Board of Regents

July 2020

July 8, 2020

9:00 a.m.

Videoconference
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10. Report of the Committees

Docket Item Summary - Page 269
A meeting of the Presidential Performance Review Committee of the Board of Regents convened on Friday, May 15, 2020 at 8:30 a.m. by videoconference.

Regents present: Kendall Powell, presiding; Mary Davenport; and Steven Sviggum.

Staff present: Executive Director Brian Steeves; Deputy Director Sarah Dirksen

In accordance with Minnesota Open Meeting Law, all votes during this meeting were taken by roll call.

RESOLUTION TO CONDUCT NON-PUBLIC MEETING
OF THE PRESIDENTIAL PERFORMANCE REVIEW COMMITTEE

The meeting convened in public session at 8:31 a.m. A motion was made and seconded that the following resolution be approved:

RESOLVED, that as provided by Minnesota Statute 13D.05, Subd. 3(a), a non-public meeting of the Presidential Performance Review Committee of the Board of Regents will convene on Friday, May 15, 2020 at 8:30 a.m. via videoconference. The purpose of this meeting is to gather input, discuss, and evaluate the performance of the president, and prepare a report to the Board of Regents.

The pandemic and declared emergencies necessitate that this meeting, and future meetings, of the Regents of the University of Minnesota be conducted in accordance with Minnesota Statutes 13D.021—Meetings by Telephone or Other Electronic Means, until further notice. Consistent with the federal and state guidance, Chair Powell has determined that in-person meetings are not practical or prudent because of the current pandemic. Further, due to the pandemic, it is not feasible for at least one Board member to be physically present at the regular meeting location.

The vote was as follows:

Regent Davenport         Yes
Regent Sviggum          Yes
Regent Powell           Yes

The committee voted unanimously to adopt the resolution and the public portion of the meeting adjourned. The committee discussed feedback on the president’s performance.

The meeting adjourned at 9:34 a.m.
A meeting of the Presidential Performance Review Committee of the Board of Regents convened on Tuesday, May 19, 2020 at 12:30 p.m. by videoconference.

Regents present: Kendall Powell, presiding; Thomas Anderson; Richard Beeson; Mary Davenport; Darrin Rosha; Randy Simonson; and Steven Sviggum.

Staff present: Executive Director Brian Steeves; Deputy Director Sarah Dirksen

In accordance with Minnesota Open Meeting Law, all votes during this meeting were taken by roll call.

RESOLUTION TO CONDUCT NON-PUBLIC MEETING OF THE PRESIDENTIAL PERFORMANCE REVIEW COMMITTEE

The meeting convened in public session at 12:31 p.m. A motion was made and seconded that the following resolution be approved:

RESOLVED, that as provided by Minnesota Statute 13D.05, Subd. 3(a), a non-public meeting of the Presidential Performance Review Committee of the Board of Regents will convene on Tuesday, May 19, 2020 at 12:30 p.m. via videoconference. The purpose of this meeting is to gather input, discuss, and evaluate the performance of the president, and prepare a report to the Board of Regents.

The pandemic and declared emergencies necessitate that this meeting, and future meetings, of the Regents of the University of Minnesota be conducted in accordance with Minnesota Statutes 13D.021—Meetings by Telephone or Other Electronic Means, until further notice. Consistent with the federal and state guidance, Chair Powell has determined that in-person meetings are not practical or prudent because of the current pandemic. Further, due to the pandemic, it is not feasible for at least one Board member to be physically present at the regular meeting location.

The vote was as follows:

- Regent Davenport Yes
- Regent Sviggum Yes
- Regent Powell Yes

The committee voted unanimously to adopt the resolution and the public portion of the meeting adjourned. The committee discussed feedback on the president’s performance.

The meeting adjourned at 2:37 p.m.
A meeting of the Presidential Performance Review Committee of the Board of Regents convened on Wednesday, May 27, 2020 at 1:00 p.m. by videoconference.

Regents present: Kendall Powell, presiding; Mary Davenport; Kao Ly Ilean Her; Michael Hsu; Mike Kenyanya; Janie Mayeron; David McMillan; and Steven Sviggum.

Staff present: Executive Director Brian Steeves; Deputy Director Sarah Dirksen

In accordance with Minnesota Open Meeting Law, all votes during this meeting were taken by roll call.

RESOLUTION TO CONDUCT NON-PUBLIC MEETING OF THE PRESIDENTIAL PERFORMANCE REVIEW COMMITTEE

The meeting convened in public session at 1:04 p.m. A motion was made and seconded that the following resolution be approved:

RESOLVED, that as provided by Minnesota Statute 13D.05, Subd. 3(a), a non-public meeting of the Presidential Performance Review Committee of the Board of Regents will convene on Wednesday, May 27, 2020 at 1:00 p.m. via videoconference. The purpose of this meeting is to gather input, discuss, and evaluate the performance of the president, and prepare a report to the Board of Regents.

The pandemic and declared emergencies necessitate that this meeting, and future meetings, of the Regents of the University of Minnesota be conducted in accordance with Minnesota Statutes 13D.021—Meetings by Telephone or Other Electronic Means, until further notice. Consistent with the federal and state guidance, Chair Powell has determined that in-person meetings are not practical or prudent because of the current pandemic. Further, due to the pandemic, it is not feasible for at least one Board member to be physically present at the regular meeting location.

The vote was as follows:

Regent Davenport    Yes
Regent Sviggum     Yes
Regent Powell      Yes

The committee voted unanimously to adopt the resolution and the public portion of the meeting adjourned. The committee discussed feedback on the president’s performance.

The meeting adjourned at 3:34 p.m.
A meeting of the Presidential Performance Review Committee of the Board of Regents convened on Friday, June 5, 2020 at 9:00 a.m. by videoconference.

Regents present: Kendall Powell, presiding; Mary Davenport; and Steven Sviggum.

Staff present: Executive Director Brian Steeves; Deputy Director Sarah Dirksen

In accordance with Minnesota Open Meeting Law, all votes during this meeting were taken by roll call.

RESOLUTION TO CONDUCT NON-PUBLIC MEETING
OF THE PRESIDENTIAL PERFORMANCE REVIEW COMMITTEE

The meeting convened in public session at 9:03 a.m. A motion was made and seconded that the following resolution be approved:

RESOLVED, that as provided by Minnesota Statute 13D.05, Subd. 3(a), a non-public meeting of the Presidential Performance Review Committee of the Board of Regents will convene on Friday, June 5, 2020 at 9:00 a.m. via videoconference. The purpose of this meeting is to gather input, discuss, and evaluate the performance of the president, and prepare a report to the Board of Regents.

The pandemic and declared emergencies necessitate that this meeting, and future meetings, of the Regents of the University of Minnesota be conducted in accordance with Minnesota Statutes 13D.021—Meetings by Telephone or Other Electronic Means, until further notice. Consistent with the federal and state guidance, Chair Powell has determined that in-person meetings are not practical or prudent because of the current pandemic. Further, due to the pandemic, it is not feasible for at least one Board member to be physically present at the regular meeting location.

The vote was as follows:

  Regent Davenport       Yes
  Regent Sviggum        Yes
  Regent Powell         Yes

The committee voted unanimously to adopt the resolution and the public portion of the meeting adjourned. The committee discussed feedback on the president’s performance.

The meeting adjourned at 10:35 a.m.
BRIAN R. STEEVES
Executive Director and
Corporate Secretary
A meeting of the Presidential Performance Review Committee of the Board of Regents convened on Wednesday, June 10, 2020 at 2:30 p.m. by videoconference.

Regents present: Kendall Powell, presiding; Thomas Anderson, Richard Beeson, Mary Davenport, Kao Ly Ilean Her, Michael Hsu, Mike Kenyanya, Janie Mayeron, David McMillan, Darrin Rosha, Randy Simonson, and Steven Sviggum.

Staff present: Executive Director Brian Steeves; Deputy Director Sarah Dirksen

In accordance with Minnesota Open Meeting Law, all votes during this meeting were taken by roll call.

RESOLUTION TO CONDUCT NON-PUBLIC MEETING OF THE PRESIDENTIAL PERFORMANCE REVIEW COMMITTEE

The meeting convened in public session at 2:37 p.m. A motion was made and seconded that the following resolution be approved:

RESOLVED, that as provided by Minnesota Statute 13D.05, Subd. 3(a), a non-public meeting of the Presidential Performance Review Committee of the Board of Regents will convene on Wednesday, June 10, 2020 at 2:30 p.m. via videoconference. The purpose of this meeting is to gather input, discuss, and evaluate the performance of the president, and prepare a report to the Board of Regents.

The pandemic and declared emergencies necessitate that this meeting, and future meetings, of the Regents of the University of Minnesota be conducted in accordance with Minnesota Statutes 13D.021—Meetings by Telephone or Other Electronic Means, until further notice. Consistent with the federal and state guidance, Chair Powell has determined that in-person meetings are not practical or prudent because of the current pandemic. Further, due to the pandemic, it is not feasible for at least one Board member to be physically present at the regular meeting location.

The vote was as follows:

- Regent Davenport: Yes
- Regent Sviggum: Yes
- Regent Powell: Yes

The committee voted unanimously to adopt the resolution and the public portion of the meeting adjourned. The committee discussed feedback on the president’s performance.
The meeting adjourned at 3:46 p.m.

BRIAN R. STEEVES
Executive Director and
Corporate Secretary
A meeting of the Litigation Review Committee of the Board of Regents was held on Thursday, June 11, 2020 at 8:00 a.m. by videoconference.

Regents present: Richard Beeson, presiding; Thomas Anderson, Kao Ly Ilean Her, Janie Mayeron, David McMillan, and Randy Simonson.

Staff present: Senior Vice President Brian Burnett; General Counsel Douglas Peterson; and Executive Director Brian Steeves.

Others present: Brent Benrud, Gregory Brown, Sarah Dirksen, Carrie Ryan Gallia, Brian Slovut, and Joi Thomas.

In accordance with Minnesota Open Meeting Law, all votes during this meeting were taken by roll call.

The docket materials for this meeting are available here.

RESOLUTION TO CONDUCT NON-PUBLIC MEETING OF THE LITIGATION REVIEW COMMITTEE

The meeting convened in public session at 8:04 a.m. A motion was made and seconded that the following resolution be adopted:

WHEREAS, based on advice of the General Counsel, the Board of Regents Litigation Review Committee has balanced the purposes served by the Open Meeting Law and by the attorney-client privilege, and determined that there is a need for absolute confidentiality to discuss litigation strategy in particular matters involving the University of Minnesota.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Minn. Stat. § 13D.01, Subd. 3 and 13D.05 Subd. 3(b), a non-public meeting of Litigation Review Committee be held on Thursday, June 11, 2020 at 8:00 a.m. via videoconference, for the purpose of discussing attorney-client privileged matters including the following:

I. Patent Litigation
   a. Regents of the University of Minnesota v. Gilead Sciences, Inc.
   c. Regents of the University of Minnesota v. LSI Corporation and Avago Technologies U.S., Inc.
II. Arrington NCAA Class Action Settlement
III. Viewpoint Neutrality Now! v. Regents of the University of Minnesota
IV. Amicus Request

The vote was as follows:

- Regent Anderson  Yes
- Regent Her  Yes
- Regent Mayeron  Yes
- Regent McMillan  Yes
- Regent Simonson  Yes
- Regent Beeson  Yes

The committee voted unanimously to adopt the resolution and the public portion of the meeting ended at 8:05 a.m.

The meeting adjourned at 9:03 a.m.

BRIAN R. STEEVES
Executive Director and Corporate Secretary
A meeting of the Audit & Compliance Committee of the Board of Regents was held on Thursday, June 11 at 8:00 a.m. by videoconference.

Regents present: Darrin Rosha, presiding; Mary Davenport, Michael Hsu, Mike Kenyanya, Kendall Powell, and Steve Sviggum.

Staff present: Executive Vice President and Provost Rachel Croson; Vice President Bernard Gulachek; Executive Director Brian Steeves; Chief Auditor Gail Klatt; and Associate Vice Presidents Meredith McQuaid and Pamela Webb.

Student Representatives present: Eleora Demuth and Rodrigo Tojo Garcia.

In accordance with Minnesota Open Meeting Law, all votes during this meeting were taken by roll call.

The docket materials for this meeting are available here.

FOREIGN INFLUENCE RISK MITIGATION

Regent Rosha invited Meredith McQuaid, Associate Vice President and Dean, Global Programs and Strategy Alliance and Pamela Webb, Associate Vice President for Research to discuss foreign influence risk mitigation, as detailed in the docket.

The docket materials for this item begin on page 29. The closed captioned video of this item is available here.

ACCESS MANAGEMENT AUDIT FINDINGS AND RECOMMENDATIONS

Regent Rosha invited Bernard Gulachek, Vice President and Chief Information Officer, and Quinn Gaalswyk, Internal Audit Manager, to discuss the access management audit findings and recommendations, as detailed in the docket.

The docket materials for this item begin on page 43. The closed captioned video of this item is available here.

EXTERNAL AUDITOR CONTRACT EXTENSION

Regent Rosha invited Controller Sue Paulson to present the external auditor contract extension, as detailed in the docket.
A motion was made and seconded to approve the external auditor contract extension.

The vote was as follows:

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<tr>
<td>Davenport</td>
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<td>Hsu</td>
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<td>Rosha</td>
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The committee voted unanimously to approve the external auditor contract extension.

**INTERNAL AUDIT UPDATE**

Regent Rosha invited Chief Auditor Klatt to provide the Internal Audit update, as detailed in the docket.

The docket materials for this item begin on page 3. The closed captioned video of this item is available here.

**INTERIM INTERNAL AUDIT PLAN**

Regent Rosha invited Chief Auditor Klatt to present the interim Internal Audit plan, as detailed in the docket. The docket materials for this item begin on page 15. The closed captioned video of this item is available here.

**INFORMATION ITEMS**

Chief Auditor Klatt referred the committee to the information item in the docket:

- Semi-Annual Controller's Report

The docket materials for this item begin on page 63.

The meeting adjourned at 9:21 a.m.
A meeting of the Mission Fulfillment Committee of the Board of Regents was held on Thursday, June 11, 2020 at 9:30 a.m. by videoconference.

Regents present: Thomas Anderson presiding; Richard Beeson, Mary Davenport, Kao Ly Ilean Her, Michael Hsu, Mike Kenyanya, Janie Mayeron, David McMillan, Kendall Powell, Darrin Rosha, Randy Simonson, and Steve Sviggum.

Staff present: President Joan Gabel; Executive Vice President and Provost Rachel Croson; General Counsel Douglas Peterson; and Executive Director Brian Steeves.

Student Representatives present: Leah Battin and Brandon King.

In accordance with Minnesota Open Meeting Law, all votes during this meeting were taken by roll call.

The docket materials for this meeting are available here.

UNIVERSITY RANKINGS

Regent Anderson invited Executive Vice President and Provost Rachel Croson; Lincoln Kallsen, Assistant Vice President of Institutional Analysis; and Peter Radcliffe, Director of Undergraduate Analytics, to discuss University rankings, as detailed in the docket.

The docket materials for this item begin on page 3. The closed captioned video of this item is available here.

SYSTEM UNDERGRADUATE ENROLLMENT MANAGEMENT UPDATE

Regent Anderson invited Melissa Bert, Interim Vice Chancellor for Enrollment Management at the Morris campus; Robert McMaster, Vice Provost and Dean of Undergraduate Education at the Twin Cities campus; and Jeffrey Ratliff-Crain, Vice Chancellor for Academic Affairs and Innovation at the Rochester campus, to provide an update on systemwide undergraduate enrolment, as detailed in the docket.

The docket materials for this item begin on page 19. The closed captioned video of this item is available here.

Anderson recessed the meeting at 11:38 a.m.
COVID-19 PANDEMIC: FRAMEWORK FOR DELIVERING ACADEMIC MISSION IN FALL 2020

Regent Anderson reconvened the meeting at 11:46 a.m. and invited President Gabel and Executive Vice President and Provost Croson to discuss the framework for delivering academic mission in fall 2020, as detailed in the docket.

The docket materials for this item begin on page 52. The closed captioned video of this item is available here.

CONSENT REPORT

Executive Vice President and Provost Croson presented the Consent Report, as detailed in the docket.

The docket materials for this item begin on page 70. The closed captioned video of this item is available here.

Request for Approval of New Academic Programs

- Carlson School of Management (Twin Cities campus)—Create Masters of Marketing (M.Mtg.) degree
- Carlson School of Management (Twin Cities campus)—Create two post-baccalaureate certificates in medical business management
  1. Post-Baccalaureate Certificate in Medical Industry
  2. Post-Baccalaureate Certificate in Supply Chain Management for the Medical and Health Sector
- College of Design (Twin Cities campus)—Create undergraduate minor in User Experience
- College of Liberal Arts (Twin Cities campus)—Create undergraduate minor in Econometrics

Request for Approval of Changed Academic Programs

- Carlson School of Management (Twin Cities campus)—Create joint graduate degree option in the M.S. Business Analytics and M.S. Finance degree programs
- Carlson School of Management (Twin Cities campus)—Create integrated undergraduate/graduate option between the B.S.B. and M.H.R.LR. degrees
- College of Education and Human Development (Twin Cities campus)—Create Counselor Education subplan in the Educational Psychology M.A. degree
- College of Food, Agriculture and Natural Resource Sciences (Twin Cities campus)—Create integrated undergraduate/graduate option between the Sustainable Systems Management B.S. degree and the Biosystems Science, Engineering and Management M.S. degree
- College of Food, Agriculture and Natural Resource Sciences (Twin Cities campus) and the College of Science and Engineering (Twin Cities campus)—Create integrated undergraduate/graduate option between the B.S. in Bioproducts and Biosystems Engineering degree and M.S. in Biosystems Science, Engineering and Management degree
- College of Liberal Arts (Twin Cities campus)—Discontinue all subplans in the undergraduate Economics Minor
- College of Science and Engineering (Twin Cities campus)—Create Secondary Education subplan in the B.S.Astrop. degree
- School of Nursing (Twin Cities campus)—Discontinue the Minnesota Bridge Program subplan in the Master of Nursing degree
- School of Nursing (Twin Cities campus)—Change the name of Women’s Health Care Nurse Practitioner Postgraduate Certificate
- Crookston campus—Create an online subplan in the Criminal Justice B.S. degree

Request for Approval of Discontinued Academic Programs

- Academic Health Sciences (Twin Cities campus)—Discontinue the Master of Occupational Therapy degree
- College of Continuing and Professional Studies (Twin Cities campus)—Discontinue the Manufacturing Operations Management B.A.Sc. degree
- College of Continuing and Professional Studies (Twin Cities campus)—Discontinue the undergraduate Accounting Certificate

Request for Conferral of Tenure for Outside Hires

- Robert Clarke, Professor with tenure, Biochemistry, Molecular Biology, and Biophysics, Medical School
- Leena Hilaviki-Clarke, Professor with tenure, Food Science and Nutrition, College of Food, Agricultural, and Natural Resource Sciences
- Harald Junge, Associate professor with tenure, Ophthalmology and Visual Neurosciences, Medical School
- Claire Kamp Dush, Professor with tenure, Sociology, College of Liberal Arts
- Leslie Morse, Professor with tenure, Rehabilitation Medicine, Medical School
- Dipali Mukhopadhyay, Associate professor with tenure, Hubert H. Humphrey School of Public Affairs
- Jennifer Yoos, Professor with tenure, School of Architecture, College of Design
- Martin Freeman, Professor with tenure, Medicine, Medical School

Request for Contract Faculty Promotion

- Joshua Bodie, Assistant professor to associate professor (Master Clinician Track), Urology, Medical School

A motion was made and seconded to approve the Consent Report.

The vote was as follows:

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<td>Beeson</td>
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<td>Rosha</td>
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<td>Sviggum</td>
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Mission Fulfillment Committee
June 11, 2020
Regent Anderson    Yes

The committee voted unanimously to approve the Consent Report.

INFORMATION ITEMS

Executive Vice President and Provost Croson referred the committee to the information items in the docket.

The docket materials for this item begin on page 80. The closed captioned video of this item is available here.

The meeting adjourned at 1:01 p.m.

BRIAN R. STEEVES
Executive Director and
Corporate Secretary
A meeting of the Finance & Operations Committee of the Board of Regents was held on Thursday, June 11, 2020 at 2:00 p.m. by videoconference.

Regents present: David McMillan, presiding; Thomas Anderson, Richard Beeson, Mary Davenport, Kao Ly Ilean Her, Michael Hsu, Mike Kenyanya, Janie Mayeron, Kendall Powell, Darrin Rosha, Randy Simonson, and Steve Sviggum.

Staff present: President Joan Gabel; Senior Vice President Brian Burnett; Vice President Michael Berthelsen; Interim Vice President Kenneth Horstman; General Counsel Douglas Peterson; Executive Director Brian Steeves; and Associate Vice President Julie Tonneson.

Student Representatives present: Spencer Basarich and Austin Kraft.

In accordance with Minnesota Open Meeting Law, all votes during this meeting were taken by roll call.

The docket materials for this meeting are available here.

PRESIDENT'S RECOMMENDED FY 2021 ANNUAL CAPITAL IMPROVEMENT BUDGET

Regent McMillan invited President Gabel, Senior Vice President Burnett, and Vice President Berthelsen to present for action the President’s recommended FY 2021 Annual Capital Improvement Budget, as detailed in the docket.

