for possible disciplinary/corrective action, as appropriate.7. If determined that the conduct reported could fall within the scope of this policy, and/or could constitute Sexual Harassment, if investigated, contact the Complainant. <p>Contacting the Complainant/Supportive Measures</p> <ol style="list-style-type: none">8. If a report is not closed as a result of the preliminary assessment and the Complainant's identity is known, promptly contact the Complainant to:<ol style="list-style-type: none">a. Discuss the availability of Supportive Measures;

- b. Discuss and consider the Complainant's wishes with respect to Supportive Measures;
 - c. Inform the Complainant about the availability of Supportive Measures with or without filing a Formal Complaint;
 - d. Explain the process for filing and pursuing a Formal Complaint; and
 - e. Provide options for filing complaints with the local police and information about resources that are available on campus and in the community.
9. If receive a request from Respondent for Supportive Measures prior to Respondent being notified of a Formal Complaint, offer and make available Supportive Measures to the Respondent.
 10. Maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair ability to provide the Supportive Measures in question.
 11. Give Complainant a written document providing information about the Title IX Sexual Harassment Policy and this Procedure as used to investigate and resolve complaints of Sexual Harassment, privacy and confidentiality, supportive measures, options for filing complaints with the local police, and resources that are available on location and in the community, etc.
 12. Give Complainant the opportunity to discuss the complaint further, identify witnesses, and provide evidence.
 13. Provide Complainant with information about [preserving evidence](#).
 14. Assist Complainant in preserving materials relevant to a Mayo Clinic Sexual Harassment disciplinary proceeding.
 15. Consult with Complainant about their wishes for an investigation.
 16. Determine whether to proceed with an investigation based on Complainant's wishes and other relevant factors.
 17. At the direction of law enforcement, assist in obtaining, securing, and maintaining evidence in connection with a Sexual Assault, Dating Violence, Domestic Violence or Stalking incident.

Interim Removal

18. At any time after receiving a report of Sexual Harassment, may decide to impose an interim removal of a Respondent. See [Title IX Sexual Harassment Policy](#) for determinations on interim removal.
 - a. If an interim removal is imposed on a learner/student Respondent, offer to meet with the Respondent within twenty-four hours and provide the Respondent an opportunity to challenge the interim removal.

Formal Complaint

<p>Complainant (must be participating in, or attempting to participate in, one or more of MCCMS's Education Programs or Activities)</p>	<p>19. May file a Formal Complaint with the Title IX Coordinator requesting that MCCMS investigate and adjudicate their report of Sexual Harassment.</p> <ol style="list-style-type: none"> a. May file Formal Complaint in person, by regular mail, or by email. b. No person may submit a Formal Complaint on the Complainant's behalf.
<p>Title IX Coordinator/Designee</p>	<p>20. Review Formal Complaint filed by Complainant.</p> <p>21. Evaluate the Formal Complaint and dismiss it if determined that:</p> <ol style="list-style-type: none"> a. The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or b. The conduct alleged in the Formal Complaint falls outside the scope of the policy specified in "Scope" (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). <p>22. If determined that the Formal Complaint must be dismissed pursuant to above, provide written notice of dismissal to the parties and advise them of their right to Appeal.</p> <ol style="list-style-type: none"> a. Refer the subject matter of the Formal Complaint to the appropriate MCCMS officials. b. A dismissal pursuant to this Section is a final determination, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal. <p>Notice of Formal Complaint</p> <p>23. Within five days of receiving a Formal Complaint, transmit a written notice to the Complainant and Respondent that includes:</p> <ol style="list-style-type: none"> a. A physical copy of the Title IX Sexual Harassment Policy and Procedure or a hyperlink to these documents; b. Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known); c. A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any Appeal; d. Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice; e. Notifying the Complainant and Respondent of their right to inspect and review evidence; f. Notifying the Complainant and Respondent of MCCMS's prohibitions on retaliation and false statements;

