



ADMINISTRATIVE POLICY

Sexual Assault, Stalking and Relationship Violence

Senior Leader:
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Responsible Officer
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Date Revised
August 2015
Effective Date:
May 2001

Revision Description

There are no revisions to this policy/related document since March 23, 2015.

POLICY STATEMENT

The University of Minnesota is committed to the safety, dignity and respect of all of its students, staff, faculty, volunteers and visitors. The University prohibits all forms of sexual assault, stalking and relationship violence and provides comprehensive support and reporting mechanisms for all members of the community.

Any individual who believes that they have been subjected to sexual assault, stalking and/or relationship violence can report the incident(s) to the police department; victim survivor assistance; and/or internal mechanisms for discipline and dispute resolution, prevention training and other related services. University employees must report incidents of assault or abuse of a child (i.e. under age 18) that they know about or have reason to believe is occurring or occurred to the police. University employees with supervisory or advising responsibilities must report incidents of sexual assault, stalking and/or relationship violence of any staff, faculty or student, when they learn about the incident, to the appropriate University office.

No one acting on behalf of the University may retaliate against an individual for having made a report in good faith under this policy or having participated in an investigation of sexual assault, stalking and/or relationship violence. Retaliation against any individual for reporting under this policy is prohibited and may result in disciplinary action. Reports of retaliation will be reviewed and investigated in the same manner in which other allegations of misconduct are handled.

REASON FOR POLICY

Board of Regents Policies on [Sexual Harassment](#) and [Safety of Minors](#) prohibit conduct covered by this administrative policy and Board of Regents Policy: [Student Conduct Code](#). Further, this policy implements the Regent's policy in part and establishes procedures for responding to incidents involving sexual assault and relationship violence. The commitment of the entire University community to this policy contributes to our goal of creating a campus free from sexual assault and from other violence that may occur within a personal, intimate relationship.

PROCEDURES

- [Responding to Incidents of Sexual Assault, Stalking and Relationship Violence](#)

FORMS/INSTRUCTIONS

APPENDICES

- [Affirmative Consent](#)

FREQUENTLY ASKED QUESTIONS

- [Sexual Assault, Stalking and Relationship Violence FAQ](#)

CONTACTS

Subject	Contact	Phone	Fax/Email
Primary Contact(s)	Tina Marisam	612-626-9357	marisam@umn.edu
Anonymous/confidential reporting of legal/policy violations	Toll Free Outside Reporting Service	1-866-294-8680	U Report
University of Minnesota - Crookston			
Subject	Contact	Phone	Email
For victim/survivor services	Polk County Coordinated Victims Services	218-281-1554 1-800-524-1993	
To report a possible crime	Crookston police	911 or 218-281-3111	
To report an alleged violation by a student	Office of Student Affairs	218-281-8505	
To report an alleged violation by an employee	Human Resources Office of Equal Opportunity and Affirmative Action on the Twin Cities Campus	218-281-8345 or 218-281-8346 612-624-9547	
To report an incident occurring in a residence hall	Residential Life Counseling Services Student Health Services	218-281-8531 or 218-281-8533 218-281-8586, or 218-281-8585 218-281-8512	
University of Minnesota - Duluth			
Subject	Contact	Phone	Email
For victim/survivor services	Women's Resource and Action Center (WRAC) Program for Aid to Victims of Sexual Assault (PAVSA) Counseling: Health Services	218-726-6292 218-726-1931 218-726-7913	
To report a possible crime	UMD Police - 911	218-726-7000	
To report an alleged violation by a student	Student Life	218-726-8969 218-726-8501	
To report an alleged violation by an employee	UMD Department of Human Resources and Equal Opportunity	218-726-6827	

