



## **BOARD OF REGENTS POLICY:** ***Sexual Harassment, Sexual Assault, Stalking and Relationship Violence***

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### **SECTION I. SCOPE.**

This policy governs the University of Minnesota's (University) commitment to preventing and addressing sexual harassment, sexual assault, stalking, relationship violence and related retaliation ("prohibited conduct").

### **SECTION II. DEFINITIONS.**

#### **Subd. 1. Prohibited Conduct.**

*Prohibited conduct* shall mean sexual harassment, sexual assault, stalking, relationship violence and related retaliation.

#### **Subd. 2. Sexual Harassment.**

*Sexual harassment* shall mean unwelcome conduct of a sexual nature under either of the following conditions:

- (a) When it is stated or implied that an individual needs to submit to, or participate in, conduct of a sexual nature in order to maintain their employment or educational standing or advance in their employment or education (quid pro quo sexual harassment).
- (b) When the conduct: (1) is severe, persistent or pervasive; and (2) unreasonably interferes with an individual's employment or educational performance or creates a work or educational environment that the individual finds, and a reasonable person would find, to be intimidating, hostile or offensive (hostile environment sexual harassment).

#### **Subd. 3. Sexual Assault.**

*Sexual assault* shall mean: (1) actual or attempted sexual contact without affirmative consent; or (2) a threat to engage in contact that would be, if the threat were carried out, sexual contact without affirmative consent.

- (a) Sexual contact is intentional sexual touching with an object or body part. Depending on the context, it may include, but is not limited to: (1) intentionally touching the breasts, buttocks, groin or genitals of another individual; (2) intentionally touching another individual with any of these body parts; and (3) making an individual touch another individual or themselves with, or on, any

of these body parts. Sexual contact can occur whether or not an individual's body parts are covered by clothing.

- (b) Affirmative consent is freely and affirmatively communicated words or actions given by an informed individual that a sober reasonable person under the circumstances would believe communicate a willingness to participate in the sexual contact.

**Subd. 4. Relationship Violence.**

*Relationship violence* shall mean actual, attempted or threatened violence by an individual who is, or has been, in a spousal, sexual, or romantic relationship with the individual receiving the actual, attempted or threatened violence.

**Subd. 5. Stalking.**

*Stalking* shall mean a course of conduct directed at a specific individual that is unwelcome and that would cause a reasonable person to: (1) feel fear for their safety or the safety of others; or (2) experience substantial emotional distress. A course of conduct is multiple acts including, but not limited to, acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another individual, or interferes with another individual's property.

**Subd. 6. Retaliation.**

*Retaliation* shall mean taking an adverse action against an individual because of the individual's good faith participation in:

- (a) reporting suspected or alleged prohibited conduct;
- (b) expressing opposition to suspected or alleged prohibited conduct;
- (c) participating in an investigation related to a prohibited conduct allegation; or
- (d) accessing the Office for Conflict Resolution (OCR) to resolve a conflict related to prohibited conduct.

To demonstrate that retaliation has occurred, an individual must show that a causal relationship exists between the individual's actions in (a) through (d) above and the adverse action.

**Subd. 7. Member of the University Community.**

*Member of the University community* shall mean any:

- (a) University student;
- (b) University employee; or
- (c) third party who is engaged in any University activity or program, or who is otherwise interacting with the University, including, but not limited to, volunteers, contractors, vendors, visitors and guests.

**SECTION III. GUIDING PRINCIPLES.**

The following principles shall guide the University's commitment to preventing and addressing prohibited conduct:

- (a) Consistent with its academic mission and standards, the University is committed to achieving excellence by working to create an educational, employment and residential living environment that is free from prohibited conduct.
- (b) The University is committed to preventing and addressing prohibited conduct through education and prompt, thorough and procedurally fair investigative procedures.

- (c) As a community of faculty, staff and students engaged in research, scholarship, artistic activity, teaching and learning, and activities that support them, the University seeks to foster an environment that is equitable, humane and responsible and where all are treated with dignity and respect.

#### **SECTION IV. IMPLEMENTATION.**

The University shall:

- (a) prohibit members of the University community from engaging in, or assisting or abetting another's engagement in, prohibited conduct;
- (b) require employees to take timely and appropriate action when they know or should know that prohibited conduct is occurring or has occurred;
- (c) adopt procedures on each campus for investigating and resolving complaints of prohibited conduct in coordination with either the director of the Office of Equal Opportunity and Affirmative Action or, with regard to stalking of a non-sexual nature, the director of the office for investigation of non-sexual Board of Regents Policy: *Student Conduct Code* complaints or the campus human resources department;
- (d) adopt procedures on each campus for providing training on prohibited conduct to all members of the University community; and
- (e) address violations of this policy through disciplinary or other responsive action up to and including termination of employment or academic dismissal.

#### **SECTION V. MONITORING.**

The president or delegate shall address complaints of prohibited conduct consistent with this policy and law and remedy any practice that deviates from this policy.

#### **REVISION HISTORY**

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**Adopted:** October 13, 2017

**Supersedes:** Sexual Harassment dated May 11, 2012; Sexual Harassment dated September 11, 1998