	<p>g. Information about resources available on campus and in the community.</p> <p>24. If elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, provide a supplemental written notice describing the additional allegations to be investigated.</p> <p>25. Give Respondent an opportunity to respond to the complaint, identify witnesses, and provide evidence.</p> <p>26. Investigate the complaint or, at one's discretion, designate a trained investigator to investigate a complaint.</p> <p>a. The investigator may be a Mayo Clinic employee or an outside investigator.</p> <p>27. Provide the parties with periodic updates regarding the status of the investigation.</p>
Respondent	<p>28. At any time prior to the issuance of a final investigatory report, may accept responsibility for the conduct underlying the complaint.</p> <p>a. If and when Respondent accepts responsibility, the final investigatory report will be prepared.</p>

Investigation

Although the length of each investigation may vary depending on the totality of the circumstances, MCCMS strives to complete each investigation within 60 days of the transmittal of the written notice of Formal Complaint.

Title IX Coordinator/Designee	<p>29. Select Investigator to undertake an investigation to gather evidence relevant to the alleged misconduct.</p>
Investigator	<p>30. Interview parties and provide opportunity for parties to present witnesses (including fact and expert witnesses) and other inculpatory and exculpatory evidence.</p> <p>a. See Title IX Sexual Harassment Policy for additional information on equal opportunity for parties to provide evidence.</p> <p>31. Take reasonable steps to ensure the investigation is documented.</p> <p>a. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed.</p> <p>b. The Investigator has sole discretion to determine the particular method used to record the interviews of parties and witnesses.</p> <p>i. Whatever method is chosen must be used consistently throughout a particular investigation.</p> <p>32. At the conclusion of the evidence-gathering phase of the investigation but before the completion of the investigation report, transmit to each party and their advisor, in either electronic or hard copy form, all evidence obtained as part</p>

	<p>of the investigation that is directly related to the allegations raised in the Formal Complaint, including:</p> <ol style="list-style-type: none"> a. Evidence on which MCCMS may choose not to rely at any hearing, and b. Inculpatory or exculpatory evidence whether obtained from a party or some other source.
Complainant and Respondent	<ol style="list-style-type: none"> 33. Review evidence provided by Investigator. <ol style="list-style-type: none"> a. The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and must not duplicate or disseminate the evidence to the public. 34. Within ten days, if the party wishes to do so, submit to the Investigator a written response.
Investigator	<ol style="list-style-type: none"> 35. Consider any party's written response before completing the investigation report. 36. After the period for the parties to provide any written response has expired, complete a written investigation report that: <ol style="list-style-type: none"> a. Fairly summarizes the various steps taken during the investigation, b. Summarizes the relevant evidence collected, c. Lists material facts on which the parties agree, and d. Lists material facts on which the parties do not agree. 37. Transmit a copy of the completed investigation report to the Title IX Coordinator, and to each party and their advisor, in either electronic or hard copy form.

Adjudication Process Selection

Title IX Coordinator	<ol style="list-style-type: none"> 38. After the investigator has sent the investigation report to the parties, transmit to each party a notice advising the party of the two different adjudication processes. See Title IX Sexual Harassment Policy for details on the adjudication selection process. <ol style="list-style-type: none"> a. If Administrative Adjudication is available, send a written consent to Administrative Adjudication with the notice advising that Administrative Adjudication would require both parties' consent. b. Advise each party they have three days from transmittal of the notice to return the signed written consent form to the Title IX Coordinator.
Complainant and Respondent	<ol style="list-style-type: none"> 39. If wish to pursue Administrative Adjudication, return the signed written consent form to the Title IX Coordinator within three days.