The docket materials for this item begin on page 5. The closed captioned video of this item is available here.

A motion was made and seconded to recommend approval of the resolution related to FY 2021 Annual Capital Improvement Budget.

The vote was as follows:

- Regent Anderson  Yes
- Regent Beeson  Yes
- Regent Davenport  Yes
- Regent Her  Yes
- Regent Hsu  Yes
- Regent Kenyanya  Yes
- Regent Mayeron  Yes
- Regent Powell  Yes
- Regent Rosha  Yes
The committee voted unanimously to recommend approval of the resolution related to FY 2021 Annual Capital Improvement Budget.

PRESIDENT’S RECOMMENDED FY 2021 ANNUAL OPERATING BUDGET

Regent McMillan invited President Gabel, Senior Vice President Burnett, and Associate Vice President Tonneson to present for action the President’s recommended FY 2021 Annual Operating Budget, as detailed in the docket.

The docket materials for this item begin on page 39. The closed captioned video of this item is available here.

A motion was made and seconded to recommend approval of the resolution related to the Fiscal Year 2021 Annual Operating Budget.

McMillan recessed the meeting at 3:23 p.m. due to technical difficulties with the videoconference. He reconvened the meeting at 3:28 p.m.

McMillan directed the roll be called on the motion to recommend approval of the resolution related to the Fiscal Year 2021 Annual Operating Budget.

The vote was as follows:

Regent Anderson     Yes
Regent Beeson       Yes
Regent Davenport    Yes
Regent Her          Yes
Regent Hsu          Yes
Regent Kenyanya     Yes
Regent Mayeron      Yes
Regent Powell       Yes
Regent Rosha        Yes
Regent Simonson     Yes
Regent Sviggum      Yes
Regent McMillan     Yes

The committee voted unanimously to recommend approval of the resolution related to the Fiscal Year 2021 Annual Operating Budget.

RECOMMENDATIONS OF THE FINANCE & OPERATIONS PLANNING WORK GROUP

Regent McMillan invited President Gabel, Senior Vice President Burnett, Vice President Berthelsen, Interim Vice President Horstman, and Associate Vice President Tonneson to present for review and action the recommendations of the President’s Finance & Operations Planning Work Group, as detailed in the docket.
A motion was made and seconded to recommend approval of the resolution related to workforce contributions: furloughs and pay reductions.

The vote was as follows:

- Regent Anderson: Yes
- Regent Beeson: Yes
- Regent Davenport: Yes
- Regent Her: Yes
- Regent Hsu: Yes
- Regent Kenyanya: Yes
- Regent Mayeron: Yes
- Regent Powell: Yes
- Regent Rosha: Yes
- Regent Simonson: Yes
- Regent Svigum: Yes
- Regent McMillan: Yes

The committee voted unanimously to recommend approval of the resolution related to workforce contributions: furloughs and pay reductions.

McMillan recessed the meeting at 4:34 p.m.

**WORKFORCE AND TOTAL COMPENSATION:**
**ANNUAL REPORT AND RELATED TOPICS**

Regent McMillan reconvened the meeting at 4:40 p.m. and invited Interim Vice President Horstman to discuss the annual workforce and total compensation report and related topics, as detailed in the docket.

The docket materials for this item begin on page 234. The closed captioned video of this item is available here.

**REAL ESTATE TRANSACTION**

Regent McMillan invited Assistant Vice President Leslie Krueger to present for action the following real estate transactions, as detailed in the docket.

A. Purchase of 1015 Essex Street SE, Minneapolis, Minnesota (Twin Cities campus)  
B. Sale of approximately 435 Acres, Rosemount, Minnesota (UMore Park)

The docket materials for this item begin on page 190. The closed captioned video of this item is available here.

A motion was made and seconded to recommend approval of the purchase of 1015 Essex Street SE, Minneapolis, Minnesota.
The vote was as follows:

- Regent Anderson: Yes
- Regent Beeson: Yes
- Regent Davenport: Yes
- Regent Her: Yes
- Regent Hsu: Yes
- Regent Kenyanya: Yes
- Regent Mayeron: Yes
- Regent Powell: Yes
- Regent Rosha: Yes
- Regent Simonson: Yes
- Regent Sviggum: Yes
- Regent McMillan: Yes

The committee voted unanimously to recommend approval of the purchase of 1015 Essex Street SE, Minneapolis, Minnesota.

A motion was made and seconded to recommend approval of the sale of approximately 435 Acres of UMore Park, Rosemount, Minnesota.

The vote was as follows:

- Regent Anderson: Yes
- Regent Beeson: Yes
- Regent Davenport: Yes
- Regent Her: Yes
- Regent Hsu: Yes
- Regent Kenyanya: Yes
- Regent Mayeron: Yes
- Regent Powell: Yes
- Regent Rosha: Yes
- Regent Simonson: Yes
- Regent Sviggum: Yes
- Regent McMillan: Yes

The committee voted unanimously to recommend approval of the sale of approximately 435 Acres of UMore Park, Rosemount, Minnesota.

**REAL ESTATE TRANSACTIONS**

Regent McMillan invited Assistant Vice President Leslie Krueger to present for review the following real estate transactions, as detailed in the docket.

A. Purchase of 501 Oak Street SE, Minneapolis, Minnesota (Twin Cities campus)
B. Sale of 1.66 acres, Rosemount, Minnesota (UMore Park)

The docket materials for this item begin on page 215. The closed captioned video of this item is [available here](#).
CONSENT REPORT

Senior Vice President Burnett presented the revised Consent Report, as detailed in the docket.

The docket materials for this item begin on page 317. The closed captioned video of this item is available here.

General Contingency:

- There were no items requiring approval this period.

Purchase of Goods and Services $1,000,000 and Over:

- To Fraboni Wholesale and Sausage Co., Sysco Minnesota, Twin Ports Paper and Supply, Inc., Upper Lakes Foods, Inc., and US Foodservice-Minnesota for $19,000,000 for the purchase of food, paper, and ancillary products for University of Minnesota Duluth (UMD) Dining Services for the period July 1, 2020, through June 30, 2025. Food, paper, and ancillary items are funded by the department at the time of purchase. Fraboni Wholesale and Sausage Co., Sysco Minnesota, Twin Ports Paper and Supply, Inc., Upper Lakes Foods, Inc., and US Foodservice-Minnesota were selected as the result of a competitive Request for Proposal (RFP) process conducted by Purchasing Services. All five suppliers who responded to the RFP were awarded contracts.

- To Max Gray Construction and Johnson Wilson Constructors of Duluth for an estimated $2,000,000 for construction services including labor, materials, and equipment for University of Minnesota Duluth Facilities Management (UMD FM) for the period of June 15, 2020 through June 14, 2021 with optional contract extensions through June 14, 2023 for an additional $4,000,000. Total contract value, if all options are exercised, would be $6,000,000. The source of funding for the projects program will be paid for via campus departments, R&R budgeted projects, and UMD administrative divisions requesting a small project or renovation at the time a project is initialized. Max Gray Construction and Johnson Wilson Constructors of Duluth were selected as the result of a competitive Request for Proposal (RFP) process conducted by Purchasing Services. Four suppliers responded to the RFP.

Appointments to the Board of Trustees of the Minnesota Landscape Arboretum Foundation

Engagement of Credit/Liquidity Provider

Principles for Allocating Federal CARES Act Institutional Funds

Real Estate Transaction

- Amendment to University of Minnesota Press lease
Schematic Designs

- Masonic Institute for the Developing Brain (Twin Cities campus)
- Early Childhood Learning Center (Twin Cities campus)

A motion was made and seconded to recommend approval of the Consent Report.

The vote was as follows:

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<td>McMillan</td>
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The committee voted unanimously to recommend approval of the Consent Report.

INFORMATION ITEMS

Regent McMillan referred the committee to the information items in the docket:

- Annual University Health Benefits and UPlan Performance Report
- Semi-Annual Capital Project Management Report
- Completed Comprehensive Review of Board Policy
- Debt Management Advisory Committee Update
- Investment Advisory Committee Update
- Quarterly Asset Management Report
- Quarterly Purchasing Report

The docket materials for this item begin on page 353. The closed captioned video of this item is available here.

The meeting adjourned at 5:28 p.m.
A meeting of the Board of Regents of the University of Minnesota was held on Friday, June 12, 2020 at 8:00 a.m. by videoconference.

Regents present: Kendall Powell, presiding; Thomas Anderson, Richard Beeson, Mary Davenport, Kao Ly Ilean Her, Michael Hsu, Mike Kenyanya, Janie Mayeron, David McMillan, Darrin Rosha, Randy Simonson, and Steven Sviggum.

Staff present: President Joan Gabel; Senior Vice President Brian Burnett; Vice President Michael Goh; Interim Vice President Kenneth Horstman; General Counsel Douglas Peterson; Executive Director Brian Steeves; and Associate Vice President Julie Tonneson.

In accordance with Minnesota Open Meeting Law, all votes during this meeting were taken by roll call.

**ANNUAL MEETING**

Regent Powell called the Annual Meeting to order at 8:09 a.m. The docket materials for this meeting are available here.

**ESTABLISHMENT OF MEETING DATES FOR 2020-21**

Regent Powell outlined the proposed Board meeting dates for 2020-21, as presented in the docket, and proposed that the December meeting date be adjusted to December 17-18, 2020. A motion was made and seconded to approve the following modified meeting schedule:

- July 8-10, 2020 (includes retreat)
- September 10-11, 2020
- October 8-9, 2020
- December 17-18, 2020
- February 11-12, 2021
- March 10-12, 2021 (includes tentative retreat)
- May 13-14, 2021
- June 10-11, 2021

Following discussion, Powell suggested withdrawing the modified schedule from consideration. Regent McMillan, who moved approval of the modified schedule, and Regent Davenport, who seconded the motion, both accepted the withdrawal of the motion.
A motion was made and seconded to approve the following meeting schedule, as presented in the docket:

- July 8-10, 2020 (includes retreat)
- September 10-11, 2020
- October 8-9, 2020
- December 10-11, 2020
- February 11-12, 2021
- March 10-12, 2021 (includes tentative retreat)
- May 13-14, 2021
- June 10-11, 2021

The vote was as follows:

Regent Anderson    Yes
Regent Beeson      Yes
Regent Davenport  Yes
Regent Her         Yes
Regent Hsu         Yes
Regent Kenyanya    Yes
Regent Mayeron     Yes
Regent McMillan    Yes
Regent Rosha       Yes
Regent Simonson    Yes
Regent Sviggum     Absent
Regent Powell      Yes

The Board voted unanimously to approve the original meeting schedule, as presented in the docket.

The docket materials for this item begin on page 3. The closed captioned video of this item is available here.

**MONTHLY MEETING**

The regular meeting of the Board of Regents was convened at 8:30 a.m. The docket materials for this meeting are available here.

**RECOGNITIONS**

**Outgoing Executive Vice President and Provost**

Recognition was given to Karen Hanson, outgoing Executive Vice President and Provost. The docket materials for this item begin on page 4. The closed captioned video of this item is available here.

**Civil Service Consultative Committee Outgoing Chair**

Recognition was given to Jean Otto, outgoing chair of the Civil Service Consultative Committee. The docket materials for this item begin on page 5. The closed captioned video is available here.
Academic Professionals & Administrators Consultative Committee Outgoing Chair

Recognition was given to Noelle Noonan, outgoing chair of the Academic Professionals & Administrators Consultative Committee. The docket materials for this item begin on page 6. The closed captioned video of this item is available here.

APPROVAL OF MINUTES

A motion was made and seconded to approve the following minutes as presented in the docket materials:

    Audit & Compliance Committee – May 7, 2020
    Mission Fulfillment Committee – May 7, 2020
    Finance & Operations Committee – May 7, 2020
    Board of Regents – May 8, 2020

The vote was as follows:

    Regent Anderson       Yes
    Regent Beeson         Yes
    Regent Davenport      Yes
    Regent Her            Yes
    Regent Hsu            Yes
    Regent Kenyanya       Yes
    Regent Mayeron        Yes
    Regent McMillan       Yes
    Regent Rosha          Yes
    Regent Simonson       Yes
    Regent Sviggum        Absent
    Regent Powell         Yes

The Board voted unanimously to approve the minutes as presented in the docket materials.

The docket materials for this item begin on page 7. The closed captioned video of this item is available here.

REPORT OF THE PRESIDENT

President Gabel delivered the report of the President. A copy of the Report of the President is on file in the Board Office.

The docket materials for this item begin on page 26. The closed captioned video of this item is available here.

REPORT OF THE CHAIR

Regent Powell delivered the report of the Chair. A copy of the Report of the Chair is on file in the Board Office.
RECEIVE AND FILE REPORTS

Regent Powell noted the receipt and filing of reports, as described in the docket materials, including:

- Report of the Academic Professionals & Administrators Consultative Committee
- Report of the Civil Service Consultative Committee
- Quarterly Report of Grant and Contract Activity

The docket materials for this item begin on page 28. The closed captioned video of this item is available here.

Regent Sviggum joined the meeting.

CONSENT REPORT

Regent Powell presented for review and action the Consent Report as described in the docket materials, including:

- Gifts
- Report of the All-University Honors Committee
- Amendment to President Emeritus Employment Agreement

The docket materials for this item begin on page 41. The closed captioned video of this item is available here.

A motion was made and seconded to approve the Consent Report. The vote was as follows:

Regent Anderson Yes
Regent Beeson Yes
Regent Davenport Yes
Regent Her Yes
Regent Hsu Yes
Regent Kenyanya Yes
Regent Mayeron Yes
Regent McMillan Yes
Regent Rosha Yes
Regent Simonson Yes
Regent Sviggum Yes
Regent Powell Yes

The Board voted unanimously to approve the Consent Report.
REPORT OF THE FACULTY CONSULTATIVE COMMITTEE

Regent Powell invited Amy Pittenger, Chair of the Faculty Consultative Committee, to present the report of the Faculty Consultative Committee, as detailed in the docket.

The docket materials for this item begin on page 48. The closed captioned video of this item is available here.

RECOGNITION OF FACULTY CONSULTATIVE COMMITTEE OUTGOING CHAIR

Recognition was given to Amy Pittenger, outgoing chair of the Faculty Consultative Committee. The docket materials for this item begin on page 51. The closed captioned video of this item is available here.

SYSTEMWIDE STRATEGIC PLAN

Regent Powell invited President Gabel to present for action the Systemwide Strategic Plan, as detailed in the docket.

The docket materials for this item begin on page 52. The closed captioned video of this item is available here.

A motion was made and seconded to approve the Systemwide Strategic Plan.

The vote was as follows:

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<td>Regent Sviggum</td>
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<td>Regent Powell</td>
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Eleven votes were cast in favor of the motion and one vote was cast against the motion. The motion to approve the Systemwide Strategic Plan passed.

Powell recessed the meeting at 9:54 a.m.

STRATEGIES FOR ENHANCING DIVERSITY & INCLUSION: STUDENTS

Regent Powell reconvened the meeting at 10:05 a.m. and invited Vice President Goh; Michael Rodriguez, Associate Dean & Professor in the Department of Educational Psychology, College of
Education & Human Development; and Richard Lee, Associate Chair for Research in the Department of Psychology, College of Liberal Arts, to provide an update on strategies for enhancing diversity and inclusion for students, as detailed in the docket.

The docket materials for this item begin on page 84. The closed captioned video of this item is available here.

**SUMMARY OF GOVERNANCE DECISIONS REQUIRED BY NEW FEDERAL TITLE IX GUIDANCE**

Regent Powell invited Tina Marisam, Director of the Office of Equal Opportunity and Affirmative Action; and Brian Slovut, Deputy General Counsel, to provide a summary of governance decisions required by the new federal Title IX guidance, as detailed in the docket.

The docket materials for this item begin on page 107. The closed captioned video of this item is available here.

**BOARD OF REGENTS POLICY: CODE OF CONDUCT FOR MEMBERS OF THE BOARD OF REGENTS – ANNUAL REVIEW**

Regent Powell invited General Counsel Peterson and Executive Director Steeves to present the annual review of the Board of Regents Policy: *Code of Conduct for Members of the Board of Regents*, as detailed in the docket.

The docket materials for this item begin on page 115. The closed captioned video of this item is available here.

**REPORT OF THE AUDIT & COMPLIANCE COMMITTEE**

Regent Rosha, chair of the committee, reported that the committee voted to recommend the following item.

The committee docket materials can be found here. The closed captioned video of this item is available here.

1) Approval of the external auditor contract extension. The committee docket materials for this item can be found on page 56.

A motion was made, and the vote was as follows:

- Regent Anderson: Yes
- Regent Beeson: Yes
- Regent Davenport: Yes
- Regent Her: Yes
- Regent Hsu: Yes
- Regent Kenyanya: Yes
- Regent Mayeron: Yes
- Regent McMillan: Yes
- Regent Rosha: Yes
The Board voted unanimously to approve the external auditor contract extension.

REPORT OF THE LITIGATION REVIEW COMMITTEE

Regent Beeson, chair of the committee, reported that pursuant to notice sent by the University, the Litigation Review Committee met on June 11, 2020. At this meeting, a resolution was considered and adopted that authorized the closing of the meeting. In the closed meeting, discussion was held on matters subject to the attorney-client privilege.

The committee docket materials can be found here. The closed captioned video of this item is available here.

REPORT OF THE MISSION FULFILLMENT COMMITTEE

Regent Anderson, chair of the committee, reported that the committee voted to recommend the following item.

The committee docket materials can be found here. The closed captioned video of this item is available here.

1) Approval of the Consent Report for the Mission Fulfillment Committee as presented to the committee and described in the June 11, 2020 committee minutes. The committee docket materials for this item can be found on page 70.

A motion was made and the vote was as follows:

Regent Anderson  Yes
Regent Beeson    Yes
Regent Davenport Yes
Regent Her       Yes
Regent Hsu       Yes
Regent Kenyanya  Yes
Regent Mayeron   Yes
Regent McMillan  Yes
Regent Rosha     Yes
Regent Simonson  Yes
Regent Sviggum   Yes
Regent Powell    Yes

The Board voted unanimously to approve the Consent Report.
REPORT OF THE FINANCE & OPERATIONS COMMITTEE

Regent McMillan, chair of the committee, reported that the committee voted to recommend the following six items.

The committee docket materials can be found here. The closed captioned video of this item is available here.

1) Approval of the resolution related to the President’s Recommended FY 2021 Annual Capital Improvement Budget. The committee docket materials for this item can be found on page 5.

The resolution is as follows:

WHEREAS, the Board of Regents (Board) has directed the administration to annually submit a six-year capital plan and an annual capital improvement budget; and

WHEREAS, the Board has adopted principles to guide the formulation of the six-year capital plan and the annual capital improvement budget; and

WHEREAS, the Board recognizes the importance of sustaining and improving the University’s facilities in support of teaching, research, and outreach; and

WHEREAS, the administration has developed a capital planning framework designed to focus its capital planning efforts toward projects that support the University’s institutional priorities within a financial strategy that is realistic.

NOW, THEREFORE, BE IT RESOLVED that the Board approves the FY 2021 Annual Capital Improvement Budget.

A motion was made, and the vote was as follows:

Regent Anderson  Yes
Regent Beeson    Yes
Regent Davenport Yes
Regent Her       Yes
Regent Hsu       Yes
Regent Kenyanya Yes
Regent Mayeron   Yes
Regent McMillan  Yes
Regent Rosha     Yes
Regent Simonson  Yes
Regent Sviggum   Yes
Regent Powell    Yes

The Board voted unanimously to approve the President’s Recommended FY 2021 Annual Capital Improvement Budget.

2) Approval of the resolution related to the President’s Recommended FY 2021 Annual Operating Budget. The committee docket materials for this item can be found on page 39.

The resolution is as follows:
WHEREAS, the University of Minnesota (University) as the state’s public, land grant university is charged with the responsibility to pursue knowledge and help apply that knowledge through research and discovery, teaching and learning, and outreach and public service; and

WHEREAS, the State of Minnesota, through its legislative and executive branches, has appropriated $695,813,000 in state general fund monies for fiscal year 2021 to the University (an increase over fiscal year 2020 of $1,740,000); and

WHEREAS, the Board of Regents approved a tuition freeze (with three exceptions) for fiscal year 2021 at the April 21, 2020 meeting; and

WHEREAS, the University is facing significant financial challenges related to the COVID-19 pandemic, requiring a broad range of decisions impacting operations; and

WHEREAS, the University is committed to achieving standards of national and international excellence while maintaining efficient and effective services and processes, even in the face of a continuously changing operating environment; and

WHEREAS, contingency planning is necessary in the current environment and the administration will submit detailed modifications to the Fiscal Year 2021 COVID-19 Adjusted Budget for Board of Regents review and action should that be deemed necessary in the future months.