For assistance if a university housing student is involved	Housing and Residence Life UMD Police	218-726-8178 218-726-8768	
University of Minnesota - Morris			
Subject	Contact	Phone	Email
For victim/survivor services	Student Counseling	320-589-6060	
	Someplace Safe	800-974-3359	
	Health Services	320-589-6070	
	Stevens Community Medical Center	320-589-1313	
To report a possible crime	UMM Campus Police (evenings, weekends)	911 320-589-6000 320-287-1601	
To report an alleged violation by a student	Student Affairs	320-589-6013	
To report an alleged violation by an employee	Human Resources/Equal Opportunity The Office of Equal Opportunity and Affirmative Action on the Twin Cities Campus	320-589-6021 612-624-9547	
For assistance if a residence hall student is involved	Community Advisor, Hall Director, or Residential Life Director Or UMM Police	320-589-6475 320-589-6000	
University of Minnesota - Rochester			
Subject	Contact	Phone	Email
For victim/survivor services	Crisis Hotline	507-269-4511	
To report a possible crime	Premier Security Rochester City Police	507-281-4952 507-285-8300	
To report an alleged violation by a student	Director of Student Development	507-258-8023	
To report an alleged violation by an employee	Human Resources The Office of Equal Opportunity and Affirmative Action on the Twin Cities Campus	507-258-8010 612-624-9547	
University of Minnesota - Twin Cities			
Subject	Contact	Phone	Email
For victim/survivor services	Aurora Center for Advocacy & Education or 24 hour crisis line Boynton Health Service or (after hours recorded info) Fairview-University Medical Center Emergency Room University Counseling Services	612-626-2929 612-626-9111 612-625-8400 612-273-3000 612-624-3323	

To report a possible crime	UM Police Department	911, or 612-624-3550	
To report an alleged violation by a student	Office for Community Standards	612-624-6073	
To report an alleged violation by an employee	The Office of Equal Opportunity and Affirmative Action	612-624-9547	
For assistance if a residence hall student is involved	Hall director or community advisor		

DEFINITIONS

Affirmative Consent

Informed, freely and affirmatively communicated willingness to participate in sexual activity that is expressed by clear and unambiguous words or actions. This definition of consent does not vary based upon a person's sex, sexual orientation, gender identity or gender expression.

*See Appendix: [Affirmative Consent](#) for further guidance.

Relationship Violence

Causing physical harm or abuse, and threats of physical harm or abuse, arising out of a personal, intimate relationship. Relationship violence often is a criminal act that can be prosecuted under Minnesota state law, as well as under the Student Conduct Code and employee discipline procedures.

Reporting Party

The individual who was subjected to the sexual assault, stalking or relationship violence

Sexual Assault

Actual, attempted or threatened sexual contact with another person without that person's affirmative consent. Sexual assault often is a criminal act that can be prosecuted under Minnesota state law, as well as under the Student Conduct Code and employee discipline procedures.

Stalking

A course of conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause a reasonable person to feel fear.

RESPONSIBILITIES

Counseling Services

Provide counseling services and referrals.

Equal Opportunity and Affirmative Action

Oversight of policy and complaint services, consultation regarding allegations, and in the Twin Cities system office, investigation of allegations against employees and students.

Health Care Services

Provide health care and counseling, and referrals

Housing/Residential Life Offices

Provide assistance to residents, including changing living situations if requested and reasonably available

Police Departments

Investigate allegations for possible criminal prosecution.

Student Conduct Offices

- Respond to and resolve allegations by students consistent with the Student Conduct Code. This includes advising and sanctioning student offenders when warranted. Some offices, including the Twin Cities campus, will also investigate allegations, unless an appropriate and timely investigation is being conducted by police for use by the student conduct office.
- Provide resource and guidance for training for University presenters and formal hearing board members and chairs.

Victim/Survivor Services

- Maintain all contacts and reports as strictly confidential.
- Provide crisis intervention and advocacy
- Assist victim/survivor in contacting police and/or reporting to other University offices, if the victim/survivor consents (some can assist in obtaining restraining orders).
- Assist victim/survivor in obtaining medical assistance and counseling, changing academic programs or housing, etc.
- Campus-based programs will also provide awareness, prevention and risk-reduction training, and educational programming for students and employees.

RELATED INFORMATION

- Board of Regents Policy: [Student Conduct Code](#)
- Board of Regents Policy: [Code of Conduct](#)
- Board of Regents Policy: [Sexual Harassment](#)
- Regulations Concerning Faculty Tenure
- [Civil Service Rules](#)
- Academic Professional and Administrative employee policies and procedures
- [All Collective Bargaining Contracts](#)
- [Sexual Assault Victim's Rights Statement](#)
- Twin Cities: [Campus Committee on Student Behavior-Hearing Procedures](#)

HISTORY

Amended:

August 2015 - Comprehensive Review, Major Revision. Added a new appendix that covers affirmative consent prior to engaging in sexual activity.