Adjudication - Hearing

Title IX Coordinator	<ol style="list-style-type: none">1. After selection of the Hearing process, promptly appoint a hearing officer who will oversee the Hearing process and render a determination of responsibility for the allegations in the Formal Complaint.2. Provide the Hearing Officer with a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator.
Hearing Officer	<ol style="list-style-type: none">3. Promptly transmit written notice to the parties of:<ol style="list-style-type: none">a. The Hearing Officer's appointment;b. Setting a deadline for the parties to submit any written response to the investigation report;c. Setting a date for the pre-hearing conference;d. setting a date and time for the hearing; ande. Providing a copy of the MCCMS's Hearing Procedures.<ol style="list-style-type: none">i. Neither the pre-Hearing conference, nor the Hearing itself, may be held any earlier than 10 days from the date of transmittal of the written Hearing notice.
Complainant and/or Respondent	<ol style="list-style-type: none">4. May provide written response to investigation response.<ol style="list-style-type: none">a. Any response must include:<ol style="list-style-type: none">i. To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;ii. Any argument that evidence should be categorically excluded from consideration at the Hearing based on privilege, relevancy, the prohibition on the use of sexual history, or for any other reason;iii. A list of any witnesses that the party contends should be requested to attend the Hearing pursuant to an attendance notice issued by the Hearing Officer;iv. A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the Hearing Officer;v. Any objection that the party has to MCCMS's Hearing Procedures;vi. Any request that the parties be separated physically during the pre-Hearing conference and/or hearing;vii. Any other accommodations that the party seeks with respect to the pre-Hearing conference and/or hearing;viii. The name and contact information of the advisor who will accompany the party at the pre-Hearing conference and Hearing; andix. If the party does not have an advisor who will accompany the party at the Hearing, a request

	<p>that MCCMS provide an advisor for purposes of conducting questioning.</p> <p>b. The written response to the investigation report may also include:</p> <ul style="list-style-type: none"> i. Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and ii. Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.
Hearing Officer	<p>Pre-Hearing Conference</p> <ul style="list-style-type: none"> 5. Conduct a pre-Hearing conference with the parties and their advisors. 6. Discuss the Hearing Procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the Hearing Officer deems appropriate; discuss whether any stipulations may be made to expedite the Hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the Hearing without a notice of attendance; and resolve any other matters that the Hearing Officer determines should be resolved before the Hearing. <p>Notices of Attendance</p> <ul style="list-style-type: none"> 7. After the pre-Hearing conference, transmit notices of attendance to any MCCMS or Mayo Clinic (including administrator, faculty, or staff) or learner/student whose attendance is requested at the Hearing as a witness. <ul style="list-style-type: none"> a. The notice will advise the subject of the specified date and time of the Hearing and advise the subject to contact the Hearing Officer immediately if there is a material and unavoidable conflict. b. Do not issue a notice of attendance to any witness who is not an employee or a learner/student.
Subject of Attendance Notice	<ul style="list-style-type: none"> 8. Notify any manager, faculty member, mentor, or other supervisor, as necessary, if attendance at the Hearing will conflict with job duties, classes, or other obligations. <ul style="list-style-type: none"> a. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the Hearing as specified in the notice.
Hearing Officer	<p>Hearing</p> <ul style="list-style-type: none"> 9. Convene and conduct a Hearing pursuant to the MCCMS's Hearing Procedures and the standards established in the

	<p>Title IX Sexual Harassment Policy.</p> <p>a. The Hearing will be audio recorded. The audio recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent Appeal.</p> <p>10. After the Hearing is complete, objectively evaluate all relevant evidence based on the standards established in the Title IX Sexual Harassment Policy, resolve disputed facts using a preponderance of the evidence (that is, “more likely than not”) standard, and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of this policy as alleged in the Formal Complaint.</p> <p>11. In the event it is determined that the Respondent is responsible for violating the Title IX Sexual Harassment Policy and before issuing a written decision, consult with an appropriate official with disciplinary authority over the Respondent.</p>
Appropriate Disciplinary Official/Sanctioning Official	<p>12. Determine any discipline to be imposed, in accordance with the applicable policy/procedure based on Respondent's status, or remedial action.</p> <p>13. Report any sanctions issued to the Hearing Officer.</p>
Hearing Officer	<p>14. Before issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.</p> <p>15. Issue written decision in accordance with requirements established in Title IX Sexual Harassment Policy.</p> <p>16. Transmit the written decision to the parties.</p> <p>a. This transmission concludes the Hearing process, subject to any right of Appeal.</p> <p>b. Although the length of each adjudication by Hearing will vary depending on the totality of the circumstances, strive to issue written determination within 14 days of the conclusion of the hearing.</p>

Administrative Adjudication - Optional Form of Informal Resolution

Informal resolution will not be permitted if the Respondent is a non-learner/student employee accused of committing Sexual Harassment against a learner/student.