NOW, THEREFORE, BE IT RESOLVED that the Board of Regents hereby approves the University of Minnesota Fiscal Year 2021 COVID-19 Adjusted Budget as follows:

The Fiscal Year 2021 COVID-19 Adjusted Budget approved by the Board of Regents includes the following attachments from the President’s Recommended FY 2021 Annual Operating Budget materials:

Attachment 1  Resource and Expenditure Budget Plan (University Fiscal Page)
Attachment 5  University of Minnesota 2020-21 Tuition Plan: Tuition Rates
Attachment 7  University of Minnesota 2020-21 Tuition Plan: Course/Class Fees - REVISED
Attachment 8  University of Minnesota 2020-21 Tuition Plan: Miscellaneous Fees
Attachment 9  University of Minnesota 2020-21 Tuition Plan: Academic Fees
Attachment 10 University of Minnesota 2020-21 Student Services Fees
Attachment 11 Fund Forecast - Centrally Distributed and Attributed Funds - REVISED

A motion was made, and the vote was as follows:

Regent Anderson  Yes
Regent Beeson  Yes
Regent Davenport  Yes
Regent Her  Yes
Regent Hsu  Yes
Regent Kenyanya  Yes
Regent Mayeron  Yes
Regent McMillan  Yes
Regent Rosha  Yes
Regent Simonson  Yes
Regent Sviggum  Yes
Regent Powell  Yes

The Board voted unanimously to approve the President’s Recommended FY 2021 Annual Operating Budget.

3) Approval of the resolution related to workforce contributions: furloughs and pay reductions. The committee docket materials for this item can be found on page 169.

The resolution is as follows:

WHEREAS, the Board of Regents (Board) will act on the FY 2021 COVID-19 Adjusted Budget at the June 2020 meeting; and

WHEREAS, the FY 2021 COVID-19 Adjusted Budget discussion included a necessary framework for contingency planning that, due to the uncertainty in the current environment, will take multiple forms involving multiple tactics to address any emerging financial challenge; and

WHEREAS, a risk of further financial disruption continues to exist in the coming months related to enrollment, state support, the ability to generate other miscellaneous revenues, and required expenditure growth in the face of changing operations due to the pandemic; and

WHEREAS, broad actions to adjust compensation spending levels across all employee groups and all units of the University of Minnesota, as effective tactics in the contingency plans, are most beneficial when implemented as early in the fiscal year as possible; and

WHEREAS, the President will recommend amendments to the Fiscal Year 2021 COVID-19 Adjusted Budget for Board review and action should that be deemed necessary in future months as determined by continued financial monitoring and analysis, and

WHEREAS, the Finance & Operations Planning Work Group recommended to the President two actions in the form of a compensation savings plan for furloughs and temporary pay reductions and a retirement incentive offer program, and

WHEREAS, the recommended compensation savings plan for furloughs and temporary pay reductions was approved by a vote of the Faculty Senate on June 9, 2020.

NOW, THEREFORE, BE IT RESOLVED that for Fiscal Year 2021, the Board of Regents hereby approves the compensation savings plan for furloughs and temporary pay reductions as outlined in Attachment A.

A motion was made, and the vote was as follows:

Regent Anderson  Yes
Regent Beeson  Yes
Regent Davenport  Yes
Regent Her  Yes
Regent Hsu  Yes

Board of Regents
June 12, 2020
Regent Kenyanya    Yes
Regent Mayeron    Yes
Regent McMillan   Yes
Regent Rosha      Yes
Regent Simonson   Yes
Regent Sviggum    Yes
Regent Powell     Yes

The Board voted unanimously to approve the resolution related to workforce contributions: furloughs and pay reductions.

4) Approval of the purchase of 1015 Essex Street SE, Minneapolis, Minnesota (Twin Cities campus). The committee docket materials for this item can be found on page 190.

A motion was made, and the vote was as follows:

Regent Anderson    Yes
Regent Beeson      Yes
Regent Davenport   Yes
Regent Her         Yes
Regent Hsu         Yes
Regent Kenyanya    Yes
Regent Mayeron     Yes
Regent McMillan    Yes
Regent Rosha       Yes
Regent Simonson    Yes
Regent Sviggum     Yes
Regent Powell      Yes

The Board voted unanimously to approve the real estate transaction.

5) Approval of the sale of approximately 435 acres, Rosemount, Minnesota (UMore Park). The committee docket materials for this item can be found on page 190.

A motion was made, and the vote was as follows:

Regent Anderson    Yes
Regent Beeson      Yes
Regent Davenport   Yes
Regent Her         Yes
Regent Hsu         Yes
Regent Kenyanya    Yes
Regent Mayeron     Yes
Regent McMillan    Yes
Regent Rosha       Yes
Regent Simonson    Yes
Regent Sviggum     Yes
Regent Powell      Yes

The Board voted unanimously to approve the real estate transaction.
6) Approval of the Consent Report for the Finance & Operations Committee as presented to the committee and described in the June 11, 2020 committee minutes. The committee docket materials for this item can be found on page 317.

A motion was made and the vote was as follows:

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The Board voted unanimously to approve the Consent Report.

NEW BUSINESS

Regent Hsu moved a resolution related to the framework for delivering academic mission in fall 2020, as follows:

WHEREAS, due to the COVID-19 global pandemic, the University of Minnesota (University) declared a public health emergency on March 25, 2020 and Governor Walz issued a Stay at Home Order for the State of Minnesota effective March 27, 2020; and

WHEREAS, as a result of these actions, the University suspended in-person instruction and moved its campuses and other facilities into reduced operations; and

WHEREAS, the pandemic necessitates continued flexibility with regard to modality of instruction, academic calendars, and residence hall and dining operations; and

WHEREAS, specific operating plans will vary from one campus to another, and possibly from one collegiate unit to another, within the University system.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Regents approves, and the president or delegate is directed to implement, the Framework for Delivering the Academic Mission in Fall 2020, which uses established but evolving public health guidance as its foundation, as follows:

1. Resume in-person instruction, residence halls and dining facilities for Fall 2020, under conditions consistent with public health guidance.
2. Accommodate reduced capacity levels necessitated by physical distancing and simultaneously work to ensure that students will have modality options to continue to make progress toward their degree, regardless of their vulnerability status.
3. As needed, adjust class schedules to reduce density and limit traffic inside buildings, hallways and other common spaces, with possibilities including holding classes earlier or later in the day or on weekends.

4. Provide flexibility to University instructors to determine the modality of their courses, with concurrence of their unit head, reflecting their preferences, expertise, and judgment related to content and learning outcomes, consistent with public health guidance and conditional on space availability.

5. Conclude graduate and undergraduate in-person instruction by the Thanksgiving break, with individual campuses adjusting their academic calendar to dates established by their faculty governance and approved by the executive vice president and provost.

6. Pivot to distance learning before the Thanksgiving break if public health conditions require.

7. Establish specific protocols based on evolving public health guidance regarding residence hall occupancy rates, dining hall hours of use and manner of service, University-operated transportation services, operations of recreation centers, student affairs activities and other events, and modify these protocols as guidance evolves.

8. Implement, as appropriate, safety protocols that include individual health monitoring, testing as clinically indicated, contact tracing, isolation and quarantine.

9. Provide clear and transparent communication and updates to the University community throughout the Fall 2020 semester.

The motion was seconded, and the vote was as follows:

Regent Anderson  Yes
Regent Beeson  Yes
Regent Davenport  Yes
Regent Her  Yes
Regent Hsu  Yes
Regent Kenyanya  Yes
Regent Mayeron  Yes
Regent McMillan  Yes
Regent Rosha  Yes
Regent Simonson  Yes
Regent Sviggum  Yes
Regent Powell  Yes

The Board voted unanimously to approve the resolution related to the framework for delivering academic mission in fall 2020.

The closed captioned video of this item is available here.

The meeting adjourned at 12:40 p.m.

BRIAN R. STEEVES
Executive Director and
Corporate Secretary

Board of Regents
June 12, 2020
A meeting of the Presidential Performance Review Committee of the Board of Regents convened on Monday, June 15, 2020 at 8:30 a.m. by videoconference.

Regents present: Kendall Powell, presiding; Mary Davenport, and Steven Sviggum.

Staff present: Executive Director Brian Steeves; Deputy Director Sarah Dirksen

In accordance with Minnesota Open Meeting Law, all votes during this meeting were taken by roll call.

RESOLUTION TO CONDUCT NON-PUBLIC MEETING OF THE PRESIDENTIAL PERFORMANCE REVIEW COMMITTEE

The meeting convened in public session at 8:30 a.m. A motion was made and seconded that the following resolution be approved:

RESOLVED, that as provided by Minnesota Statute 13D.05, Subd. 3(a), a non-public meeting of the Presidential Performance Review Committee of the Board of Regents will convene on Monday, June 15, 2020 at 8:30 a.m. via videoconference. The purpose of this meeting is to gather input, discuss, and evaluate the performance of the president, and prepare a report to the Board of Regents.

The pandemic and declared emergencies necessitate that this meeting, and future meetings, of the Regents of the University of Minnesota be conducted in accordance with Minnesota Statutes 13D.021—Meetings by Telephone or Other Electronic Means, until further notice. Consistent with the federal and state guidance, Chair Powell has determined that in-person meetings are not practical or prudent because of the current pandemic. Further, due to the pandemic, it is not feasible for at least one Board member to be physically present at the regular meeting location.

The vote was as follows:

Regent Davenport Yes
Regent Sviggum Yes
Regent Powell Yes

The committee voted unanimously to adopt the resolution and the public portion of the meeting adjourned. The committee discussed feedback on the president’s performance.

The meeting adjourned at 9:38 a.m.
BRIAN R. STEEVES
Executive Director and
Corporate Secretary

Page 42 of 269
A meeting of the Presidential Performance Review Committee of the Board of Regents convened on Friday, June 26, 2020 at 9:00 a.m. at Eastcliff, 176 N Mississippi River Blvd, St. Paul, Minnesota.

Regents present: Kendall Powell, presiding; Mary Davenport, and Steven Svidgum.

Staff present: President Joan Gabel; Executive Director Brian Steeves; Deputy Director Sarah Dirksen

RESOLUTION TO CONDUCT NON-PUBLIC MEETING
OF THE PRESIDENTIAL PERFORMANCE REVIEW COMMITTEE

The meeting convened in public session at 9:10 a.m. A motion was made and seconded that the following resolution be approved:

RESOLVED, that as provided by Minnesota Statute 13D.05, Subd. 3(a), a non-public meeting of the Presidential Performance Review Committee of the Board of Regents will convene on Friday, June 26, 2020 at 9:00 a.m. at Eastcliff, 176 N Mississippi River Blvd, St. Paul, Minnesota. The purpose of this meeting is to gather input, discuss, and evaluate the performance of the president, and prepare a report to the Board of Regents.

The committee voted unanimously to adopt the resolution and the public portion of the meeting adjourned. The committee discussed feedback on the president’s performance.

The meeting adjourned at 10:08 a.m.

BRIAN R. STEEVES
Executive Director and
Corporate Secretary
AGENDA ITEM: Report of the President

☐ Review  ☑ Review + Action  ☐ Action  ☑ Discussion

☐ This is a report required by Board policy.

PRESENTERS: President Joan T.A. Gabel

PURPOSE & KEY POINTS

It is customary for the President to report on items of interest to the University community at each Board meeting.
AGENDA ITEM: Report of the Chair

☐ Review ☐ Review + Action ☐ Action ☒ Discussion

☐ This is a report required by Board policy.

PRESENTERS: Regent Kendall J. Powell

PURPOSE & KEY POINTS

It is customary for the Chair to report on items of interest to the University community at each Board meeting.
AGENDA ITEM: Receive & File Reports

☐ Review  ☐ Review + Action  ☐ Action  ☒ Discussion

☒ This is a report required by Board policy.

PRESENTERS: Regent Kendall J. Powell

PURPOSE & KEY POINTS

The following item is included for receipt and filing:

A. 2020 Board Policy Report
2019-20 POLICY REVIEW SUMMARY

The objective of the policy review process is to ensure that the Board’s policies align with the strategic direction and mission of the University as defined by the Board. Over the past year, the Office of the Board of Regents coordinated review of policies identified for comprehensive review and those policies identified for amendment by the Board or President. With the impact of COVID-19, more policies are being held over to complete comprehensive review this year as compared to a typical year.

<table>
<thead>
<tr>
<th>Comprehensively Reviewed - No Revisions Recommended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessioning and Deaccessioning of Museum Collections</td>
</tr>
<tr>
<td>Employee Group Definitions</td>
</tr>
<tr>
<td>Endowment Fund</td>
</tr>
<tr>
<td>Nepotism and Personal Relationships</td>
</tr>
<tr>
<td>Postemployment</td>
</tr>
<tr>
<td>Sustainability and Energy Efficiency</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Adopted Policy</th>
<th>Date Amended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code of Conduct for Members of the Board of Regents</td>
<td>February 2020</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Amended Policies</th>
<th>Date Amended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appointments to Organizations and Boards</td>
<td>February 2020</td>
</tr>
<tr>
<td>Bylaws of the Board of Regents*</td>
<td>February 2020</td>
</tr>
<tr>
<td>Code of Conduct for Members of the Board of Regents</td>
<td>February 2020</td>
</tr>
<tr>
<td>Gifts Received and Given by University Officials</td>
<td>February 2020</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Superseded Policy</th>
<th>Date Superseded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code of Ethics for Members of the Board of Regents</td>
<td>February 2020</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Repealed Policy</th>
<th>Date Repealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsibilities of the Board and Individual Regents</td>
<td>February 2020</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pending Review by the Board of Regents</th>
<th>Anticipated Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debt Transactions</td>
<td>September 2020</td>
</tr>
<tr>
<td>Namings</td>
<td>TBD</td>
</tr>
<tr>
<td>Protection of Individual Health Information</td>
<td>September 2020</td>
</tr>
<tr>
<td>Selection of Design Professionals &amp; Wage Rates for Contractors</td>
<td>September 2020</td>
</tr>
<tr>
<td>Student Education Records</td>
<td>October 2020</td>
</tr>
<tr>
<td>Targeted Business, Urban Community Economic Development, and Small Business Programs</td>
<td>October 2020</td>
</tr>
</tbody>
</table>
## 2020-21 POLICY WORK PLAN

Each year, the Office of the Board of Regents develops a policy work plan that includes policies scheduled for comprehensive review, policies requested for inclusion by the Board or the President, or policies held over from the previous year.

<table>
<thead>
<tr>
<th>Policies for Comprehensive Review</th>
<th>Last Reviewed</th>
<th>Adopted or Last Amended</th>
<th>Policy Implementer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Activities Involving Recombinant and Synthetic Nucleic Acid Molecules or Other Potentially Hazardous Biological Agents</td>
<td>February 2013</td>
<td>February 2013</td>
<td>Research</td>
</tr>
<tr>
<td>2. Alcoholic Beverages on Campus</td>
<td>February 2013</td>
<td>February 2013</td>
<td>President</td>
</tr>
<tr>
<td>3. Animal Care and Use</td>
<td>February 2013</td>
<td>September 2016</td>
<td>Research</td>
</tr>
<tr>
<td>4. Awards, Honors, and Recognition</td>
<td>May 2016</td>
<td>May 2016</td>
<td>Board of Regents</td>
</tr>
<tr>
<td>5. Direct Sales of Goods and Services</td>
<td>June 2011</td>
<td>October 2004</td>
<td>University Finance</td>
</tr>
<tr>
<td>6. Disability Services</td>
<td>July 2010</td>
<td>July 2010</td>
<td>Equity and Diversity</td>
</tr>
<tr>
<td>7. Employees Campaigning for or Holding Public Office</td>
<td>July 2013</td>
<td>May 2005</td>
<td>Human Resources</td>
</tr>
<tr>
<td>8. Faculty and Staff Retirement</td>
<td>July 2013</td>
<td>May 2004</td>
<td>Human Resources</td>
</tr>
<tr>
<td>9. Faculty Emeriti</td>
<td>June 2012</td>
<td>June 2012</td>
<td>Human Resources</td>
</tr>
<tr>
<td>10. Gift Solicitation and Acceptance</td>
<td>August 2013</td>
<td>December 2017</td>
<td>General Counsel</td>
</tr>
<tr>
<td>11. Private Practice Plan – School of Dentistry</td>
<td>June 2014</td>
<td>July 2012</td>
<td>Academic Clinical Affairs</td>
</tr>
</tbody>
</table>
### Policies for Comprehensive Review

<table>
<thead>
<tr>
<th>Policies for Comprehensive Review</th>
<th>Last Reviewed</th>
<th>Adopted or Last Amended</th>
<th>Policy Implementer</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. Private Practice Plan – University of Minnesota College of Pharmacy</td>
<td>June 2014</td>
<td>November 2006</td>
<td>Academic Clinical Affairs</td>
</tr>
<tr>
<td>13. Property and Facility Use</td>
<td>February 2011</td>
<td>February 2011</td>
<td>University Services</td>
</tr>
<tr>
<td>15. Student Conduct Code</td>
<td>June 2016</td>
<td>October 2017</td>
<td>Provost</td>
</tr>
<tr>
<td>16. Tuition and Fees</td>
<td>June 2013</td>
<td>June 2013</td>
<td>Provost/University Budget</td>
</tr>
</tbody>
</table>

### Carried Over from 2019-20 Plan

<table>
<thead>
<tr>
<th>Carried Over from 2019-20 Plan</th>
<th>Last Reviewed</th>
<th>Adopted or Last Amended</th>
<th>Policy Implementer</th>
</tr>
</thead>
<tbody>
<tr>
<td>17. American Indian Advisory Boards</td>
<td>October 2015</td>
<td>January 1994</td>
<td>Equity and Diversity</td>
</tr>
<tr>
<td>18. Appearances Before the Legislature and Other Public Bodies</td>
<td>February 2010</td>
<td>November 2006</td>
<td>President</td>
</tr>
<tr>
<td>19. Code of Conduct</td>
<td>December 2016</td>
<td>December 2016</td>
<td>President</td>
</tr>
<tr>
<td>20. Intercollegiate Athletics - Twin Cities Campus</td>
<td>July 2009</td>
<td>July 2009</td>
<td>President</td>
</tr>
<tr>
<td>21. Private Practice Plan – University of Minnesota School of Nursing</td>
<td>June 2014</td>
<td>March 2005</td>
<td>Academic Clinical Affairs</td>
</tr>
<tr>
<td>22. Private Professional Practice – University of Minnesota Medical School Duluth</td>
<td>June 2014</td>
<td>March 2005</td>
<td>Academic Clinical Affairs</td>
</tr>
<tr>
<td>23. Private Practice Plan – University of Minnesota Medical School Twin Cities</td>
<td>June 2014</td>
<td>March 2005</td>
<td>Academic Clinical Affairs</td>
</tr>
<tr>
<td>24. Student Representatives to the Board of Regents</td>
<td>March 2014</td>
<td>March 2014</td>
<td>Board of Regents</td>
</tr>
</tbody>
</table>

### TYPES OF REVIEW

Board policies undergo three main types of review and change:

1. **Comprehensive Review**

   The purpose of the comprehensive review is to determine:
   - Whether the fundamental principles established in the policy still align with the strategic direction and mission of the University.
   - If the policy is still needed.
   - Whether the policy aligns with current practice.
The comprehensive review also ensures that policies are monitored and reviewed in a timely manner. Each of the 89 Board policies is comprehensively reviewed every six years. Policies are divided into “classes,” which seek to balance review load across policy implementers and Board committees. Comprehensive review does not automatically lead to changes in a given policy; policies not requiring amendments are noted as current and placed back into the review cycle.

2. Off-Cycle Change

Off-cycle changes to Board policies focus on specific, essential, and time-sensitive changes and are outside of the comprehensive review cycle. When opened for an off-cycle change, the policy is not comprehensively reviewed and remains in its regular review cycle. Off-cycle changes follow the policy review process.

3. Technical Change

Board of Regents Policy: *Board Policy Development* Section III. allows for minor corrections that do not alter the substance of the policy to be made by the executive director & corporate secretary, with review by the Board chair. Technical changes are noted on the policy and updated in the Board’s policy index.
AGENDA ITEM: Consent Report

☐ Review  ☑ Review + Action  ☐ Action  ☐ Discussion

☐ This is a report required by Board policy.

PRESENTERS: Regent Kendall J. Powell

PURPOSE & KEY POINTS

A. Gifts

The President recommends approval of the Summary Report of Gifts to the University of Minnesota through May 31, 2020.

B. Mission Fulfillment Committee Consent Report

- Approval of tenure for outside appointments:
  The purpose of this item is to seek conferral of tenure for the following outside appointments:

  o Chandra Bryant, Professor with tenure, Department of Family Social Science, College of Education and Human Development
  o Damien Fair, Professor with tenure, Institute of Child Development, College of Education and Human Development
  o Stacey Horn, Professor with tenure, Department of Family Social Science, College of Education and Human Development
  o Jordan Lewis, professor with tenure, Department of Family Medicine and Biobehavioral Health, Medical School
  o Armeda Wojciak, Associate professor with tenure, Department of Family Social Science, College of Education and Human Development

C. Finance & Operations Committee Consent Report

- Purchase of Goods and Services $1,000,000 and Over:
  The purpose of this item is to seek approval for the following purchases of goods and services of $1,000,000 and over:

  o To Capstone for $684,375 for research content available via Capstone platforms for Minitex within the University Libraries for the period of July 1, 2020 through June
30, 2023, with optional contract extensions through June 2025 for an additional $470,029. Total contract value, if all options are exercised, would be $1,154,404. Funds to license access to eLibrary Minnesota databases, including Capstone, come from Minitex’s funding source, the Minnesota Office of Higher Education, and from direct legislative funding appropriated through the Minnesota Department of Education State Library Services. Costs for the life of the three year contract, with options to renew for two additional years, are included in the Minitex budget. Capstone was selected as the result of a competitive Request for Proposal (RFP) process conducted by Purchasing Services. Twenty suppliers responded to the RFP.