Amended:

January 2014 - Comprehensive Review, Minor Revision. Emphasizes the reporting of incidents. Aligns the policy with the writing style of other administrative policies.

Amended:

August 2008 - Clarified Policy Statement, Reason, added FAQ, and clarified procedure. Statement now explicitly mentions that stalking is prohibited (previously it mentioned that sexual assault and relationship violence were prohibited.) Title changed to reflect this.

Amended:

July 2004 - Updated contacts section and Police Department instructions in Procedure.

Effective:

May 2001

Supersedes:

1993 Memo on Sexual Assault by Marvalene Hughes.

University Policy Program

350-2 McNamara Alumni Center, Minneapolis, MN 55455 - P: [612-624-8081](tel:612-624-8081), policy@umn.edu

Have a good faith belief there has been a violation of University policy? Please report concerns to your supervisor, the appropriate University administrator to investigate the matter, or submit a report to [UReport](#).





ADMINISTRATIVE PROCEDURE

Responding to Incidents of Sexual Assault, Stalking and Relationship Violence

Reporting Parties



1. Any University of Minnesota student or employee who has been sexually assaulted or physically harmed is strongly encouraged to contact the police department for the location where the assault occurred. University police (Twin Cities, Duluth, Morris campuses) or campus security departments (Crookston Rochester) can assist in making the contact to the appropriate law enforcement agency.
2. Reporting parties are also encouraged to contact the campus or local victim/survivor service office and/or counseling and health care services.¹ These services are strictly confidential.
3. The University strongly encourages individuals to report sexual assault and relationship violence to appropriate law and university officials because it is the only way that action can be taken against an alleged violator of the policy. Timely reporting and a medical examination within 120 hours is critical in preserving evidence of sexual assault, and the ability to respond effectively, but an individual can report an incident at any time.
4. Reporting parties are also encouraged to contact University officials for appropriate action. Specific contact information is contained the Contact section above, but in general:
 - o On the Twin Cities campus students, staff and faculty should report to the EOAA Office.
 - o On the system campuses if a student is accused, report it to the student conduct office.
 - o On the system campuses if an employee is accused, report it to the campus Equal Opportunity officer.
 - o University housing residents should contact any Housing/Residential Life staff.
 - o Reports of misconduct can also be made to the University through U Report. These reports can be made anonymously.

University Employees and Students (when informed of an incident of assault)

1. **Mandatory Reporting of Child Abuse.** If the assault was against a child, you must immediately report the abuse to your university or local police department, county sheriff, or local county social services agency. In addition, inform your supervisor you have made the report. For further information about mandatory reporting for the protection of minors, consult Administrative Policy: Safety of Minors or the Office of General Counsel.
2. **Encourage Prompt Reporting to Police.** If the assault was against an adult, encourage the victim/survivor to report the incident to the police.
3. **Encourage Contact with Victim Services.** Encourage the reporting party to contact the campus program against sexual violence or the local victim/survivor service office and/or counseling and health care services.¹
4. **Make Appropriate University Reports.** If you are a University employee with supervisory or advising responsibilities, contact your campus student conduct office, or Equal Opportunity office, to inform them of the reported assault and to obtain guidance on next steps. You may also contact your campus' program against sexual violence for guidance on responding to the report. Once informed, appropriate University offices will work to assist the reporting party, including by providing guidance in reporting to law enforcement, obtaining counseling or other health or academic services, and filing a complaint with University conduct offices. All other (nonsupervisory) employees, talk to your supervisor for guidance for any next steps. You may also contact your campus' program against sexual violence for guidance on responding to the report.
5. **Confidentiality.** University employees cannot guarantee confidentiality, except when the reports are privileged communications with counselors or health care professionals. If a reporting party requests confidentiality, the University must take all reasonable steps to investigate and respond consistent with that request, taking into account that confidentiality may not be possible in every case given the University's responsibility to provide a safe environment for all. To ensure that the University has met its obligations, University employees must consult with appropriate University offices (listed below) concerning whether and what identifying information they can or must share within the institution to respond to the report and to promote campus safety.
6. **Reports for Crime Statistics.** The University must track reports of alleged incidents of sexual violence for purposes of its required annual crime statistics under the Clery Act. Any employee who is a campus security authority or has supervisory or student-advising responsibility must report the fact of a report of sexual assault as part of the University's annual crime statistics. Clery Act reporting is for crime occurring on campus, on public property within or immediately adjacent to campus, and in or on

non-campus buildings or property owned or controlled by the University. The identity of reporting parties will be protected and not revealed as part of Clery Act reporting.