Title IX Coordinator	<p>1. If Administrative Adjudication is available and selected, appoint an Administrative Officer.</p> <p>2. Provide the Administrative Officer a copy of the investigation report and a copy of all the evidence transmitted to the parties</p>
Administrative Officer	<p>3. Promptly send written notice to the parties:</p>

	<ul style="list-style-type: none"> a. Notifying them of the Administrative Officer's appointment; b. Setting a deadline for the parties to submit any written response to the investigation report; and c. Setting a date and time for each party to meet with the Administrative Officer separately. <ul style="list-style-type: none"> i. The Administrative Officer's meetings with the parties will not be held any earlier than 10 days from the date of transmittal of the written notice specified in this paragraph.
Complainant and/or Respondent	<p>4. May provide written response to the investigation report.</p> <ul style="list-style-type: none"> a. Any response must include: <ul style="list-style-type: none"> i. To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement; ii. Any argument that a particular piece or class of evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history, or for any other reason; iii. Any argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and iv. Any argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.
Administrative Officer	<ul style="list-style-type: none"> 5. Review the parties' written responses. 6. Meet separately with each party to provide an opportunity for them make any oral argument or commentary they wish and for the Administrative Officer to ask questions concerning the party's written response, the investigative report, and/or the evidence collected during the investigation. 7. After meeting with each party, objectively reevaluate all relevant evidence, based on the standards established in the Title IX Sexual Harassment Policy, resolve disputed facts using a preponderance of the evidence (that is, "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.
Appropriate Disciplinary Official/Sanctioning Official	<ul style="list-style-type: none"> 8. Determine any discipline to be imposed, in accordance with the applicable policy/procedure based on Respondent's status, or remedial action.
Administrative Officer	<ul style="list-style-type: none"> 9. Before issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent

	<p>ongoing support measures or other remedies will be provided to the Complainant.</p> <ol style="list-style-type: none"> 10. Issue written decision in accordance with requirements established in Title IX Sexual Harassment Policy. <ol style="list-style-type: none"> a. Although the length of each Administrative Adjudication will vary depending on the totality of the circumstances, strive to issue the written determination within 21 days of the transmittal of the initiating written notice. 11. Transmit the written decision to the parties. <ol style="list-style-type: none"> a. This transmission concludes the Administrative Adjudication, subject to any right of appeal.
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Appeal

<p>Complainant and/or Respondent</p>	<ol style="list-style-type: none"> 1. Consider whether to Appeal based on a permitted ground for Appeal established in the Title IX Sexual Harassment Policy. 2. Based on the Respondent's status (learner, employee, third party), the relevant Appeal Procedures are found in corresponding policies/procedures identified below: <ol style="list-style-type: none"> a. For learners/students: Warning, Probation, Dismissal, and Appeal Policy and Warning, Probation, Dismissal, and Appeal Procedure b. For Mayo Clinic employees: as applicable: <ul style="list-style-type: none"> ▪ Appeals Policy/Procedure ▪ Appeals Procedures ▪ Faculty Misconduct Policy c. Third parties (such as nonemployee physician/scientists, patients, alumni, contractors, vendors, and visitors) 3. File an Appeal within seven days of the date of receipt of the notice of dismissal or determination or, if the other party appeals, within five days of the other party appealing, whichever is later. 4. Submit the Appeal in writing to the appropriate school's dean who serves as the Appeal Officer. <ol style="list-style-type: none"> a. The Appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the four grounds for Appeal are being asserted, explain in detail why the appealing party believes the Appeal should be granted, and articulate what specific relief the appealing party seeks.
<p>Appellate Official(s)</p>	<ol style="list-style-type: none"> 5. Promptly upon receipt of an Appeal, conduct an initial evaluation to confirm that the Appeal is timely filed and that it invokes at least one of the permitted grounds for Appeal. 6. If the Appeal is not timely or fails to invoke a permitted ground for Appeal, dismiss the Appeal and provide written notice of the same to the parties.