- To Dell, a Microsoft Education Large Account Reseller, for an estimated $3,000,000 to provide software licensing for commonly used Microsoft products for all University of Minnesota faculty and staff for the Office of Information Technology (OIT) for the estimated period of August 1, 2020 through July 31, 2023. OIT will fund utilizing O&M funds. Dell was selected as the result of a competitive Request for Proposal (RFP) conducted by Purchasing Services among 3 Microsoft Education Large Account Resellers in 2014.

- To EBSCO for $3,037,297 for research content available via EBSCO platforms for Minitex within the University Libraries for the period of July 1, 2020 through June 30, 2023, with optional contract extensions through June 2025 for an additional $2,086,096. Total contract value, if all options are exercised, would be $5,123,393. Funds to license access to eLibrary Minnesota databases, including EBSCO, come from Minitex’s funding source, the Minnesota Office of Higher Education, and from direct legislative funding appropriated through the Minnesota Department of Education State Library Services. Costs for the life of the contract are included in the Minitex budget. EBSCO was selected as the result of a competitive Request for Proposal (RFP) process conducted by Purchasing Services. Twenty suppliers responded to the RFP.

- To Flad Architects, for an estimated $1,329,706 to provide feasibility assessment services for research, outreach and education facilities associated with the College of Food, Agriculture and Natural Resource Sciences (CFANS) for a period of July 2020 through June 2021. The fee to support this study came from a grant provided by the Hormel Foundation in December 2019. This grant is administered through Riverland Community College and is being administered within the University as a grant-sponsored project. Flad Architects was selected as a result of a competitive Request for Proposal (RFP) process conducted by Purchasing Services. Three suppliers responded to the RFP.

- To Gale for $638,120 for research content available via Gale platforms for Minitex within the University Libraries for the period of July 1, 2020 through June 30, 2023, with optional contract extensions through June 2025 for an additional $439,010. Total contract value, if all options are exercised, would be $1,077,130. Funds to license access to eLibrary Minnesota databases, including Gale/Cengage, come from Minitex’s funding source, the Minnesota Office of Higher Education, and from direct legislative funding appropriated through the Minnesota Department of Education State Library Services. Costs for the life of the contract are included in the Minitex budget. Gale was selected as a result of a competitive Request for Proposal (RFP) process conducted by Purchasing Services. Twenty suppliers responded to the RFP.

- To ProQuest for $781,014 for research content available via ProQuest platforms for Minitex within the University Libraries for the period of July 1, 2020 through June 30, 2023, with optional contract extensions through June 2025 for an additional
$547,056. Total contract value, if all options are exercised, would be $1,328,070. Funds to license access to eLibrary Minnesota databases, including ProQuest, come from Minitex’s funding source, the Minnesota Office of Higher Education, and from direct legislative funding appropriated through the Minnesota Department of Education State Library Services. Costs for the life of the contract are included in the Minitex budget. ProQuest was selected as a result of a competitive Request for Proposal (RFP) process conducted by Purchasing Services. Twenty suppliers responded to the RFP.

- To TCF Financial Corporation, a Delaware corporation ("TCF Financial"), and TCF National Bank, a national banking association ("TCF Bank") (TCF Financial and TCF Bank collectively, "TCF") to extend the written notice period for exercising a naming rights sponsorship extension from September 30, 2020 to September 30, 2021. In 2005, the University of Minnesota entered into a 26-year naming agreement (the "Agreement") with TCF for the title sponsorship of the University’s new football stadium. An amendment to the Agreement was finalized and approved by the Board of Regents in September, 2017. The amendment includes an option to extend the Agreement for an additional ten years, through the 2040 football season. Exercising this option includes an additional contribution of $4 million and ten years of annual sponsorship payments. TCF Bank is to provide the University with written notice of exercising the sponsorship extension by September 30, 2020. Provided the current uncertainty of the economy and other factors related to the COVID-19 pandemic, this item would extend the deadline one year to September 30, 2021.

- To Trilogy Education Services, LLC for anticipated revenue share of approximately $3,000,000 for the College of Continuing and Professional Studies (CCAPS) for the period of July 13, 2021 through July 13, 2024. CCAPS’ estimated revenue share will approach and/or exceed $1,000,000 annually for the duration of the award. Trilogy Education Services, LLC was selected as a result of a competitive Request for Proposal (RFP) process conducted by Purchasing Services. Two suppliers responded to the RFP.

BACKGROUND INFORMATION

Approvals are sought in compliance with Board of Regents policy as follows:

- Appointments: Reservation and Delegation of Authority, Article I, Section IV, Subd. 1.
- Purchase of Goods and Services $1,000,000 and Over: Reservation and Delegation of Authority, Article I, Section VII, Subd. 6.

PRESIDENT’S RECOMMENDATION

The President recommends approval of the Consent Report.
## July 2020 Regents Meeting

<table>
<thead>
<tr>
<th></th>
<th>May 2020</th>
<th>May 2019</th>
<th>Year-to-Date 07/01/19</th>
<th>Year-to-Date 07/01/18</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>U of M Gift Receiving</strong></td>
<td>$485,539</td>
<td>$6,746,719</td>
<td>$2,720,284</td>
<td>$9,192,449</td>
</tr>
<tr>
<td><strong>Arboretum Foundation</strong></td>
<td>510,510</td>
<td>607,239</td>
<td>9,231,293</td>
<td>9,514,210</td>
</tr>
<tr>
<td><strong>Univ of MN Foundation</strong></td>
<td>62,527,524</td>
<td>21,960,670</td>
<td>350,254,107</td>
<td>304,323,973</td>
</tr>
<tr>
<td><strong>Total Gift Activity</strong></td>
<td>$63,523,573</td>
<td>$29,314,629</td>
<td><strong>$362,205,685</strong></td>
<td><strong>$323,030,631</strong></td>
</tr>
</tbody>
</table>

*Detail on gifts of $5,000 and over is attached.

Pledges are recorded when the commitment is made. To avoid double reporting, any receipts which are payments on pledges are excluded from the report amount.
## Donors: $1 Million and Over

<table>
<thead>
<tr>
<th>Donor</th>
<th>Gift/Pledge</th>
<th>Purpose of Gift</th>
</tr>
</thead>
<tbody>
<tr>
<td>3M Co</td>
<td>Gift</td>
<td>Academic Clinical Affairs; College of Science and Engineering; Office for Equity and Diversity</td>
</tr>
<tr>
<td>Harold R Adams Estate</td>
<td>Gift</td>
<td>College of Liberal Arts</td>
</tr>
<tr>
<td>Helen Lindsay Family Foundation</td>
<td>Pledge</td>
<td>Medical School</td>
</tr>
<tr>
<td>Hormel Foundation</td>
<td>Gift</td>
<td>Office of the Vice President for Research</td>
</tr>
<tr>
<td>John and Annette Whaley</td>
<td>Pledge</td>
<td>Carlson School of Management</td>
</tr>
<tr>
<td>Minnesota Masonic Charities</td>
<td>Pledge</td>
<td>Academic Clinical Affairs</td>
</tr>
<tr>
<td>Nancy and John Lindahl</td>
<td>Gift</td>
<td>Intercollegiate Athletics</td>
</tr>
<tr>
<td>Polaris Foundation</td>
<td>Pledge</td>
<td>College of Science and Engineering</td>
</tr>
</tbody>
</table>

## Donors: $250,000 - $500,000

<table>
<thead>
<tr>
<th>Donor</th>
<th>Gift/Pledge</th>
<th>Purpose of Gift</th>
</tr>
</thead>
<tbody>
<tr>
<td>Altium Ltd</td>
<td>Gift</td>
<td>College of Science and Engineering</td>
</tr>
<tr>
<td>Curtis L Carlson Family Foundation</td>
<td>Gift/Pledge</td>
<td>Carlson School of Management; Libraries; Humphrey School of</td>
</tr>
<tr>
<td>Edelstein Family Fdn</td>
<td>Gift</td>
<td>College of Liberal Arts</td>
</tr>
<tr>
<td>Minnesota Crop Improvement Association</td>
<td>Gift</td>
<td>College of Food, Agricultural and Natural Resource Sciences</td>
</tr>
</tbody>
</table>

## Donors: $100,000 - $250,000

<table>
<thead>
<tr>
<th>Donor</th>
<th>Gift/Pledge</th>
<th>Purpose of Gift</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anonymous Donor</td>
<td>Gift</td>
<td>Medical School</td>
</tr>
<tr>
<td>Dr Jean W Ward Estate</td>
<td>Gift</td>
<td>College of Liberal Arts</td>
</tr>
<tr>
<td>Jamie and Daniel Vargo</td>
<td>Gift</td>
<td>College of Pharmacy</td>
</tr>
<tr>
<td>Jody Gunderson</td>
<td>Gift</td>
<td>Carlson School of Management</td>
</tr>
<tr>
<td>Katherine R Gamble Estate</td>
<td>Gift</td>
<td>Medical School</td>
</tr>
<tr>
<td>Lynette Thompson</td>
<td>Pledge</td>
<td>Academic Clinical Affairs</td>
</tr>
<tr>
<td>Pohlad Family Fund-A Signature Fund of The Mpls Fdn</td>
<td>Gift</td>
<td>Medical School</td>
</tr>
<tr>
<td>University of Oslo</td>
<td>Gift</td>
<td>College of Biological Sciences</td>
</tr>
</tbody>
</table>

## Donors: $50,000 - $100,000

<table>
<thead>
<tr>
<th>Donor</th>
<th>Gift/Pledge</th>
<th>Purpose of Gift</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albert Victor Ravenholt Fund</td>
<td>Pledge</td>
<td>Medical School</td>
</tr>
<tr>
<td>Barbara Gullickson</td>
<td>Gift</td>
<td>Minnesota Landscape Arboretum</td>
</tr>
<tr>
<td>Carol Larson, M.P.H. and Gerald Larson</td>
<td>Gift</td>
<td>Minnesota Landscape Arboretum</td>
</tr>
<tr>
<td>Clarence and Karen Snedeker</td>
<td>Pledge</td>
<td>Carlson School of Management</td>
</tr>
<tr>
<td>Demoret Stiftung</td>
<td>Gift</td>
<td>College of Liberal Arts</td>
</tr>
<tr>
<td>Greg Marzolf Jr Fdn</td>
<td>Gift</td>
<td>Academic Clinical Affairs</td>
</tr>
<tr>
<td>Herc-U-Lift Inc</td>
<td>Gift</td>
<td>University of Minnesota Crookston</td>
</tr>
<tr>
<td>Jay &amp; Page Cowles Giving Fund-Fidelity Charitable</td>
<td>Gift</td>
<td>Humphrey School of Public Affairs</td>
</tr>
<tr>
<td>Jean Rydell</td>
<td>Gift</td>
<td>School of Dentistry</td>
</tr>
<tr>
<td>Kenneth &amp; Karen Dallafior Family Fdn</td>
<td>Gift</td>
<td>Intercollegiate Athletics</td>
</tr>
<tr>
<td>Medtronic Inc</td>
<td>Pledge</td>
<td>Medical School</td>
</tr>
<tr>
<td>Michael H. Baker Family Foundation</td>
<td>Gift</td>
<td>College of Science and Engineering; College of Food, Agricultural and Natural Resource Sciences</td>
</tr>
<tr>
<td>Native Governance Center</td>
<td>Gift</td>
<td>University of Minnesota Duluth</td>
</tr>
<tr>
<td>Sauer Family Fdn</td>
<td>Gift</td>
<td>College of Education and Human Development</td>
</tr>
<tr>
<td>William McGuire, M.D. and Nadine McGuire</td>
<td>Gift</td>
<td>Academic Clinical Affairs</td>
</tr>
<tr>
<td>William W &amp; Nadine M McGuire Family Fdn</td>
<td>Gift</td>
<td>Academic Clinical Affairs</td>
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</table>

## Donors: $25,000 - $50,000

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<th>Purpose of Gift</th>
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<tbody>
<tr>
<td>Anonymous Donor</td>
<td>Gift</td>
<td>College of Science and Engineering</td>
</tr>
<tr>
<td>BMO Harris Bank N A</td>
<td>Gift</td>
<td>Medical School</td>
</tr>
<tr>
<td>Amount Range</td>
<td>Organization/Entity/Donor</td>
<td>Type</td>
</tr>
<tr>
<td>--------------</td>
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<td>Gary Geroy, Ed.D. and Catherine Geroy, M.P.H.</td>
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<td>James Urnes Sr. and Lois Urnes</td>
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<td>John and Debra Bryant</td>
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$10,000 - $25,000

- Karen Sternal, Gift to College of Education and Human Development
- Katherine B Andersen Fund-St Paul & Minnesota Fdn, Gift to College of Veterinary Medicine
- Klick Foundation, Gift to College of Science and Engineering
- Land O'Lakes Inc, Gift to College of Food, Agricultural and Natural Resource Sciences
- Lathrop GPM, Gift to Academic Clinical Affairs
- Lois E Haugerud Estate, Gift to College of Design; College of Food, Agricultural and Natural Resource Sciences
- Margaret Rivers Fund, Gift to University of Minnesota Extension
- Mark & Jennifer Allen Char Fund-Fid Char, Gift to Intercollegiate Athletics; Minnesota Landscape Arboretum
- Markowitz Family Fund-Vanguard Charitable, Gift to Intercollegiate Athletics
- Marvin Companies Inc, Gift to Undesignated
- Mary and Robert Mersky, Gift to Weisman Art Museum
- Melissa Barker and Stewart Wilson, Gift to Medical School
- Michael Conly and Nancy Wagner Charity Fund, Gift to Carlson School of Management; College of Science and Engineering; Academic Clinical Affairs
- Minnesota Annual Conf United Methodist Church, Gift to College of Food, Agricultural and Natural Resource Sciences
- Minnesota Wild, Gift to Carlson School of Management
- Nushka Fund-Phil & Cassy Ordway, Gift to Academic Clinical Affairs
- Paddock Family Foundation, Gift to College of Pharmacy
- Phyllis J Johnson Estate, Gift to Intercollegiate Athletics; Medical School
- Post Consumer Brands LLC, Gift to Carlson School of Management
- Richard Clary, Gift to Law School
- Richard and Juanita Luis, Gift to College of Liberal Arts; Law School
- Robert Buck and Cheryl Quinn, Gift to College of Biological Sciences
- Robert Wilder Jr., Gift to College of Veterinary Medicine
- Ronald and Lynn Olson, Gift to Minnesota Landscape Arboretum
- S & T McCarthy Fund-Vanguard Charitable, Gift to Minnesota Landscape Arboretum
- Shirley E Huskins Estate, Gift to College of Science and Engineering
- Terry S Coleman Charitable Fund-Schwab Charitable, Gift to College of Liberal Arts
- Todd S Jones CF of the Ayco Charitable Foundation, Gift to Carlson School of Management
- Varma Family Fund-Fidelity Charitable, Gift to College of Science and Engineering
- WISE Professional Esports Investments, Gift to Academic Clinical Affairs
- Wells Fargo Bank N A, Gift to Carlson School of Management
- Whole Foods Market Inc, Gift to University of Minnesota Extension
- YourCause LLC, Gift to Law School

$5,000 - $10,000

- Allan and Phyllis Tappe, Gift to Intercollegiate Athletics; College of Liberal Arts
- Anonymous Donor, Gift to College of Veterinary Medicine
- Best Buy Fdn, Gift to College of Food, Agricultural and Natural Resource Sciences
- Caterpillar Inc, Gift to College of Science and Engineering
- Center for Computer-Assisted Legal Instruction, Gift to Law School
- Compeer Financial, Gift to University of Minnesota Extension
- Deane & Nancy Manolis Char Giv Fund-Renaissance Char Fdn, Gift to Medical School
- Dellwood Foundation Inc, Gift to Minnesota Landscape Arboretum; College of Veterinary Medicine
- Despain-Odlaug Thoughtful Fund-Fidelity Charitable, Gift to University of Minnesota Duluth
- Erdogan Gulari, Gift to College of Science and Engineering
- Fred C and Katherine B Andersen Foundation, Gift to Minnesota Landscape Arboretum
- Greater Houston Community Foundation, Gift to Undesignated
- Harper/Harpoothian Family Fund-Ayco Charitable Foundation, Gift to School of Public Health
- Iris and Charles Fried, Gift to College of Education and Human Development; College of Science and Engineering
- James and Mary Johnston, Gift to College of Veterinary Medicine
$5,000 - $10,000

James and Miriam Stake of Ayco Charitable Foundation  Gift  Minnesota Landscape Arboretum
Jane Sage Cowles Giving Fund-Fidelity Charitable  Gift  Intercollegiate Athletics
Jean-Marie Rouillard  Gift  College of Science and Engineering
John and Christina Felsch  Gift  Intercollegiate Athletics
K.A.H.R. Foundation  Gift  Minnesota Landscape Arboretum
Kristen and David Kowalski  Pledge  Carlson School of Management
Lakes & Legends Foundation LLC  Gift  Medical School
Land O'Lakes Foundation  Gift  University of Minnesota Extension
Longview Foundation  Gift  Minnesota Landscape Arboretum
Mary Topp  Gift  College of Education and Human Development
Meredith Poland and James Bloedel, M.D., Ph.D.  Gift  Medical School
Michelle and Hector Fernandez  Gift  School of Public Health
Minnesota Vikings Football LLC  Gift  Medical School
Mower County Agricultural Society  Gift  Office of the Vice President for Research
NFL Players Inc  Gift  Academic Clinical Affairs
National Student Leadership Fdn  Gift  Law School
Nationwide  Gift  Academic Clinical Affairs
Northwest Minnesota Foundation  Gift  University of Minnesota Crookston
Patricia Newcombe  Gift  College of Liberal Arts
Porter Legacy Fund-Vanguard Charitable  Gift  College of Veterinary Medicine
R F Hartmann Charitable Fund-Fidelity Char Gift Fund  Gift  College of Science and Engineering
Richard and Judith Spiegel  Gift  Minnesota Landscape Arboretum
Richard and Mary Fowler  Gift  College of Food, Agricultural and Natural Resource Sciences
Rickeman/Murphy Family Fund-Minneapolis Fdn  Gift  Minnesota Landscape Arboretum
Rita James and Mark James, M.D.  Gift  Medical School
Robert and Diane Meierhoff  Gift  University of Minnesota Duluth
Robin & Barbara Schaller Charitable Fund-Fidelity Charitable  Gift  Minnesota Landscape Arboretum
Sarah & B John Lindahl Jr-Schwab Char  Gift  Minnesota Landscape Arboretum
Steans Family Foundation  Gift  College of Education and Human Development
Stuart and Katherine Nielsen  Gift  College of Veterinary Medicine
The Elizabeth Taylor AIDS Foundation  Gift  Medical School
Thomas Mowbray  Gift  University of Minnesota Duluth
Wallace H Cole Orthopedic Society  Gift  Medical School
Willis + Dorothy Peterson Fund at Fidelity Charitable  Gift  College of Food, Agricultural and Natural Resource Sciences
LuAnn Brenno and Douglas Doty  Gift  College of Veterinary Medicine; Minnesota Landscape Arboretum
Luella Goldberg and Stanley Goldberg, M.D.  Gift  Medical School; Academic Clinical Affairs; Carlson School of Management
Mark & Jackie Nolan Family Fdn-St Paul/MN Fdn  Gift  Law School
Marlys and Gary Kupferschmidt  Pledge  Academic Clinical Affairs
Mehmet Oz  Gift  College of Food, Agricultural and Natural Resource Sciences
Meredith Corporation Foundation  Gift  Academic Clinical Affairs
Mindy and Roger Greiling  Gift  College of Liberal Arts
Minnesota Chinese Chamber of Commerce  Gift  Academic Clinical Affairs
Nancy and Ronald Langness  Gift  Academic Clinical Affairs; Intercollegiate Athletics
Northern Trust Co  Gift  Unrestricted
Patrick and Marlene Sloan  Gift  College of Education and Human Development
Penny & Steven Sanderson Fund-Minneapolis Fdn  Gift  Academic Clinical Affairs; Office of the President
Perry Tholl  Gift  Medical School
Raymond and Robin Beier  Gift  University of Minnesota Duluth
Richard Carthaus and Marcia Carthaus, Ed.D.  Gift  Minnesota Landscape Arboretum
Richard Sandberg and Rex Levang  Gift  University of Minnesota Morris
Ryan Rosa  Pledge  College of Liberal Arts
Sime Family DAF-National Christian Fdn Twin Cities  Gift  Academic Clinical Affairs
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<tr>
<th>Amount</th>
<th>Organization</th>
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<td>Soran Foundation-Signature Fund of the Minneapolis Fdn</td>
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<td>The LaVonne &amp; Paul Batalden Fund at Vanguard Charitable</td>
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<td>Twelve Consulting Group</td>
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<td>UnitedHealth Group Inc</td>
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<td>Wendy and Peter Lee</td>
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- Soran Foundation-Signature Fund of the Minneapolis Fdn: Gift to Academic Clinical Affairs
- The LaVonne & Paul Batalden Fund at Vanguard Charitable: Gift to Academic Clinical Affairs
- The Summerlee Foundation: Gift to College of Veterinary Medicine
- Twelve Consulting Group: Gift to Academic Clinical Affairs
- UnitedHealth Group Inc: Gift to Various Colleges
- Wendy and Peter Lee: Gift to Minnesota Landscape Arboretum
Request to Grant Tenure to Outside Hires

The Executive Vice President and Provost recommends Chalandra Bryant, Damien Fair, Stacey Horn, Jordan Lewis, and Armeda Wojciak for tenure and faculty rank as outlined below. The decision of the Board of Regents to confer tenure and rank for any individual faculty hire from outside the University of Minnesota becomes effective on the first day of that faculty member’s academic appointment at the University. This process occurs regularly at the Board’s Mission Fulfillment Committee meetings, but need for the below approvals come at a time when the Mission Fulfillment Committee does not meet.