University Offices Receiving a Report

Victim/survivor support services will:

- Maintain the contacts as strictly confidential.
- Provide crisis intervention and advocacy, in some cases including assisting victims/survivors in seeking restraining orders.
- Assist and support the victim/survivor in contacting police and/or reporting to other University offices, if the victim/survivor consents.
- Assist the victim/survivor in obtaining medical assistance and counseling, changing academic programs or housing, etc.
- Make appropriate reports for purposes of Clery Act crime statistics.

Counseling and health care services will:

- Maintain the contact as confidential
- Encourage, assist (as needed) and support the reporting party in reporting the incident to the police
- Provide appropriate counseling and medical services.

Police departments will:

- Provide reporting parties with a copy of the Victim's Rights Statement
- Contact campus programs against sexual violence for victim/survivor assistance (on campuses without University police (Crookston and Rochester), local police departments are requested to assist in contacting local victim services agencies).
- Investigate and refer for prosecution when warranted.
- Determine whether to issue a crime alert.
- Appropriately log and report the incident as required under the Clery Act.

Housing/Residential Life Offices will:

- Contact, or encourage contact with, the campus or local victim/survivor service office, and assist in obtaining medical care if needed.
- Encourage the reporting party to report the incident to the police, and assist in making the report if requested by the alleged victim survivor. Housing/Residential Life may report to the police the fact that an assault was reported and may share the alleged perpetrator's name, but the name of the reporting party will only be provided with the reporting party's consent, except in extenuating circumstances, for example where there is a serious threat to campus safety.
- If the person accused is a student, report the incident to the campus office responsible for administering Board of Regents Policy: Student Conduct Code or to the Office for Equal Opportunity and Affirmative Action depending upon your campus.
- Report for appropriate investigation by campus authorities or police (where no police investigation is warranted, Housing/Residential Life may conduct the investigation).
- Make determinations regarding temporary relocation of residents, and regarding interim suspensions from Housing pending Student Conduct Code proceedings. To the extent that it is possible and will not impair the facilitation of the relocation, the confidentiality of the reporting student will be preserved in the process.
- Provide written notification to the reporting party of all the resources contained in this section.
- Make appropriate reports for purposes of Clery Act crime statistics.

Equal Opportunity Office will:

- Contact, or encourage contact with, the campus or local victim/survivor service office, and assist in obtaining medical care, counseling, legal assistance, visa and immigration assistance, student financial aid and other services if needed.
- Encourage the victim/survivor to report the incident to the police, and assist in making the report if requested by the victim/survivor. The Equal Opportunity officer may report to the police the fact that an assault was reported and may share the alleged perpetrator's name, but the name of the victim will only be provided with the victim/survivor's consent, except in extenuating circumstances.
- Conduct a prompt, fair and impartial investigation, and make recommendations for action, as appropriate (in many cases the police may conduct the investigation) including where the accused is a student on the Twin Cities campus only.
- Proceed independently of any action taken in the criminal or civil courts, as determined on a case-by-case basis. Criminal court proceedings are not a substitute for University procedures.
- Allow the reporting party and the person accused to have a non-participating/non-witness support person present for interviews.
- Not require a reporting party to mediate directly with the person accused.
- Inform both alleged victim survivor and accused person of the outcome. If the person accused is a student, report the incident to the campus office responsible for administering Board of Regents Policy: *Student Conduct Code* and conduct a thorough investigation of the report.
- Provide the reporting party with written notification of all information contained in this section.
- Make appropriate reports for purposes of Clery Act crime statistics.