7. If the Appeal is timely and invokes at least one permitted ground for Appeal, provide written notice to the other party that an Appeal has been filed and that the other party may submit a written opposition to the Appeal within seven days.
8. Promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the Appeal.
9. Upon receipt of any opposition or after the time period for submission of an opposition has passed without one being filed, promptly decide the Appeal and transmit a written decision to the parties that explains the outcome of the Appeal and the rationale.
10. Provide a written determination of any Appeal, summarizing the reasoning behind the determination, to the Title IX Coordinator.
11. Although the length of each Appeal will vary depending on the totality of the circumstances, strive to issue the written decision within 30 days of an Appeal being filed.

Troubleshooting

N/A

Procedural Notes

Mayo Clinic 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

Pager: (507) 538-2958

Email: Boyer.Amy@mayo.edu

Mayo Clinic Security

Location	Contact
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Albert Lea, MN	Emergency 27777 or (507) 377-4774
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	Non-emergency (507) 668-2100
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Austin, MN	Emergency 29999
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	Non-emergency (507) 440-7786
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Arizona	(480) 342-0576
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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

Preservation of Evidence

- If you are the victim of Sexual Assault, Dating Violence, or Domestic Violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed.
- Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. 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.
- 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.

Deadlines, Time, Notices, and Method of Transmittal

- Where this policy specifies a period of days by which some act must be performed, the relevant time period will be calculated as follows:
 - Exclude the day of the event that triggers the period;
 - Count every day, including intermediate Saturdays, Sundays, and legal holidays recognized by the federal government; and
 - Include the last day of the period until 5:00 p.m. central time, but if the last day is a Saturday, Sunday, or legal holiday recognized by the federal government, the period continues to run until 5:00 p.m. central time on the next day that is not a Saturday, Sunday, or legal holiday recognized by the federal government.
- All deadlines and other time periods specified in this policy are subject to modification by MCCMS where MCCMS determines good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the investigator, adjudicator, or the parties; the need to consult with MCCMS's legal counsel; unforeseen weather events; and the like.
- Any party seeking an extension of any deadline or other time period may file a request with the Investigator, Hearing Officer, Administrative Officer, Appeal Officer, or Title IX Coordinator,

depending on the phase of the process.

- Such request must state the extension sought and explain what good cause exists for the requested extension.
- The individual resolving the request for extension may, but is not required to, give the other party an opportunity to object.
- Whether to grant such a requested extension will be in the sole discretion of MCCMS.
- The parties will be provided written notice of the modification of any deadline or time period specified in this policy, along with the reasons for the modification.
- Where this policy refers to notice being given to parties “simultaneously,” notice will be deemed simultaneous if it is provided in relative proximity on the same day. It is not necessary that notice be provided at exactly the same hour and minute.
- Unless otherwise specified in this policy, the default method of transmission for all notices, reports, responses, and other forms of communication will be email using Mayo Clinic email addresses.
- A party is deemed to have received notice upon transmittal of an email to their Mayo Clinic email address. In the event notice is provided by mail or similar method of post (like FedEx, courier, etc.), a party will be deemed to have received notice three days after the notice in question is postmarked or otherwise marked as delivered by the carrier.
- Any notice inviting or requiring a party or witness to attend a meeting, interview, or hearing will be provided with sufficient time for the party to prepare for the meeting, interview, or hearing as the case may be, and will include relevant details such as the date, time, location, purpose, and participants.
 - Unless a specific number of days is specified elsewhere in this policy, the sufficient time to be provided will be determined in the sole discretion of MCCMS, considering all the facts and circumstances, including, but not limited to, the nature of the meeting, interview, or hearing; the nature and complexity of the allegations at issue; the schedules of relevant MCCMS officials; approaching holidays or closures; and the number and length of extensions already granted.

Related Documents

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

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

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

[Faculty Misconduct Policy](#)

[Faculty Misconduct Investigation and Appeal Procedure](#)

[Records Management and Retention Policy](#)

[Records Management and Retention Procedure](#)

Student Resource for Addressing Sexual Misconduct

[Title IX Sexual Harassment Policy](#)

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, ordained clergy, mental health counselors within the environment of counseling sessions, 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

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