- **Chalandra Bryant, professor with tenure, Department of Family Social Science, College of Education and Human Development**
  
  Professor Bryant’s research focuses on socio-cultural factors and stress, such as minority stress or racial discrimination, that impacts African American couple functioning, health, and health behaviors. She earned her Ph.D. in 1996 from The University of Texas at Austin. Currently, Dr. Bryant is a professor with tenure at the University of Georgia.

- **Damien Fair, professor with tenure, Institute of Child Development, College of Education and Human Development**
  
  Professor Fair earned his Ph.D. in neuroscience at Washington University School of Medicine in St. Louis, Missouri, in 2008. His research focuses on identifying, characterizing, and modeling typical and atypical patterns of brain development. Dr. Fair currently works as an associate professor in behavioral neuroscience and psychiatry and associate scientist in the Oregon Health & Science University’s Advanced Imaging Research Center.

- **Stacey Horn, professor with tenure, Department of Family Social Science, College of Education and Human Development**
  
  Professor Horn’s research advances knowledge on how social-cognitive development, social norms, and social institutions influence the ways that adolescents’ reason about peer relationships and peer harassment, particularly harassment and bias related to sexual orientation and gender identity (or sexual prejudice). She earned her Ph.D. in human development from the University of Maryland in 2000. Dr. Horn joins the University of Minnesota from the University of Illinois at Chicago where she is a professor with tenure.

- **Jordan Lewis, professor with tenure, Department of Family Medicine and Biobehavioral Health, Medical School**
  
  Professor Lewis is a nationally- and internationally-known expert in the field of Indigenous Dementia. His research explores the role of culture in the aging process and how it affects whether or not individuals are able to age successfully despite sociocultural challenges in rural Alaska. He earned his Ph.D. in cross-cultural community psychology from the University of Alaska Fairbanks in 2009. Prior to joining the University of Minnesota, Dr. Lewis was a professor at the University of Alaska Anchorage.
Armeda Wojciak, associate professor with tenure, Department of Family Social Science, College of Education and Human Development

Professor Wojciak received her Ph.D. in marriage and family therapy in 2014 from Florida State University. Her research focuses on how to promote resilience in individuals and families who have experienced adverse childhood experiences in the child welfare and school systems, and interventions to improve outcomes. Dr. Wojciak currently serves as an associate professor with tenure at the University of Iowa.
Purchase of Goods and Services $1,000,000 and over

To Capstone for $684,375 for research content available via Capstone platforms for Minitex within the University Libraries for the period of July 1, 2020 through June 30, 2023, with optional contract extensions through June 2025 for an additional $470,029. Total contract value, if all options are exercised, would be $1,154,404.

*Capstone provides online access to reference and periodical content within several database products. This license provides access to the Pebble Go and Pebble Go Next packages of databases for all libraries in Minnesota as a part of the eLibrary Minnesota program.*

*Capstone was selected as the result of a competitive Request for Proposal (RFP) process. The 30-member RFP committee was made up of representatives from libraries of all types across the state of Minnesota, as well as North and South Dakota, and including Minitex and University Libraries staff. Twenty vendors submitted responses to the RFP and Capstone was selected along with several other vendors for their product’s fit with program goals.*

*Funds to license access to eLibrary Minnesota databases, including Capstone, come from Minitex’s funding source, the Minnesota Office of Higher Education, and from direct legislative funding appropriated through the Minnesota Department of Education State Library Services. Costs for the life of the three year contract, with options to renew for two additional years, are included in the Minitex budget.*

Submitted by: Matt Lee  
Associate Director, Minitex  
30 Wilson Library  
leems001@umn.edu

Approval for this item requested by:  

Executive Vice President and Provost  
June 22, 2020  
Date
Purchase of Goods and Services $1,000,000 and over

To Dell, a Microsoft Education Large Account Reseller, for an estimated $3,000,000 to provide software licensing for commonly used Microsoft products for all University of Minnesota faculty and staff for the Office of Information Technology (OIT) for the estimated period of August 1, 2020 through July 31, 2023.

This is a renewal of an Enrollment for Education Solutions (EES). This subscription program is an annual comprehensive licensing program specially created to address the needs of higher education institutions. Utilizing this Agreement ensures that Microsoft software will be available to University of Minnesota faculty, staff and students. This subscription is a benefit to faculty, staff and students supporting standardization of documents, analysis and reports.

Included in this purchase is a product, Windows Remote Desktop Services Device Client Access Licenses (CALs) that will provide part of the mechanism to deliver applications to any device.

The vendor was selected as the result of an earlier competitive bid process among Microsoft Education Large Account Resellers.

OIT will fund utilizing O&M funds.

Submitted by: Nicolle Peterson
Contracts Manager, OIT Finance
612-301-2172

Approval of this Item is requested by:

[Signature]
Vice President and CFO

June 19, 2020
Date
Purchase of Goods and Services $1,000,000 and over

To EBSCO for $3,037,297 for research content available via EBSCO platforms for Minitex within the University Libraries for the period of July 1, 2020 through June 30, 2023, with optional contract extensions through June 2025 for an additional $2,086,096. Total contract value, if all options are exercised, would be $5,123,393.

EBSCO provides online access to scholarly journal articles and periodical content within several database products. This license provides access to the EBSCO Premier package and Learning Express Complete package of databases for all libraries in Minnesota as a part of the eLibrary Minnesota program.

EBSCO was selected as the result of a competitive Request for Proposal (RFP) process. The 30-member RFP committee was made up of representatives from libraries of all types across the state of Minnesota, as well as North and South Dakota, and including Minitex and University Libraries staff. Twenty vendors submitted responses to the RFP and EBSCO was selected along with several other vendors for their product’s fit with program goals.

Funds to license access to eLibrary Minnesota databases, including EBSCO, come from Minitex’s funding source, the Minnesota Office of Higher Education, and from direct legislative funding appropriated through the Minnesota Department of Education State Library Services. Costs for the life of the three year contract, with options to renew for two additional years, are included in the Minitex budget.

Submitted by: Matt Lee
Associate Director, Minitex
30 Wilson Library
leems001@umn.edu

Approval for this item requested by:

Executive Vice President and Provost

June 22, 2020
Date
Purchase of Goods and Services $1,000,000 and over

To Flad Architects, for an estimated $1,329,706 to provide feasibility assessment services for research, outreach and education facilities associated with the College of Food, Agriculture and Natural Resource Sciences (CFANS) for a period of July 2020 through June 2021.

With over half of Minnesota’s land devoted to agriculture, the way plants and animals are grown impacts the health of our soil, the health of our climate, the health of our economy, and the health of our people. CFANS seeks to hire a professional consultant team to lead a feasibility study for a single world-class facility, known herein as The Future of Animal Agricultural Research in Minnesota (FAARM), which improves the health of all these systems simultaneously. Feasibility consists of the operational, financial, and physical design and construction components of building and using such facilities over a 20-30 year time horizon.

The selected consultants will work closely with senior leadership within the College and administration. This is a technically-grounded assessment of need and operational impacts, supported by a definition of sites and facilities. An advisory committee representing key stakeholders will meet at a regular pace as the study progresses.

Through a competitive process, Flad Architects was selected among 4 competitors as they provided the best value based on a combination of fee, work plan, schedule, past experience and references. The selection committee consisted of representatives of the College of Food, Agriculture and Natural Resource Sciences, as well as staff from Planning Space and Real Estate (PSRE).

The fee to support this study came from a grant provided by the Hormel Foundation in December 2019. This grant is administered through Riverland Community College and is being administered within the University as a grant-sponsored project.

Submitted by: Steven Lott, Chief Operating Officer
College of Food, Agriculture and Natural Resource Sciences
Coffey Hall
Phone: (612) 624-2405

Approval for this item requested by:

Brian Buhr
Dean, College of Food Agriculture and Natural Resource Sciences
Purchase of Goods and Services $1,000,000 and over

To Gale for $638,120 for research content available via Gale platforms for Minitex within the University Libraries for the period of July 1, 2020 through June 30, 2023, with optional contract extensions through June 2025 for an additional $439,010. Total contract value, if all options are exercised, would be $1,077,130.

Gale/Cengage provides online access to reference and periodical content within several database products. This license provides access to the Gale in Context: Middle School and Gale in Context: High School package of databases for all libraries in Minnesota as a part of the eLibrary Minnesota program.

Gale/Cengage was selected as the result of a competitive Request for Proposal (RFP) process. The 30-member RFP committee was made up of representatives from libraries of all types across the state of Minnesota, as well as North and South Dakota, and including Minitex and University Libraries staff. Twenty vendors submitted responses to the RFP and Gale/Cengage was selected along with several other vendors for their product’s fit with program goals.

Funds to license access to eLibrary Minnesota databases, including Gale/Cengage, come from Minitex’s funding source, the Minnesota Office of Higher Education, and from direct legislative funding appropriated through the Minnesota Department of Education State Library Services. Costs for the life of the three year contract, with options to renew for two additional years, are included in the Minitex budget.

Submitted by: Matt Lee
Associate Director, Minitex
30 Wilson Library
leems001@umn.edu

Approval for this item requested by:

Executive Vice President and Provost

June 22, 2020
Date
Purchase of Goods and Services $1,000,000 and over

To ProQuest for $781,014 for research content available via ProQuest platforms for Minitex within the University Libraries for the period of July 1, 2020 through June 30, 2023, with optional contract extensions through June 2025 for an additional $547,056. Total contract value, if all options are exercised, would be $1,328,070.

ProQuest provides online access to newspaper and periodical content within several database products. This license provides access to the ProQuest US Newsstream plus Minneapolis Star Tribune package of databases for all libraries in Minnesota as a part of the eLibrary Minnesota program.

ProQuest was selected as the result of a competitive Request for Proposal (RFP) process. The 30-member RFP committee was made up of representatives from libraries of all types across the state of Minnesota, as well as North and South Dakota, and including Minitex and University Libraries staff. Twenty vendors submitted responses to the RFP and ProQuest was selected along with several other vendors for their product’s fit with program goals.

Funds to license access to eLibrary Minnesota databases, including ProQuest, come from Minitex’s funding source, the Minnesota Office of Higher Education, and from direct legislative funding appropriated through the Minnesota Department of Education State Library Services. Costs for the life of the three year contract, with options to renew for two additional years, are included in the Minitex budget.

Submitted by: Matt Lee
Associate Director, Minitex
30 Wilson Library
leems001@umn.edu

Approval for this item requested by:       June 22, 2020
Executive Vice President and Provost

Date
Purchase of Goods and Services $1,000,000 and over

To TCF Financial Corporation, a Delaware corporation ("TCF Financial"), and TCF National Bank, a national banking association ("TCF Bank") (TCF Financial and TCF Bank collectively, "TCF") to extend the written notice period for exercising a naming rights sponsorship extension from September 30, 2020 to September 30, 2021.

In 2005, the University of Minnesota entered into a 26-year naming agreement (the "Agreement") with TCF for the title sponsorship of the University's new football stadium. The Agreement provided for annual payments to the University over the contract period totaling $35,000,000.

An amendment to the Agreement was finalized and approved by the Board of Regents in September, 2017. Per the amendment, the TCF Bank mark is featured both on the field of play and immediately outside the field of play (out of bounds area). The amendment included an additional investment of $8.5 million in support of Gopher Athletics. The marks on the field of play and outside the field of play are in harmony with the original naming timeline through the 2030 football season.

The amendment also includes an option to extend the Agreement for an additional ten years, through the 2040 football season. Exercising this option includes an additional contribution of $4 million and ten years of annual sponsorship payments.

TCF Bank is to provide the University with written notice of exercising the sponsorship extension by September 30, 2020. Provided the current uncertainty of the economy and other factors related to the COVID-19 pandemic, we are requesting to extend the deadline one year to September 30, 2021.

Submitted by: Rhonda McFarland, Intercollegiate Athletics, Deputy Athletics Director
Room 250 Bierman Field Athletic Building
Minneapolis Campus
612-624-4497

Approval for this item requested by:

Mark Coyle
Director of Athletics, Twin Cities Campus

June 22, 2020
Date
Purchase of Goods and Services $1,000,000 and over

To Trilogy Education Services, LLC for anticipated revenue share of approximately $3,000,000 for the College of Continuing and Professional Studies' (CCAPS) for the period of July 13, 2021 through July 13, 2024.

CCAPS entered into a collaboration with Trilogy Education Services, LLC, to provide intensive “boot camp” style technology programming to bridge the growing digital skills divide in 2017. Since inception, the collaboration's programming and revenue share grew rapidly.

CCAPS put the 2021-2024 boot camp technology programming contract out for competitive bid in April, 2020.

After careful and diligent review of the options, CCAPS recommends awarding the contract to Trilogy Education Services, LLC.

Trilogy offered all of the desired programming areas, full university oversight of curriculum and instructor hiring, and met all admissions, compliance, data reporting, financial, marketing, program, and student support criteria at a competitive price point for students.

CCAPS' estimated revenue share will approach and/or exceed $1,000,000 annually for the duration of the award.

Submitted by: Ryan Torma, Executive Director
Professional Development and Lifelong Learning
College of Continuing and Professional Studies
353 Ruttan Hall
Twin Cities Campus
Phone: 612-624-3642

Approval for this item requested by:

______________________________       June 2, 2020
Robert A. Stine, Dean               Date
College of Continuing and Professional Studies
AGENDA ITEM: Resolution Related to Fiscal Year 2021 Retirement Incentive Offer

☐ Review  ☐ Review + Action  ☑ Action  ☐ Discussion

☐ This is a report required by Board policy.

PRESENTERS: Kenneth E. Horstman, Interim Vice President for Human Resources

PURPOSE & KEY POINTS

The purpose of this item is to take action on the Retirement Incentive Offer program (RIO).

The new RIO program is a one-time opportunity for voluntary retirement designed to meet the needs of both employees and departments. It is anticipated that the RIO will provide two lump sum payments into the State of Minnesota Health Care Savings Plan for employees who are eligible for retirement. This payment will be roughly equivalent to the value of 24 months of University medical and dental subsidy, at 2020 rates. The deposit amount will be split over two fiscal years to minimize the cost burden of the program. Interested employees must apply for the RIO between August 17, 2020 and October 19, 2020, and voluntarily retire at a date mutually acceptable to the employee and their unit, but no later than January 15, 2021.

Below is detail of the proposed 2020 RIO, and a comparable program offered in 2011:

<table>
<thead>
<tr>
<th>Eligibility</th>
<th>Proposed Offering</th>
<th>2011 RIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligibility</td>
<td>Normal eligibility for University retirement - age 50 with 15 or more years of service, age 55 with 5 years or more of service, or 30 years or more of service without regard to age. Actively working a 75%-time or greater appointment of 9 months or more.</td>
<td>Identical</td>
</tr>
</tbody>
</table>
| Estimated Eligible Employee Count | Approximately 6,000 Total  
1,800 faculty  
1,700 P&A  
1,300 civil service  
1,200 labor represented | Approximately 5,700 Total  
1,600 faculty  
1,300 P&A  
1,500 civil service  
1,300 labor represented |
| Acceptance Rate  | Anticipated 6-8%                                       | 7%                                |
**Estimated Savings**

$24 million in first year annual salary and fringe savings. This assumes an acceptance rate of 7%, a 30% fringe rate savings, 40% backfill, and costs associated with lump sum payments for the medical and dental premiums. **$11.3 million in the first year, $21.4 million thereafter with the same assumptions as the current offering.**

<table>
<thead>
<tr>
<th>Window to Accept</th>
<th>August 17, 2020 to October 19, 2020 (2 months)</th>
<th>February 15, 2011 to May 15, 2011 (3 months)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefit</td>
<td>Health Care Savings Plan deposit equal to the value of 52 pay periods (2 years) of University subsidy for medical and dental coverage, paid in two payments, one in 2020-21 and one in 2021-22.</td>
<td>Health Care Savings Plan deposit equal to the value of 52 pay periods (2 years) of University subsidy for medical and dental coverage, in a single payment.</td>
</tr>
<tr>
<td>Rehire Provisions</td>
<td>No rehire for a minimum of 6 months following retirement. Beginning the seventh month, reemployment is permitted, but only in non-benefits-eligible appointments of 49% time or less. Positions vacated by RIO participants may only be backfilled in accordance with the hiring freeze processes/procedures in place, if any, at the time the eligible participant vacates their role.</td>
<td>Similar to current offering, but with a required break of 3 months, not 6 months.</td>
</tr>
</tbody>
</table>

**BACKGROUND INFORMATION**

Approval is sought in compliance with Board Policy: *Reservation and Delegation of Authority*, Article I, Section XI, Subd. 3.

The Board previously discussed this topic at the following meeting:


**PRESIDENT’S RECOMMENDATION**

The President recommends approval of the Resolution Related to Fiscal Year 2021 Retirement Incentive Offer.
WHEREAS, the Board of Regents (Board) approved the FY 2021 COVID-19 Adjusted Annual Operating Budget (CAB) at the June 2020 meeting; and

WHEREAS, the CAB discussion included a necessary framework for contingency planning that, due to the uncertainty in the current environment, will take multiple forms involving multiple tactics to address any emerging financial challenge; and

WHEREAS, a risk of further financial disruption continues to exist in the coming months related to enrollment, state support, the ability to generate other miscellaneous revenues, and required expenditure growth in the face of changing operations due to the pandemic; and

WHEREAS, broad actions to adjust compensation spending levels across all employee groups and all units of the University of Minnesota, as effective tactics in the contingency plans, are most beneficial when implemented as early in the fiscal year as possible; and

WHEREAS, the Finance & Operations Planning Work Group recommended to the President a retirement incentive offer program.

NOW, THEREFORE, BE IT RESOLVED that for Fiscal Year 2021, the Board of Regents hereby approves the Retirement Incentive Offer program as outlined in Attachment A.
Following an internal consultation process, and in support of the contingency plans outlined in the FY 2021 annual operating budget acted upon in June by the Board of Regents, the President is proposing cost-saving measures for immediate implementation to address both anticipated and unanticipated negative impacts on University revenues and expenditures in the next fiscal year. The recommendations are presented at this time to jumpstart the contingency plans and take advantage of recurring salary savings from the beginning of the second semester (rather than waiting until the end of the fiscal year).

The new Retirement Incentive Offer (RIO) is a one-time opportunity for voluntary retirement designed to meet the needs of both employees and departments. The RIO will provide for a lump sum payment into the State of Minnesota Health Care Savings Plan for employees who are eligible for retirement and who elect the program. This payment will be roughly equivalent to the value of 24 months of University medical and dental subsidy, at 2020 rates. These payments will be split over two fiscal years. Interested employees must apply for the RIO between August 17, 2020 and October 19, 2020, and voluntarily retire at a date mutually acceptable to the employee and their unit, but no later than January 15, 2021.

### RETIREMENT INCENTIVE OFFER 2020 DETAILS

<table>
<thead>
<tr>
<th>Eligibility</th>
<th>Normal eligibility for University retirement - age 50 or older with 15 or more years of service, age 55 or older with 5 years or more of service, or 30 years or more of service without regard to age. Actively working a 75%-time or greater appointment of 9 months or more.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Eligible Employee Count</td>
<td>Approximately 6,000 Total 1,800 faculty 1,700 P&amp;A 1,300 civil service 1,200 labor represented</td>
</tr>
<tr>
<td>Acceptance Rate</td>
<td>Anticipated 6-8%</td>
</tr>
<tr>
<td>Estimated Savings</td>
<td>$40 million in first year annual salary and fringe savings. This assumes an acceptance rate of 7 percent, a 30 percent fringe rate savings, and costs associated with lump sum payments for the medical and dental premiums. We estimate another $40 million in second year savings. These figures assume no vacated positions are replaced. Any replaced positions would reduce savings. Conservative estimate of 40 percent backfill would yield a net savings of $24 million each of first two years.</td>
</tr>
<tr>
<td>Window to Accept</td>
<td>August 17, 2020 through October 19, 2020 (2 months)</td>
</tr>
<tr>
<td>Latest Retirement Date</td>
<td>January 15, 2021. Participants must be on regular appointment when they retire.</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Benefit</td>
<td>Health Care Savings Plan deposit equal to the value of 52 pay periods (2 years) of University subsidy for medical and dental coverage, at wellness rates for family coverage in the Twin Cities.</td>
</tr>
<tr>
<td>Rehire Provisions</td>
<td>No rehire for a minimum of 6 months following retirement. Beginning the seventh month, reemployment is permitted, but only in non-benefits-eligible appointments of 49% time or less. Positions vacated by RIO participants may only be backfilled in accordance with the hiring freeze processes/procedures in place, if any, at the time the eligible participant vacates their role.</td>
</tr>
</tbody>
</table>
2020 Retirement Incentive Offer Program

Kenneth E. Horstman
Interim Vice President for Human Resources
July 8, 2020
Retirement Incentive Offer (RIO)

- One-time opportunity for voluntary retirement
- Eligibility based on normal University retirement
- Approximately 6,000 eligible
  - Past history indicates an acceptance rate of 7%
- Two month enrollment period during 2020, with the latest retirement date being January 15, 2021
- Two payments equaling a total of $38,000 into State of Minnesota Health Care Savings Plan Contribution (HCSP)
  - Minimum tax benefit, administration and employee flexibility
Retirement Incentive Offer (RIO)

- No rehire at the University for a minimum of 6 months
- Subject to collective bargaining
  - Approximately 1,200 employees impacted
- $24 million net savings (assumes 40% of positions are backfilled)
  - Backfill of positions subject to current hiring freeze provisions
  - Program cost and program savings within colleges and units; no central funding or savings
Retirement Incentive Offer (RIO)

- Current RIO structured similarly to the 2011 RIO, with the following differences:

<table>
<thead>
<tr>
<th>Provision</th>
<th>2011 RIO</th>
<th>2020 RIO Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Eligible Employees</td>
<td>5,700</td>
<td>6,000</td>
</tr>
<tr>
<td>Estimated Cost Avoidance, Year 1</td>
<td>$11.3 million</td>
<td>$24 million</td>
</tr>
<tr>
<td>Application Window</td>
<td>3 months</td>
<td>2 months</td>
</tr>
<tr>
<td>Minnesota Healthcare Savings Plan Contribution</td>
<td>Based on location and coverage level</td>
<td>Based on Twin Cities subsidy for 2 adults, with or without children</td>
</tr>
<tr>
<td>Rehire Provisions</td>
<td>None for 3 months, hiring freeze in place</td>
<td>None for 6 months, hiring freeze in place</td>
</tr>
</tbody>
</table>
AGENDA ITEM: Real Estate Transactions

☐ Review ☐ Review + Action ☒ Action ☐ Discussion

☐ This is a report required by Board policy.