Campus student conduct offices will:

- Contact, or encourage contact with, the campus or local victim/survivor service office, and assist in obtaining medical care, counseling, legal assistance, visa and immigration assistance, student financial aid and other services if needed.
- Encourage the reporting party to report the incident to the police, and assist in making the report if requested by the reporting party. Campus conduct offices may report to the police the fact that an assault was reported and may share the alleged perpetrator's name, but the name of the reporting party will only be provided with the reporting party's consent, except in extenuating circumstances.
- Conduct a prompt, fair and impartial investigation where the accused is a student and make recommendations for action, as appropriate (in many cases the police may conduct the investigation) on the system campuses.
- Respond promptly to the allegations and discipline if needed, consistent with Board of Regents Policy: Student Conduct Code and the campus's student disciplinary process.
- Proceed independently of any action taken in the criminal or civil courts, as determined on a case-by-case basis. Criminal court proceedings are not a substitute for University procedures.
- Permit the reporting party and the person to have a support person or advisor present at any interview or hearing, in a manner consistent with the governing student conduct procedures.
- Not require a reporting party to mediate directly with the person accused.
- Inform both reporting party and accused person of the outcome of any disciplinary process.
- Identify transportation options or needed changes to working situations. To the extent that it is possible and will not impair the facilitation of the transportation or adjustments to work situations, the confidentiality of the reporting student will be preserved in the process.
- Provide written notification to alleged victim survivor of available support services, accommodations or other protective measures.
- Make appropriate reports for purposes of Clery Act crime statistics.

¹ Victim/survivor service offices include the Twin Cities Aurora Center, Crookston's Community Violence Intervention Center, Duluth's Women's Resource and Action Center (WRAC), and the Violence Prevention Program serving Morris, and Rochester's Talk One-to-One or the Olmsted Medical Center Skyway Clinic Health Services.

University Policy Program

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Retired 10/25/2017



APPENDIX TO POLICY

Affirmative Consent

A determination about the existence of consent is a critical element in the investigation of a sexual assault. University policy requires affirmative consent between individuals engaging in sexual activity. Affirmative consent is defined as “informed, freely and affirmatively communicated willingness to participate in sexual activity that is expressed by clear and unambiguous words or actions.” Clear and unambiguous words or actions are those that are freely and actively given by informed individuals that a reasonable person in the circumstances would believe communicate a willingness to participate in a mutually agreed upon sexual activity. The following factors will be considered when determining consent:

- It is the responsibility of each person who wishes to engage in the sexual activity to obtain consent.
- A lack of protest, the absence of resistance and silence do not indicate consent.
- The existence of a present or past dating or romantic relationship does not imply consent to future sexual activity.
- Consent must be present throughout the sexual activity and may be initially given, but withdrawn at any time.
- When consent is withdrawn all sexual activity must stop. Likewise, where there is confusion about the state of consent, sexual activity must stop until both parties consent again.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent is not obtained where:
 - There is physical force, threats, intimidation or coercion.
 - There is incapacitation due to the influence of drugs or alcohol.
 - There is the inability to communicate because of a physical or mental condition
 - An individual is asleep, unconscious or involuntarily physically restrained.
 - An individual is unable to understand the nature or extent of the sexual situation because of mental or physical incapacitation or impairment.
 - One party is not of legal age to give consent pursuant to Minnesota state law.

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Retired 12/3/14



Sexual Assault, Stalking and Relationship Violence FAQ

Related Policy: [Sexual Assault, Stalking and Relationship Violence](#)

1. Should I report the incident to the police?

If you want to start the criminal process you must report the situation to the police, preferably within the first 72 hours. The telephone number for the University police on the Twin Cities campus is 612-624-COPS, the UMD Police Department is 218-726-7000, the UMM Police Department is 320-589-600, for UMR call the Rochester City Police at 507-285-8300 or you can dial 911, and for UMC call the Crookston Police Department at 218-281-3111 or you can call 911. The Aurora Center has staff that can assist you in making your report. For more information you can reach the [Aurora Center](#) at 612-626-2929 or refer to the contact list above for information about the system.

2. Where do I go for medical treatment if I have been sexually assaulted?

There are many places you can go to receive medical treatment following a sexual assault, but hospital emergency rooms are the only places that provide sexual assault evidence collection exams (SARS). You should seek medical treatment even if you choose not to pursue the SARS exam, within 120 hours of the assault.

3. Does the SARS exam cost money?

No, the county will cover the cost of the exam, whether or not you choose to report the situation to the police.

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Retired 12/3/17