PRESENTERS: Leslie Krueger, Assistant Vice President, Planning, Space, and Real Estate

PURPOSE & KEY POINTS

The purpose of this item is to take action on the following real estate transactions:

A. Purchase of 501 Oak Street SE, Minneapolis, Minnesota (Twin Cities campus)
B. Sale of 1.66 Acres, Rosemount, Minnesota (UMore Park)

BACKGROUND INFORMATION

Board of Regents Policy: Reservation and Delegation of Authority states that “[t]he Board reserves to itself authority to approve the purchase or sale of real property (a) with a value greater than $1,000,000; (b) located on or within 2 miles of a University campus; or (c) larger than 10 acres.”

PRESIDENT'S RECOMMENDATION

The President recommends approval of the following real estate transactions:

A. Purchase of 501 Oak Street SE, Minneapolis, Minnesota (Twin Cities campus)
B. Sale of 1.66 Acres, Rosemount, Minnesota (UMore Park)
PURCHASE OF THE PROPERTY AT 501 OAK STREET SE, MINNEAPOLIS
(TWIN CITIES CAMPUS)

1. Recommended Action

The President recommends that the appropriate administrative officers receive authorization to purchase the property at 501 Oak Street SE, Minneapolis, Hennepin County, Minnesota.

2. Location and Description of the Property

The subject property is a .454-acre (19,797 sq. ft.) parcel, with improvements consisting of a church, a parsonage/residence, and a surface parking lot. The property is located on southeast corner of Oak Street SE and Essex Street SE. It is located across Oak Street from Frontier Hall and is adjacent to the University’s parking lot serving the Clinics and Surgery Center.

The legal description of the property is: Lot 2 and Lot 3, Block 11, Baker's Addition to Saint Anthony, Hennepin County, Minnesota.

3. Basis for Request

The University has identified Block 11 as the future site of the University’s proposed Clinical Research Facility, for which the University is requesting design and property acquisition funds from the State as part of the 2020 State Capital Request. The extent of the University’s property acquisition will determine the design of the facility. The University is able to construct the Clinical Research Facility on property currently owned by the University on the southerly half of the block. If the University is successful at acquiring additional property, the University will design the Clinical Research Facility in a manner that takes into account the subject property.

4. Details of Transaction

The University will purchase the property from the Stadium Village Church for $5,750,000. This price reflects the average of the University’s and the Stadium Village Church’s appraisals.

Closing will occur on October 7, 2020, or such other date concurrent with the closing on Seller’s purchase of the replacement property, or as may be mutually agreed upon by the parties. At the time of closing, the University will ground lease the property back to the Church for nominal rent in order for the Church to be able to complete the renovations at their new property. The leaseback period will terminate on or before June 1, 2021. However, the term may be extended by mutual agreement of the parties in writing. The University will not unreasonably withhold its consent to an extension request so long as the extension will not delay the start of any construction plans for the Property.
5. Environmental

The University will complete a Phase I environmental site assessments of the property to confirm the property is in acceptable environmental condition prior to close.

6. Source of Funding

The University has requested funding from the State of Minnesota to assist with the acquisition of this property and others on Block 11 as part of the University’s 2020 State Capital Request. The University will issue debt to fund its share of the purchase (or the entire purchase if the State does not support the funding request).

7. Use of the Property

The structures on the property will be demolished, and the property is intended to be utilized to support the proposed Clinical Research Facility as outlined above. If the University does not construct the Clinical Research Facility on this site, the property will likely be used for open space and/or parking (and land banking for a future project).

8. Recommendations

The above-described real estate transaction is appropriate:

[Signatures]

Brian Burnett, Senior Vice President for Finance and Operations

Rachel Croson, Executive Vice President and Provost
Purchase of 501 Oak Street SE (Stadium Village Church)
Minneapolis, Twin Cities Campus

This map is intended to be used for planning purposes only and should not be relied upon where a survey is required.

Base Data: Real Estate Office MNDNR, MNDOT, MetCouncil, U Services GIS
4/17/2020
Real Estate Transaction:
Purchase of 501 Oak St SE, Minneapolis
(Twin Cities campus)

Leslie Krueger, Assistant Vice President for Planning, Space, and Real Estate

Board of Regents

July 8, 2020

SENIOR VICE PRESIDENT FOR FINANCE AND PLANNING
World Class Services for a World Class University
Property Overview

• 501 Oak St. SE, also known as Stadium Village Church

• Situated on .45 acres of land (19,797 sq ft)

• On Block 11 – Proposed Site of the Future Clinical Research Facility

• Property includes Church building, ministry house, and surface parking lot
What is the strategic value to the University in acquiring this property?

The University is acquiring property on this block for the potential home of the University’s proposed Clinical Research Facility. The extent of the University’s property acquisition will determine the design of the Facility. If the University is successful at acquiring additional property, the University will design the Clinical Research Facility in a manner that takes into account the subject property.
Transaction Overview

- $5,750,000 Purchase Price
- Closing on or 10/7/20 or concurrent with closing on the Church’s replacement property
- University will lease back the property to the Church for $1 until 6/1/21 or later if it doesn’t delay University construction
- Phase I Environmental Assessment
SALE OF 1.66 ACRES AT UMORE PARK  
(UMORE PARK)

1. **Recommended Action**

The President recommends that the appropriate administrative officers receive authorization to sell 1.66 acres at UMore Park.

2. **Location and Description of the Property**

The subject property consists of 1.66 acres located in the southwest portion of UMore Park, east of Akron Ave, between 163rd St and 166th St. The property is currently used by the College of Food, Agricultural and Natural Resource Sciences (CFANS) for agricultural research.

An abbreviated summary of the legal description of the property to be conveyed is the SE ¼ of the NW ¼ Section 3, Twp. 114N., R. 19W (Partial).

3. **Background / Basis for Request**

In February 2015 the Board of Regents approved a resolution related to the reorganization of UMore Park development process that included the following:

(a) Market-based development of UMore Park led by business, commercial, and residential real estate developers to produce the highest potential financial return to the University over time, incorporating opportunities of the original Concept Master Plan vision when there is private market demand for such elements and such concepts serve to protect or enhance the development value of the remaining site;

(b) Maximizing financial return to the University by selling land through public processes, at competitive prices, benchmarked to market rates;

(c) Active University engagement with local jurisdictions and private parties to ensure development projects at UMore Park protect and enhance the value of subsequent development stages;

(d) All land sale proposals to be approved by the Board of Regents; sale and development proposals that are economically sound, compatible with the vision for UMore Park becoming a vibrant, market-driven community for residents and business, reflective of private sector demand, and in alignment with adjacent community needs, desires, and standards to be advanced by the University; and
Net proceeds derived from land sale transactions to be deposited into the Legacy Endowment as directed by the Board of Regents in 2009.

Although this sale does not meet standard Board of Regents thresholds for the sale of property under the Board Policy Reservation and Delegation of Authority (over $1 million or over 10 acres or within two miles of a campus), the 2015 Board Resolution requires that all property sold at UMore Park be approved by the Board.

In 2019, the University was approached by Ames Construction, one of the owners of Dakota Aggregates, requesting to buy 1.66 acres of land adjacent to Ames’ property and across Akron Ave from Dakota Aggregates’ mining lease premises. Ames plans to begin construction in 2020 on its new maintenance facility in Empire Township. Ames would like to purchase additional land from the University for the purpose of constructing a septic system to support the maintenance facility. University administrative policy generally requires the property to be sold through a public offering, but allows for an exception when the property is to be sold to “an abutting property owner when the property is essential to the economic well-being of the abutting property owner, provided the price is not less than the appraised value.”

4. Summary of Transaction Terms

Ames Construction will pay $61,500 in cash at closing for the property, which is the average of the two independent MAI appraisal reports for the subject property. In addition, Ames will reimburse the University for the appraisals, the survey, and any other out-of-pocket costs related to its acquisition of the property.

Ames also will lease the westerly half of the property back to the University for $1 for a ten-year period. The lease would include a 1-year termination notice period in case Ames’ septic system (to be located on the easterly half of the site) needs to be replaced.

At the same time as the sale, the University will grant a fifty-year license agreement to run utilities from Highway 46 to the property and will execute an amendment to Dakota Aggregates’ mining lease to require Dakota Aggregates to construct a new access road at a future date to support CFANS farm operations.

5. Use of the Property

Ames Construction plans to construct its new maintenance facility in Empire Township on its property just south of the University’s property proposed for acquisition. The University’s property would be used for the septic system site that would support the maintenance facility. Although Ames only requires the eastern half of the 1.66 acre site for the septic system, it wishes to purchase the full 1.66 acres in order to allow for future access to the site for pumping and maintenance and for a future replacement septic site if needed. The University would lease back the westerly half of the site for $1 for 10 years for agricultural research purposes.
6. Environmental

The property is being sold “as is / where is”.

7. Uses of Funding

The net proceeds from the sale of the property will be deposited to the UMore Park Legacy Endowment as directed by the Regents in 2009.

8. Recommendations

The above-described real estate transaction is appropriate:

Rachel Croson, Executive Vice President and Provost

Brian Burnett, Senior Vice President for Finance and Operations
Real Estate Transaction:
Sale of 1.66 Acres in Empire Township (UMore Park)

Leslie Krueger, Assistant Vice President for Planning, Space, and Real Estate

Board of Regents

July 8, 2020
Property Overview

• Proposed sale of 1.66 acres
• Situated east of Akron Ave, between 163rd Street and 166th Street.
• Across the Street from Dakota Aggregates Mining Lease Area
• Property currently used by CFANS for agricultural research.
Transaction Overview

- $61,500 Purchase Price, paid in cash at closing.
- Buyer will reimburse the University for appraisals, survey, and other out-of-pocket costs related to the acquisition.
- Buyer will lease the westerly half of the property back to the University for $1 for a ten-year period.
Transaction Overview

- The University will grant a fifty-year license agreement to run utilities to the property.
- The University will also require Dakota Aggregates to construct a new access road to support CFANS farm operations.
- The net proceeds from the sale of the property will be deposited to the UMore Park Legacy Fund as directed by the Regents in 2009.
- Property being sold “as is / where is”.
What is the strategic value to the University in selling this property?

The sale provides the University with funding for the UMore Park Legacy Fund while ensuring that a necessary access road for CFANS farming operations is constructed when needed at no cost to the University.
AGENDA ITEM: Resolution Related to Amendments to University Sexual Misconduct Policies

X Review  Review + Action  Action  Discussion

This is a report required by Board policy.

PRESENTERS:
Tina Marisam, Director, Office of Equal Opportunity and Affirmative Action
Brian Slovut, Deputy General Counsel, Office of the General Counsel
Ned Patterson, Professor, College of Veterinary Medicine

PURPOSE & KEY POINTS

The purpose of this item is to review a resolution related to revising University policies and procedures to bring them into compliance with new Title IX regulations.

On May 6, 2020, the U.S. Department of Education issued final Title IX regulations that will take effect on August 14, 2020. The regulations specify how institutions must address reports of sexual misconduct that are covered by Title IX. The final regulations follow the Department of Education’s release of proposed regulations in November 2018 and a public comment period in which over 124,000 comments were submitted.

Revisions to the following policies and procedures are recommended and detailed in the docket:

Board of Regents Policies
  • Faculty Tenure
  • Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence

Civil Service Employment Rules

Administrative Policies and Related Procedures
  • Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence
  • Conflict Resolution for Faculty, P&A, Civil Service, and Student Workers

BACKGROUND INFORMATION

At its June 12, 2020 meeting, the Board discussed the new regulations and provided guidance about how the University should implement them.

To date, the following University stakeholders have been consulted regarding implementation of the new Title IX regulations:
<table>
<thead>
<tr>
<th>University Senate</th>
<th>Academic Freedom &amp; Tenure Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minnesota Student Association</td>
<td>Civil Service Consultative Committee</td>
</tr>
<tr>
<td>Council of Graduate Students</td>
<td>P&amp;A Consultative Committee</td>
</tr>
<tr>
<td>Senate Consultative Committee</td>
<td>Senate Judicial Committee</td>
</tr>
<tr>
<td>System-wide Title IX personnel</td>
<td>Senate Committee on Faculty Affairs</td>
</tr>
<tr>
<td>System-wide student affairs personnel</td>
<td>Equity, Access, and Diversity Committee</td>
</tr>
<tr>
<td>Workgroup consisting of undergraduate, graduate, and professional student leaders</td>
<td>Workgroup to discuss Faculty Tenure, consisting of faculty, staff and students</td>
</tr>
<tr>
<td>University representatives of the American Association of University Professors</td>
<td>President’s Initiative to Prevent Sexual Misconduct Advisory &amp; Steering Committees</td>
</tr>
<tr>
<td>Student Sexual Misconduct Subcommittee</td>
<td>Office of Human Resources</td>
</tr>
<tr>
<td>UEA-D Executive Board</td>
<td>Office of the General Counsel</td>
</tr>
<tr>
<td>Student Affairs Committee</td>
<td>Office for Equity and Diversity</td>
</tr>
</tbody>
</table>

It is anticipated that substantial additional consultation on the draft revised policies and procedures will occur over the next several weeks.

**PRESIDENT’S RECOMMENDATION**

The President recommends approval of the resolution related to amendments to University sexual misconduct policies.
REGENTS OF THE UNIVERSITY OF MINNESOTA

RESOLUTION RELATED TO

Amendments to University Sexual Misconduct Policies

BE IT RESOLVED that the Board of Regents hereby approves the following actions as presented:

A. Amend Board of Regents Policy: Faculty Tenure.
B. Amend Board of Regents Policy: Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence.
C. Amend the Civil Service Employment Rules.
D. Ratify Administrative Policy: Conflict Resolution for Faculty, P&A, Civil Service, and Student Workers.
E. Ratify Administrative Policy: Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence.
BOARD OF REGENTS POLICY:
Sexual Harassment, Sexual Assault, Stalking and Relationship Violence

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 on the basis 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) Quid pro quo sexual harassment: When a University member conditions the provision of a University aid, benefit, or service on an individual’s participation in unwelcome sexual conduct.

(c) Hostile environment sexual harassment: When the conduct: (1) is severe, persistent or pervasive; and (2):

(1) unreasonably interferes with an individual’s employment or educational performance or;

(2) 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), or

(3) effectively denies an individual equal access to a University program or activity.

(d) Sexual exploitation: When an individual intentionally engages in the following conduct and should reasonably have known that the conduct would be unwelcome to any individual involved:

(1) exposure of one’s own or another individual’s breasts, buttocks, or genitals to one or more other individuals;

(2) distribution of sexual or nude images or recordings of another individual;
(3) observation or recording of sexual activity or nudity;
(4) demanding financial compensation, sexual contact, or some other benefit under the threat of disseminating or posting images, video, or other recording of the nudity or sexual activity of one or more individuals; and/or
(5) engaging in sexual conduct that carries a significant risk of transmitting known sexual infections or diseases without another individual’s knowledge.

d) Title IX sexual harassment is a subset of sexual harassment that occurs in the United States and: (1) on campus; (2) as part of the University’s operations; (3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or (4) in buildings owned or controlled by a student organization that is officially recognized by the University. Title IX sexual harassment occurs when:

- a University employee conditions the provision of a University aid, benefit, or service on an individual's participation in unwelcome sexual conduct; or
- unwelcome conduct is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity.

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.

(a) Title IX sexual assault is a subset of sexual assault that occurs in the United States and: (1) on campus; (2) as part of the University’s operations; (3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or (4) in buildings owned or controlled by a student organization that is officially recognized by the University. Title IX sexual assault occurs when there is actual or attempted:

- penetration, no matter how slight, of the vagina or anus with any body part or object without affirmative consent;
- oral penetration by a sex organ of another person without affirmative consent; or
- the touching of the private body parts of another person without affirmative consent and for the purpose of sexual gratification.

Subd. 4. Relationship Violence.

*Relationship violence* shall mean: (1) actual, attempted or threatened violence by an individual who is against another individual with whom they are, or have been, in a spousal, sexual, or romantic social relationship with the individual receiving the actual, attempted or threatened violence by an individual who is against another individual with whom they are, or have been, in a spousal, sexual, or romantic social relationship with the individual receiving the actual, attempted or threatened violence that would constitute a felony or misdemeanor crime of violence by an
individual against: (i) a current or former spouse or intimate partner; (ii) an individual with whom they share a child; (iii) an individual similarly situated to a spouse under the Minnesota state domestic or family violence laws; or (iv) any adult or youth who is protected from the individual’s acts under the Minnesota state domestic or family violence laws.

(a) Title IX relationship violence is a subset of relationship violence that occurs in the United States and: (1) on campus; (2) as part of the University’s operations; (3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or (4) in buildings owned or controlled by a student organization that is officially recognized by the University.

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 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.

(a) Title IX stalking is a subset of stalking that occurs in the United States and: (1) on campus; (2) as part of the University’s operations; (3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or (4) in buildings owned or controlled by a student organization that is officially recognized by the University.

Subd. 6. Retaliation.
Retaliation shall mean taking an adverse action against an individual: (1) for the purpose of interfering with any right or privilege secured by this policy; (2) for refusing to participate in any manner in an informal problem-solving or grievance process relating to a prohibited conduct allegation; or (3) 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) testifying, assisting, or participating in an investigation informal problem-solving or grievance process 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 available to all members of the University community, students, employees, and volunteers; 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

Adopted: October 13, 2017
Supersedes: Sexual Harassment dated May 11, 2012; Sexual Harassment dated September 11, 1998
BOARD OF REGENTS POLICY:
Sexual Harassment, Sexual Assault, Stalking and Relationship Violence

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 on the basis 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).

(a) Quid pro quo sexual harassment: When a University member conditions the provision of a University aid, benefit, or service on an individual's participation in unwelcome sexual conduct.

(b) Hostile environment sexual harassment: When the conduct: (1) is severe, persistent or pervasive; and (2):

(1) UNreasonably interferes with an individual's employment or educational performance or;

(b)(2) creates a work or educational environment that thean individual finds, and a reasonable person would find, to be intimidating, hostile or offensive.

(c) Sexual exploitation: When an individual intentionally engages in the following conduct and should reasonably have known that the conduct would be unwelcome to any individual involved:

(1) exposure of one's own or another individual's breasts, buttocks, or genitals to one or more other individuals;

(2) distribution of sexual or nude images or recordings of another individual:
(3) observation or recording of sexual activity or nudity;
(4) demanding financial compensation, sexual contact, or some other benefit under the threat of disseminating or posting images, video, or other recording of the nudity or sexual activity of one or more individuals; and/or
(5) engaging in sexual conduct that carries a significant risk of transmitting known sexual infections or diseases without another individual's knowledge.

d) Title IX sexual harassment is a subset of sexual harassment that occurs in the United States and:

(1) on campus;
(2) as part of the University's operations;
(3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or
(4) in buildings owned or controlled by a student organization that is officially recognized by the University. Title IX sexual harassment occurs when:
    • a University employee conditions the provision of a University aid, benefit, or service on an individual's participation in unwelcome sexual conduct; or
    • unwelcome conduct is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

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.

c) Title IX sexual assault is a subset of sexual assault that occurs in the United States and:

(1) on campus;
(2) as part of the University's operations;
(3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or
(4) in buildings owned or controlled by a student organization that is officially recognized by the University. Title IX sexual assault occurs when there is actual or attempted:
    • penetration, no matter how slight, of the vagina or anus with any body part or object without affirmative consent;
    • oral penetration by a sex organ of another person without affirmative consent; or
    • the touching of the private body parts of another person without affirmative consent and for the purpose of sexual gratification.

Subd. 4. Relationship Violence.

Relationship violence shall mean: (1) actual, attempted or threatened violence by an individual who is against another individual with whom they are, or have been, in a spousal, sexual, or romantic-social relationship with the individual receiving the actual, attempted or intimate nature; or threatened (2) violence that would constitute a felony or misdemeanor crime of violence by an individual
against: (i) a current or former spouse or intimate partner; (ii) an individual with whom they share a child; (iii) an individual similarly situated to a spouse under the Minnesota state domestic or family violence laws; or (iv) any adult or youth who is protected from the individual’s acts under the Minnesota state domestic or family violence laws.

(a) **Title IX relationship violence** is a subset of relationship violence that occurs in the United States and:

   (1) on campus;
   (2) as part of the University's operations;
   (3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or
   (4) in buildings owned or controlled by a student organization that is officially recognized by the University.

**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* suffer 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.

(a) **Title IX stalking** is a subset of stalking that occurs in the United States and:

   (1) on campus;
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   (3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or
   (4) in buildings owned or controlled by a student organization that is officially recognized by the University.

**Subd. 6. Retaliation.**

**Retaliation** shall mean taking an adverse action against an individual: (1) for the purpose of interfering with any right or privilege secured by this policy; (2) for refusing to participate in any manner in an informal problem-solving or grievance process related to a prohibited conduct allegation; or (3) 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) testifying, assisting, or participating in an investigation, informal problem-solving or grievance process 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 available to all members of the University community, students, employees, and volunteers; 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

Adopted: October 13, 2017
Supersedes: Sexual Harassment dated May 11, 2012; Sexual Harassment dated September 11, 1998
BOARD OF REGENTS POLICY:
Faculty Tenure

PREAMBLE

The Board of Regents adopts these regulations with the conviction that a well-defined statement of rules is essential to the protection of academic freedom and to the promotion of excellence at the University of Minnesota. A well-designed promotion and tenure system ensures that considerations of academic quality will be the basis for academic personnel decisions, and thus provides the foundation for academic excellence.

Tenure is the keystone for academic freedom; it is essential for safeguarding the right of free expression and for encouraging risk-taking inquiry at the frontiers of knowledge. Both tenure and academic freedom are part of an implicit social compact which recognizes that tenure serves important public purposes and benefits society. The people of Minnesota are best served when faculty are free to teach, conduct research, and provide service without fear of reprisal and to pursue those activities with regard for long term benefits to society rather than short term rewards. In return, faculty have the responsibility of furthering the institution’s programs of research, teaching, and service, and are accountable for their performance of these responsibilities. Additionally, a well-designed tenure system attracts capable and highly qualified individuals as faculty members, strengthens institutional stability by enhancing faculty members’ institutional loyalty, and encourages academic excellence by retaining and rewarding the most able people. Tenure and promotion imply selectivity and choice; they are awarded for academic and professional merit, not for seniority. The length and intensity of the review leading to the grant of tenure ensures the retention only of well-qualified faculty committed to the University’s mission.

The ideal attributes of the collective faculty of any unit are scholarly creativity, professional competence and leadership, intellectual diversity, the ability and desire to teach effectively and the willingness to cooperate with other units in promoting the work and welfare of the University as a whole. The administration and faculty should ensure, within each unit, not only a proper balance among these
activities but also the maintenance of each at the highest level, together with accountability and suitable recognition of individual achievement and service.

The tenure regulations provide a comprehensive set of policies dealing with the relationship between the University and its faculty. The regulations classify the faculty as tenured, probationary and term. They provide for annual performance reviews of all faculty, as well as especially thorough reviews before the granting of tenure, on promotion in rank, and when the performance of a tenured faculty member is alleged to be substandard. They provide for the reassignment of faculty in case of the reorganization of the University or changes in its scholarly direction, and for discipline when a faculty member fails to meet prescribed standards of conduct.

DEFINITIONS

For the purposes of this policy, the terms defined in this section have the meanings given them.

(a) Academic Unit. An academic unit is a department or similar unit. A school, college or division that is not further subdivided is also an academic unit.

(b) Faculty Member. Faculty member means every faculty member employed by the University of Minnesota System.

(c) Head. The head of an academic unit is the academic administrator immediately responsible for it, such as a chair, head or director.

(d) Collegiate Unit or College. A collegiate unit or college is a major academic entity of the University. It may be a college, school, or campus.

(e) Dean. The dean of a collegiate unit is the academic administrator immediately responsible for it, such as a dean or director or (on a campus that is not subdivided into colleges) a vice-chancellor.

(f) Senior Academic Administrator. A senior academic administrator is an officer who has final administrative review authority on academic personnel decisions, and who reports directly to the president and regents, such as a vice president, chancellor, or provost. The president will designate one or more senior academic administrators and define their respective jurisdictions.

(g) Executive Vice President and Provost. The executive vice president and provost is the officer (of whatever title) holding primary responsibility for the development of University-wide academic policy. This officer may also serve as senior academic administrator for some or all of the University, if so designated by the president.

(h) Tenured Faculty. Tenured faculty are those faculty who hold indefinite tenure.

SECTION 1. ACADEMIC FREEDOM

1.1. Principles. Every member of the faculty is entitled to due process and academic freedom as established by academic tradition and the constitutions and laws of the United States and the state of Minnesota and as amplified by resolutions of the Board of Regents. The Board of Regents hereby reaffirms its commitment to academic freedom and tenure as reflected in its resolution of January 28, 1938, in these Faculty Tenure regulations, and in its policy on Academic Freedom and Responsibility.
The Regents of the University of Minnesota reaffirm the principles of academic freedom and responsibility. These are rooted in the belief that the mind is ennobled by the pursuit of understanding and the search for truth and the state well served when instruction is available to all at an institution dedicated to the advancement of learning. These principles are also refreshed by the recollection that there is commune vinculum omnibus artibus - a common bond through all the arts.

Academic freedom is the freedom, without institutional discipline or restraint, to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research and creative expression and to speak or write on matters of public concern as well as on matters related to professional duties and the functioning of the University.

Academic responsibility implies the faithful performance of professional duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor to make it clear that, when one is speaking on matters of public interest, one is not speaking for the institution.

1.2. Protection of Faculty. Denial of faculty appointment or reappointment or removal or suspension from office or censure or other penalty must not be based upon any belief, expression or conduct protected by law or by the principles of academic freedom. Cases of alleged violation of academic freedom may be brought directly to the Judicial Committee in accordance with section 15.

SECTION 2. APPLICABILITY OF REGULATIONS TO EMPLOYMENT CONTRACTS

These regulations govern the relationship between the Board of Regents and faculty members, except as inconsistent with the provisions of collective bargaining agreements. These regulations are part of the contract between the Board of Regents and faculty members.

SECTION 3. FACULTY RANKS AND TYPES OF APPOINTMENTS

3.1. In General. The faculty ranks are professor, associate professor, assistant professor, and instructor. Faculty appointment is appropriate only if the person is engaged in teaching or research as defined in subsection 7.11. Appointments at these ranks are either regular tenured or tenure-track appointments or term appointments. An appointment must be designated as a regular or a term appointment when it is made.

3.2. Regular Appointments. A regular appointment either is with indefinite tenure or is probationary, leading to a decision concerning indefinite tenure within a specified period of time. A regular appointment may be held only in an academic unit of a degree-granting college or similar unit. A regular appointment must be for at least two-thirds time of the faculty member’s contract year [i.e. either an academic year or twelve months].

A faculty member on probationary appointment is entitled to consideration for indefinite tenure in accordance with section 7 and to timely notice of termination in accordance with section 6.

A faculty member with indefinite tenure is entitled to retain that position until retirement in accordance with University regulations or until the appointment is terminated pursuant to the provisions of sections 10 or 11.
3.3. Term Appointments. A term appointment is date-specific; that is, the appointment terminates at the end of a period specified in the appointment without further notice to the appointee. The senior academic administrator for the campus or area must give every person appointed to a term faculty position a statement in writing setting forth the conditions of the appointment, including the fact that it terminates without further notice.

No number of renewals of a term appointment creates a right to further renewals or to a decision concerning tenure. Every renewal of a term appointment for the seventh or succeeding year must be reported to the Tenure Committee with a justification of the reasons for the continuation of term status.

3.4. Appropriate uses of term appointments. Term appointments are appropriate and may be used provided one or more of the following conditions is met:

(a) the duration, the percentage of time, or both require less than service for two-thirds time for the academic year;
(b) the appointment is designated a visiting appointment because the faculty member is from another educational institution or is a qualified professional from a government or private agency on a leave of absence to accept a temporary appointment at this University;
(c) the appointment is designated a clinical appointment because the faculty member is a clinician in the community who gives service to the University part-time;
(d) the appointment concerns a faculty member who principally is engaged in and primarily is supported by clinical activities or by discipline-related service. [FN1]
(e) the appointment is designated an adjunct appointment because the faculty member’s primary employment is outside the University or is in another unit of the University;
(f) the appointment extends courtesy faculty rank without salary;
(g) the position is subject to the joint control of the University and another institution;
(h) the specific funding for the position is subject to the discretion of another agency;
(i) the funding for the position is for a limited time;
(j) the appointment is in a unit or program that is experimental or otherwise restricted in duration; and
(k) the person is enrolled in a University of Minnesota degree program. A regular faculty member on a probationary appointment may transfer to term status during enrollment in such a program if the faculty member and the senior academic administrator agree. This transfer suspends the running of the maximum period of probationary service, but the faculty member retains other rights of regular appointment, including annual review, the right to timely notice and a terminal appointment period as provided in section 6.

3.5. Administrators’ Appointments. Academic administrators may hold regular or term faculty appointments. Administrative titles and duties are distinct and severable from such individuals’ faculty appointments. Removal from an administrative position does not impair any rights the individual holds as a faculty member. Upon leaving an administrative position, the individual returns to faculty status, with salary and term of appointment reduced by the amount of the administrative augmentation, if any.

3.6. Special Contracts. These regulations do not bar a faculty appointment pursuant to a special contract specifying terms or conditions of employment which are different from those prescribed in these regulations. All other provisions of these regulations apply to such appointments. Every special contract must be in writing and must state that it is a special contract entered into pursuant to this subsection. It

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FN1 "Service" means performance within the faculty member’s expertise, other than teaching and research as defined in subsection 7.11.
must be signed by the faculty member concerned, by the dean of the collegiate unit in which the faculty member will be employed and by the senior academic administrator and must be authorized by the Board of Regents or its expressly authorized delegate. In addition, the senior academic administrator will annually report to the Tenure Committee the terms of all special contracts and the reasons for their use.

A special contract may be used to reduce the minimum time of a regular appointment to one-half time in order to permit a faculty member to devote more time to family responsibilities. Such a contract must provide for the mutual responsibilities of the faculty member and the academic unit, including the type and percent time of the appointment, if any, to which the faculty member is entitled at the expiration of the special contract. In the case of a probationary faculty member, the contract will regulate the length of the probationary period, but the total probationary period may be extended by no more than a total of three years pursuant to this subsection and subsection 5.5.

SECTION 4. TERMS OF FACULTY EMPLOYMENT

4.1. Written Notice of Appointment. Each faculty appointment or change of status is specified in a written notice of appointment issued by or on behalf of the Board of Regents. The notice must include the following:

(a) Whether the appointment is regular or term;
(b) Whether it is full or part-time and the percentage of time involved;
(c) If for a fixed term, its expiration date;
(d) If regular, whether it is probationary or with indefinite tenure;
(e) Whether it is on a twelve-month, academic year or other specified annual basis;
(f) The rank of appointment;
(g) The academic unit or units to which the individual is being appointed;
(h) The recurring salary; and
(i) Additional salary as described in subsection 4.4.

The notice is only evidence of the appointment; clerical or computer errors in a notice of appointment do not affect the terms of the appointment unless the faculty member reasonably relied upon the mistake and suffered an injustice because of that reliance. Notices required by this section should be delivered before the effective date of the appointment or change of status, or as soon thereafter as is administratively feasible. A probationary appointee must also be given notice of the applicable maximum probationary period.

4.2. Action by the Board of Regents. Faculty appointments and renewals or changes of status become effective when approved by the Board of Regents or its authorized delegate.

4.3. Changes in Terms of Appointment Other than Faculty Compensation. Except for raises in rank and except for action expressly authorized by these regulations, no changes of (a) through (g) items listed in subsection 4.1 may be made during the term of an appointment except with the agreement of the faculty member and the Board of Regents or its authorized delegate.

4.4. Faculty Salaries. [INTERP 1] Each faculty member shall receive a recurring salary, and may also receive an additional salary which may be for special awards or for activities in addition to regular faculty responsibilities such as clinical practice, administrative service, overload duties, summer school teaching and summer research support and similar activities.

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Recurring salary will not be decreased except by action expressly authorized in this section or in sections 7a, 10, 11, or 14 of these regulations or with the agreement of the faculty member. If a faculty member's recurring salary is decreased, the amount of the decrease and the reason therefore shall be set forth in a written notice and provided to the faculty member. No decrease in recurring salary shall occur in violation of the academic freedom of the faculty member.

At the time an appointment is made, the offer and written notice of appointment shall separately state the recurring salary and any additional salary, as described above, that the faculty member will receive. In each subsequent year, the faculty member shall be provided with a written notice separately stating any changes in recurring salary and any changes in additional salary for the following academic year. A faculty member's recurring salary shall consist of the initial recurring salary adjusted by any subsequent increase or decrease in recurring salary provided for in a subsequent written notice. Increases will be presumed to be in recurring salary unless otherwise identified. For a faculty member employed when this section takes effect, the initial recurring salary will be the faculty member’s recurring salary at the time this section takes effect, exclusive of any additional salary designated as special awards or designated as being for activities in addition to regular faculty responsibilities such as clinical practice, administrative service, overload duties, summer school teaching, summer research support and similar activities.

A faculty member whose recurring salary has been decreased may petition for review of that action under section 15 of these regulations.

4.5. Reduction or Postponement of Compensation. If the University or a collegiate unit is faced with financial stringency that does not amount to a fiscal emergency, the president may propose a temporary reduction or postponement in compensation to be allocated to faculty in accordance with a mathematical formula or similar device. If approved by the Faculty Senate or the appropriate collegiate assembly, respectively, and the Board of Regents, the recurring salary of all faculty members in the University or in the designated collegiate units shall be reduced temporarily in accordance with the formula or device. The reduction may not continue for longer than two years, unless renewed by the same procedure. [INTERP 2]

SECTION 5. MAXIMUM PERIOD OF PROBATIONARY SERVICE

5.1. General Rule. To give the University ample opportunity to determine the qualifications of those faculty members whom it is considering for regular appointments with indefinite tenure, the maximum period of probationary service of a faculty member is normally six academic years, whether consecutive or not. The faculty assembly of a collegiate unit may propose to alter the maximum probationary period for all of that college, or for certain units within it, to no more than nine years. The tenured faculty of a college, by simple majority vote taken by secret ballot, may adopt such a change, with the approval of the dean and of the senior academic administrator. Any such change in the maximum probationary period applies to all probationary faculty hired in that college (or those units) after the decision, but any incumbent probationary faculty member may choose to be considered under the new rule. At the end of this probationary period, the faculty member must either be given a regular appointment with indefinite tenure or a one-year terminal appointment.

5.2. Early Decisions Permitted. These regulations do not prevent the granting of indefinite tenure prior to the expiration of the maximum period of probationary service and do not prevent a decision to terminate an appointee’s probation prior to the end of the appointee’s maximum probationary service, if timely notice is given.
5.3. **Crediting of Academic Year.** A faculty member is considered to have served an academic year if the faculty member serves at least two-thirds time during the faculty member’s contract year [i.e. either an academic year or twelve months].

Unless otherwise agreed in writing, periods during which a faculty member is on a single-semester or other paid professional-development leave or is on leave to teach or conduct research at another academic institution, count as probationary service. Periods in which the faculty member is on sick or disability leave, or is on leave in some non-faculty capacity, do not count as probationary service.

If a faculty member transfers to a position outside of the regular faculty, the time spent in the other position does not count as probationary service for the purpose of section 5.

5.4. **Prior Service.**

5.41. **In This University.** Every academic year during which a faculty member has previously served at least two-thirds time under a regular appointment at this University reduces the maximum period of probationary service by one year.

5.42. **Elsewhere.** If a faculty member has previously served in regular faculty positions, as defined in these regulations, in one or more accredited universities or colleges, every academic year of such service (not exceeding three) reduces the maximum period of probationary service by one year.

5.43. **Exceptions Permitted.** If the prior service was in a different discipline, was in an academic unit or institution with teaching or research goals not comparable to those of the present appointment, or was too long ago to provide good evidence of the appointee’s current professional development, the Board of Regents or its expressly authorized delegate may make an exception in writing at or near the beginning of the probationary period.

5.5. **Extension of Maximum Probationary Period for New Parent or Caregiver, or for Personal Medical Reasons.** Upon the written request of a probationary faculty member, the maximum period of that faculty member’s probationary service will be extended by one year at a time for each request:

(a) On the occasion of the birth of the faculty member’s child or placement of an adoptive/foster child with the faculty member. Such a request for extension will be granted automatically if the faculty member notifies the unit head, dean, and executive vice president and provost in writing that the faculty member is eligible for an extension under subsection 5.5 because of the birth or adoption/foster placement; or

(b) If the faculty member is a major caregiver for a family member with an extended serious illness, injury, or debilitating condition and the executive vice president and provost determines that the circumstances have had or are likely to have a substantial negative impact on the faculty member’s ability to work over an extended period of time;

(c) If the faculty member has an extended serious illness, injury, or debilitating condition, and the executive vice president and provost determines that the circumstances have had or are likely to have a substantial negative impact on the faculty member’s ability to work over an extended period of time. If the faculty member’s illness, injury, or debilitating condition reduces the faculty member’s ability to work to less than two-thirds time during the faculty member’s contract year [i.e., the academic year or twelve months], the probationary period is automatically extended by one year in accordance with subsection 5.3.
The probationary period may be extended for no more than three years total, except that the extension may be for no more than one year total for (1) an instructor with a probationary appointment under subsection 6.22 or (2) an associate professor or professor with a three-year probationary appointment under subsection 6.21.

The notification of birth or adoption/foster placement for provision (a) and the request for extension for provisions (b) and (c) in this subsection must be made in writing within one year of the events giving rise to the claim and no later than June 30 preceding the year a final decision would otherwise be made on an appointment with indefinite tenure for that faculty member.

A request for an extension under provision (b) or (c) will not be denied without first providing the faculty member making the request with an opportunity to discuss the request in a meeting with an administrator designated by the executive vice president and provost. A claim that a request for an extension under provision (b) or (c) was improperly denied may be considered in any subsequent review by the Senate Judicial Committee of a termination under subsection 7.7.

SECTION 6. TENURE AND PROMOTION FOR PROBATIONARY FACULTY MEMBERS

6.1. In General. A regular probationary appointee is a candidate for indefinite tenure. A probationary appointment continues until it is superseded by an appointment with indefinite tenure or until terminated by timely notice or by resignation. Regular probationary appointments are normally made at the rank of assistant professor, but may be made at the rank of instructor, associate professor, or professor.

6.2. Requirements for Notice Requirements of Termination. Except as provided below, a probationary appointment may be terminated at the end of any academic year by giving the faculty member notice of termination (in the form provided in section 17) not later than May 15 of the preceding academic year. The notice must inform the faculty member of the right to request a hearing before the Judicial Committee and must advise the faculty member of the applicable time limit for making such a request.

6.21. Associate Professors and Professors on Probationary Appointments. An initial probationary appointment at the rank of associate professor or professor may specify in writing that it is for a minimum period of three years. In such a case, the probationary period is three years and the appointment may not be terminated before the end of the third year except as otherwise provided in these regulations; notice for such a termination must be given to the faculty member not later than May 15 of the second year of service, to take effect at the end of the third year of service.

6.22. Instructors on Probationary Appointments. An initial probationary appointment at the rank of instructor may be made only if the candidate has not yet received the terminal degree necessary for appointment as an assistant professor in the unit.

A probationary appointment at the rank of instructor may be for no more than two years. A one-year appointment may be terminated at the end of the first year by notice given not later than March 1 of that year. A two-year appointment may be terminated at the end of the second year by notice given not later than December 15 of that year. In all other respects such appointments are governed by the notice provisions specified in subsection 6.2.
The duration of the appointment as an instructor with probationary status counts toward the appointee’s maximum period of probationary service under subsection 5.1. At the end of the probationary period as an instructor, the faculty member must be promoted to the rank of assistant professor or receive notice of termination.

6.3. Relation Between Tenure and Promotions. Only regular faculty members at the ranks of associate professor and professor may hold indefinite tenure. [INTERP 7]

The granting of indefinite tenure to an assistant professor on a probationary appointment must be accompanied by promotion to associate professor. The promotion of an assistant professor on a probationary appointment to the rank of associate professor must be accompanied by an appointment with indefinite tenure. The choice whether to award tenure and to promote is presented as a single question for faculty vote.

An associate professor with a probationary appointment may be granted indefinite tenure without a promotion in rank.

The promotion of an associate professor on a probationary appointment to the rank of professor must be accompanied by an appointment with indefinite tenure.

Promotion of an instructor to the rank of assistant professor is not accompanied by an appointment with indefinite tenure.

6.4. Effect of Procedural Errors. A probationary faculty member is not entitled to an appointment with indefinite tenure merely because the University failed to give timely written notice of termination of an appointment or because the appointment was extended for any reason beyond the maximum probationary period. In such a case, the University may in its sole discretion:

(a) Grant an appointment with indefinite tenure;
(b) Grant a further probationary appointment, if this would not exceed the maximum probationary period; or
(c) Grant a terminal appointment ending at the end of the first full academic year which follows the May 15th after proper notice is given.

SECTION 7. PERSONNEL DECISIONS CONCERNING PROBATIONARY FACULTY


7.11. General Criteria. What the University of Minnesota seeks above all in its faculty members is intellectual distinction and academic integrity. The basis for awarding indefinite tenure to the candidates possessing these qualities is the determination that each has established and is likely to continue to develop a distinguished record of academic achievement that is the foundation for a national or international reputation or both [FN2]. This determination is reached through a qualitative evaluation of the candidate’s record of scholarly research or other creative work, teaching, and service [FN3].

FN2 "Academic achievement" includes teaching as well as scholarly research and other creative work. The definition and relative weight of the factors may vary with the mission of the individual campus.

FN3 The persons responsible and the process for making this determination are described in subsections 7.3 through 7.6.
The relative importance of these criteria may vary in different academic units, but each of the criteria must be considered in every decision [FN4]. Demonstrated scholarly or other creative achievement and teaching effectiveness must be given primary emphasis; service alone cannot qualify the candidate for tenure.

Interdisciplinary work, public engagement, international activities and initiatives, attention to questions of diversity, technology transfer, and other special kinds of professional activity by the candidate should be considered when applicable. The awarding of indefinite tenure presupposes that the candidate’s record shows strong promise of his or her achieving promotion to professor.

7.12. Departmental Statement. [FN5] Each department or equivalent academic unit must have a document that specifies (1) the indices and standards that will be used to determine whether candidates meet the threshold criteria of subsection 7.11 ("General Criteria" for the awarding of indefinite tenure); (2) the indices and standards that will be used to determine whether candidates meet the threshold criteria of subsection 9.2 ("Criteria for Promotion to Professor"); and (3) the goals and expectations to be used in evaluating faculty members’ performance under subsection 7a ("Review of the Performance of Faculty Members"). The document must contain the text and footnotes of subsections 7.11 and 9.2, and must be consistent with the criteria given there but may exceed them. Each departmental statement must be approved by a faculty vote (including both tenured and probationary members), the dean, and other appropriate academic administrators, including the executive vice president and provost. The chair or head of each academic unit must provide each probationary faculty member with a copy of the Departmental Statement at the beginning of the probationary service. [INTERP 3]

7.2. Annual Review. The tenured faculty [FN6] of each academic unit annually reviews the progress of each probationary faculty member toward satisfaction of the criteria for receiving tenure. The head of the unit prepares a written summary of that review and discusses the candidate’s progress with the candidate, giving a copy of the report to the candidate.

7.3. Formal Action by the Faculty. The tenured faculty of the academic unit may recommend that a probationary faculty member be granted indefinite tenure or that the appointment be terminated. If it does neither, it is presumed to recommend a renewal of the appointment. In the final probationary year, if the

"Scholarly research" must include significant publications and, as appropriate, the development and dissemination by other means of new knowledge, technology, or scientific procedures resulting in innovative products, practices, and ideas of significance and value to society.

"Other creative work" refers to all forms of creative production across a wide range of disciplines, including, but not limited to, visual and performing arts, design, architecture of structures and environments, writing, media, and other modes of expression.

"Teaching is not limited to classroom instruction. It includes extension and outreach education, and other forms of communicating knowledge to both registered University students and persons in the extended community, as well as supervising, mentoring, and advising students.

"Service" may be professional or institutional. Professional service, based on one’s academic expertise, is that provided to the profession, to the University, or to the local, state, national, or international community. Institutional service may be administrative, committee, and related contributions to one’s department or college, or the University. All faculty members are expected to engage in service activities, but only modest institutional service should be expected of probationary faculty.

FN4 Indefinite tenure may be granted at any time the candidate has satisfied the requirements. A probationary appointment must be terminated when the appointee fails to satisfy the criteria in the last year of probationary service and may be terminated earlier if the appointee is not making satisfactory progress within that period toward meeting the criteria.

FN5 "Departmental" refers to an academic department or its equivalent, such as division, institute, or unit.

FN6 As used in this policy, "tenured faculty" means those members of the faculty who hold indefinite tenure.
tenured faculty does not recommend an appointment with indefinite tenure, it must recommend
termination of the appointment. The recommendation is made by a vote of the regular faculty with
indefinite tenure in the unit. The presiding officer is not disqualified from voting merely because of office.

7.4. Procedures for Taking Formal Action. The academic unit must observe University procedures
established as provided in subsection 16.3. These procedures will provide the following:

(a) A good faith effort is made to gather all relevant information necessary to the decision. The
academic units have the primary obligation to assemble the file, but the faculty member also has
the right to add any material the faculty member considers relevant.
(b) The decision is made by vote, by written unsigned secret ballot, at a meeting of the regular faculty
who have indefinite tenure in the academic unit. The rules may provide for absentee ballots by
informed absent faculty members.
(c) Persons who have or have had a family or similar relationship to the candidate do not participate in
the decision. The procedures may establish methods for raising and ruling on such questions in
advance of the decision.
(d) Action is to be taken by majority vote. An academic unit may adopt a uniformly applicable rule that
a motion to recommend tenure must achieve a specified exceptional majority in order to constitute
an affirmative recommendation of that unit. In such case a motion which achieves a majority, but
not the required exceptional majority, must be sent forward for review by the appropriate review
process despite the absence of the unit’s affirmative recommendation.
(e) The unit shall report the vote of the faculty, together with the reasons for the action taken. This
statement of reasons must take the form of a summary of both majority and minority views which
have substantial support which were expressed in the course of formal consideration of the action.
All statements must be made without personal attribution. A preliminary draft is open to members
of the faculty eligible to vote so they may comment and suggest changes. The final draft is sent to
the affected faculty member and is open to the faculty eligible to vote.
(f) Before submitting a formal recommendation for an appointment with indefinite tenure or for
termination of a probationary appointment, the head of the academic unit informs the appointee of
the recommendation and gives the appointee a copy of the final report. The appointee may submit
any comments upon the report to the academic administrator who will review the report, with a
copy to the head of the academic unit.

7.5. Nondisclosure of Grounds for Recommendation of Termination. The reasons for a
recommendation to terminate a probationary appointment may not be disclosed, except as part of the
review process, unless the faculty member requests such disclosure or makes a public statement
concerning the reasons for termination.

7.6. Review of Recommendations. Recommendations of academic units to grant indefinite tenure or to
terminate probationary appointments are reviewed at the collegiate and university levels.

7.61. Procedures. The review must be conducted according to University procedures, established as
provided in subsection 16.3. These procedures must provide for review and recommendations by the head
of the academic unit, by the dean of the collegiate unit, by faculty committees at the collegiate or University
level, and, when appropriate, by other academic administrators. The review must be conducted on the
basis of the standards and criteria established by subsections 7.11 and 7.12 and the applicable rules and
procedures. The rules may permit an administrator to refer the matter back to the unit for reconsideration,
but if the administrator and the unit do not agree after such reconsideration, both the recommendation and
the administrator’s comments must be sent forward for final administrative action. A copy of each review
or recommendation must be supplied to the faculty member. The faculty member may comment thereon in writing to those who will review the matter further.

7.62. Conflict of Interest. No one may participate both in an initial recommendation by an academic unit and in a subsequent review of that recommendation, except that the head of the academic unit may make the initial administrative review. No one who has participated in a recommendation or review may thereafter serve as a member of the Judicial Committee in further consideration of that case.

Members of the Judicial Committee may not serve on collegiate or University review committees. Members of the Judicial Committee may participate in initial recommendations by their own academic units, but are disqualified from thereafter participating in Judicial Committee consideration of those decisions.

7.63. Final Administrative Action. The University may not act contrary to the recommendation of the academic unit which made the initial recommendation except for substantive reasons which must be stated in writing by the senior academic administrator to the faculty member, to the members of the academic unit which made the recommendation, and to the president. The fact that participants in the review process have recommended against the unit’s initial recommendation is not, by itself, a substantive reason.

The senior academic administrator takes the steps necessary to make the necessary appointment or to give notice of termination.

7.7. Improper Termination of Probationary Appointments. A person holding a regular probationary appointment who has been given notice of termination may petition the Judicial Committee to review that action. The Judicial Committee will not base its ruling on the merits of the decision itself, but will review allegations that the decision was based in significant degree upon any of the following:

(a) Personal beliefs, expressions or conduct which fall within the liberties protected by law or by the principles of academic freedom as established by academic tradition and the constitutions and laws of the United States and the state of Minnesota;
(b) Factors proscribed by applicable federal or state law regarding fair employment practices;
(c) Substantial and prejudicial deviation from the procedures prescribed in subsections 7.4 and 7.6 and the procedural rules promulgated pursuant to those subsections;
(d) Failure to consider data available at the time of decision bearing materially on the faculty member's performance;
(e) Demonstrable material prejudicial mistakes of fact concerning the faculty member's work or conduct;
(f) Other immaterial or improper factors causing substantial prejudice; or
(g) Other violation of University policies or regulations.

Such proceedings are governed by section 15.

SECTION 7a. REVIEW OF FACULTY PERFORMANCE

7a.1. Goals and Expectations. The faculty of each academic unit must establish goals and expectations for all faculty members, including goals and expectations regarding teaching, scholarly productivity, and contributions to the service and outreach functions of the unit. The factors to be considered will parallel those used by the unit in the granting of tenure, but will take into account the different stages of professional development of faculty. The goals and expectations will be established in accordance with standards established by the University Senate. They can provide for flexibility, so that some faculty
members can contribute more heavily to the accomplishment of one mission of the unit and others to the accomplishment of other missions. The goals and expectations shall not violate the individual faculty member's academic freedom in instruction or in the selection of topics or methods for research. They shall include reasonable indices of acceptable performance in each of the areas (e.g., teaching contributions and evaluations, scholarly productivity, service, governance and outreach activities). The dean reviews the goals and expectations of each unit and may request changes to meet the standards of the University and of the collegiate unit.

7a.2. Annual Review. Each academic unit, through its merit review process (established in accordance with the standards adopted by the senate), annually reviews with each faculty member the performance of that faculty member in light of the goals and expectations of the academic unit established under subsection 7a.1. This review is used for salary adjustment and faculty development. The faculty member will be advised of the evaluation and, if appropriate, of any steps that should be taken to improve performance and will be provided assistance in that effort. If the head of the unit and a peer merit review committee elected for annual merit review within that unit both find a faculty member’s performance to be substantially below the goals and expectations adopted by that unit, they shall advise the faculty member in writing, including suggestions for improving performance, and establish a time period (of at least one year) within which improvement should be demonstrated.

7a.3. Special Peer Review in Cases of Alleged Substandard Performance by Tenured Faculty. If, at the end of the time period for improvement described in the previous paragraph, a tenured faculty member’s performance continues to be substantially below the goals and expectations of the unit and there has not been a sufficient improvement of performance, the head of the academic unit and the elected peer merit review committee may jointly request the dean to initiate a special peer review of that faculty member. Before doing so, the dean shall independently review the file to determine that special peer review is warranted. (In the case of an academic unit that is also a collegiate unit, the request shall be made to and the review conducted by the responsible senior academic administrator.) The special peer review shall be conducted by a panel of five tenured faculty members of equal or higher rank, selected to review that individual. The faculty member under review shall have the option to appoint one member. The remaining members shall be elected by secret ballot by the tenured faculty of the unit. The members of the special review panel need not be members of the academic unit. The special review panel shall provide adequate opportunity for the faculty member to participate in the review process and shall consider alternative measures that would assist the faculty member to improve performance. The tenure subcommittee may adopt rules and procedures regulating the conduct of such reviews. The special review panel shall prepare a report on the teaching, scholarship, service, governance, and (when appropriate) outreach performance of the faculty member. It will also identify any supporting service or accommodation that the University should provide to enable the faculty member to improve performance. Depending on its findings, the panel may recommend:

(a) that the performance is adequate to meet standards and that the review be concluded;
(b) that the allocation of the faculty member’s expected effort among the teaching, research, service and governance functions of the unit be altered in light of the faculty member’s strengths and interests so as to maximize the faculty member’s contribution to the mission of the University;
(c) that the faculty member undertake specified steps to improve performance, subject only to future regular annual reviews as provided in subsection 7a.2;
(d) that the faculty member undertake specified steps to improve performance subject to a subsequent special review under subsection 7a.3, to be conducted at a specified future time;
(e) that the faculty member’s performance is so inadequate as to justify limited reductions of salary, as provided in subsection 7a.4;
(f) that the faculty member’s performance is so inadequate that the dean should commence formal proceedings for termination or involuntary leave of absence as provided in sections 10 and 14; or

(g) some combination of these measures.

The panel will send its report to the dean, the head of the academic unit, and the faculty member. Within 30 work days of receiving the report, the faculty member may appeal to the Judicial Committee, which shall review the report in a manner analogous to the review of tenure decisions (see subsection 7.7).

7a.4. Salary Reductions. If the special review panel recommends that the faculty member’s performance is so inadequate as to justify limited reductions of recurring salary, the head of the academic unit, with the approval of the dean, may reduce the faculty member's recurring pay, subject to the following limitations:

(a) the amount of the decrease will not exceed 10% of the faculty member's recurring salary on the basis of any one special review;
(b) recurring salary may not be reduced by more than 25% from the highest level of recurring pay ever held by the faculty member;
(c) at least six months' notice of the decrease must be given;
(d) any decrease in recurring salary may be restored by the annual review process provided in subsection 7a.2.

Within 30 work days of notice of the decrease, the faculty member may appeal this action to the Judicial Committee, which shall review the action and the recommendation leading to it in a manner analogous to the review of tenure decisions (see subsection 7.7). This review may not reconsider matters already decided by the Judicial Committee under subsection 7a.3. Any decrease in recurring pay beyond the limits specified in this subsection can only be imposed pursuant to sections 4.5, 10, 11, and 14.

7a.5. Peer Review Option. Upon application to it by the dean and faculty (or the elected faculty assembly) of a collegiate unit, the Faculty Senate may adopt a system of peer review of performance of faculty of that unit different from the system set forth in sections 7a.1 through 7a.4 if in the Faculty Senate's judgment so proceeding is in the University's interest.

SECTION 8. IMPROPER REFUSAL OF A NEW APPOINTMENT TO A TERM FACULTY MEMBER

A person holding a term faculty appointment who has been refused a renewal of that appointment or has applied for and been refused a regular or a different term faculty appointment within six months of the end of that appointment may petition the Judicial Committee to review the refusal, but only on the ground that the decision was based in significant degree upon one or more of the following:

(a) Personal beliefs, expressions or conduct which fall within the liberties protected by law or by the principles of academic freedom as established by academic tradition and the constitutions and laws of the United States and the state of Minnesota;
(b) Factors proscribed by applicable federal or state law regarding fair employment practices;
(c) Essential and substantial written misrepresentation of the nature of the original appointment; or
(d) Other violation of University policies or regulations.

Such proceedings are governed by section 15.

SECTION 9. PERSONNEL DECISIONS FOR ASSOCIATE PROFESSORS AND PROFESSORS
9.1. Appointment of Associate Professors and Professors with Indefinite Tenure. Initial appointments with indefinite tenure may only be made at the rank of associate professor or professor. Such appointments may be made only after receiving the recommendation of the regular faculty holding indefinite tenure in the academic unit concerned.

9.2. Criteria for Promotion to Professor. The basis for promotion to the rank of professor is the determination that each candidate has (1) demonstrated the intellectual distinction and academic integrity expected of all faculty members, (2) added substantially to an already distinguished record of academic achievement, and (3) established the national or international reputation (or both) ordinarily resulting from such distinction and achievement [FN7]. This determination is reached through a qualitative evaluation of the candidate’s record of scholarly research or other creative work, teaching, and service [FN8]. The relative importance of these criteria may vary in different academic units, but each of the criteria must be considered in every decision. Interdisciplinary work, public engagement, international activities and initiatives, attention to questions of diversity, technology transfer, and other special kinds of professional activity by the candidate should be considered when applicable. But the primary emphasis must be on demonstrated scholarly or other creative achievement and on teaching effectiveness, and service alone cannot qualify the candidate for promotion.

SECTION 10. UNREQUESTED LEAVE OF ABSENCE FOR DISABILITY AND DISCIPLINARY ACTION

10.1. Unrequested Leave of Absence for Disability. A faculty member who is physically or mentally unable to perform reasonably assigned duties may be placed on unrequested leave of absence. The faculty member is entitled to sick pay and disability insurance payments in accordance with University policy. The faculty member has a right to return to the faculty upon termination of the disability or upon cessation of disability payments.

10.2. Disciplinary Action. [INTERP 4]

10.21. Termination or Suspension of a Faculty Appointment Before its Expiration. A faculty appointment may be terminated or suspended before its ordinary expiration only for one or more of the following causes:

(a) sustained refusal or failure to perform reasonably assigned duties adequately;
(b) unprofessional conduct which severely impairs a faculty member's fitness in a professional capacity;
(c) egregious or repeated misuse of the powers of a professional position to solicit personal benefits or favors;
(d) sexual harassment or any other egregious or repeated unreasonable conduct destructive of the human rights or academic freedom of other members of the academic community; or

FN7 "Academic achievement" includes teaching as well as scholarly research and other creative work. The definition and relative weight of the factors may vary with the mission of the individual campus. Not being promoted to the rank of professor will not in itself result in special post-tenure review of a tenured associate professor.

FN8 The persons responsible for this determination are the full professors in the unit who are eligible to vote. The outcome of the vote is either promotion to the rank of professor or continuation in rank as an associate professor. The procedures for voting are identical to those outlined in subsection 7.4 for the granting of indefinite tenure, the nondisclosure of grounds for the decision (subsection 7.5), and the review of recommendations (subsection 7.6). In addition, a petition to the Judicial Committee for review of a recommendation of continuation in rank as an associate professor follows the procedures specified in subsection 7.7 for decisions about promotion to associate professor and conferral of indefinite tenure. See the definitions of "scholarly research," "other creative work," "teaching," and "service" in footnote [3]. A greater contribution in the area of institutional service is expected of candidates for the rank of professor than was expected for the award of tenure.
(e) other grave misconduct manifestly inconsistent with continued faculty appointment.

10.22. Minor Disciplinary Actions. Minor sanctions, such as a letter of reprimand in the faculty member's file, or the like, may be imposed for significant acts of unprofessional conduct. For minor sanctions, the dean may impose the sanction after providing the faculty member notice of the proposed action and of the reason that it has been proposed and giving the faculty member an opportunity to respond. If the faculty member files a grievance under the University grievance policy to challenge a minor disciplinary matter, the sanction shall be held in abeyance until the conclusion of the proceeding. The grievance panel shall have jurisdiction to consider all claims raised by the faculty member, and if the case goes to arbitration, the arbitrator shall be an individual with experience in academic matters.

10.3. Procedures. A faculty member may be placed on unrequested leave of absence or a faculty appointment may be terminated or suspended for these the reasons specified in subsection 10.21 only in accordance with the procedures set forth in section 14.

10.4. Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence. Notwithstanding other provisions in these regulations, the process for decisions and appeals regarding disciplinary action in response to complaints against faculty for alleged violation of Board of Regents Policy: Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence will be conducted under Administrative Policy: Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence and related procedures. The Administrative Policy will provide either that a faculty party (complainant or respondent) will have the opportunity to select at least one member of the hearing panel or that there will be a faculty member on the hearing panel if a faculty member is a party.

SECTION 11. FISCAL EMERGENCY

11.1. Faculty Rights. The Board of Regents, if faced with the necessity of drastic reduction in the University budget, has the power to suspend or abolish positions, or even entire departments, divisions, or other administrative units. If confronted with such adverse contingency, the board will consult with and secure the advice of faculty representatives, as provided in this section. Faculty members have the right to full access to information about the situation and the alternatives being considered. In effecting retrenchment because of financial necessity, the regents will make reductions in faculty positions only to the extent that, in their judgment, is necessary after exploring various alternative methods of achieving savings. The regents fully intend that the tenure system as a whole and the tenure rights of each individual faculty member be protected in every feasible manner during periods of such retrenchment.

11.2. General Principles of Priority. The following general principles of priority apply in any financial crisis.

(a) first, the University must fully utilize all means consistent with its continued existence as an institution of high academic quality to reduce expenses or to increase income which do not involve the termination of faculty positions or the impairment of faculty rights.

(b) second, the University may consider alternatives which involve only the temporary reduction or postponement of faculty compensation or the reduction of fringe benefits.

(c) only thereafter may the University suspend or terminate faculty positions in accordance with the section.

11.3. First Stage: Alternative Approaches. If there has been a serious reduction in the University's income, the president will report the matter to the Senate Consultative Committee. The president will
identify the magnitude of the shortfall, the measures which might be taken to alleviate it (which must not involve impairment of faculty rights), and alternative measures which have been rejected. The president will give the committee full access to all available information and will respond specifically to additional proposals suggested by the committee. At this stage, the University will consider reductions in other expenses. It will also consider increases in tuition, sales of assets, and borrowing. These steps will be implemented by the president or the Board of Regents as is appropriate.

11.4. Second Stage: Reduction Or Postponement Of Compensation. If the University has implemented all of the measures which are required to be considered in the first stage, which are consistent with its continued operation as an institution of high academic quality, and they are inadequate to meet the shortfall, the president may, after consultation with the Faculty Consultative Committee, propose the temporary reduction or postponement of faculty compensation for a predetermined period not to exceed one year, according to a mathematic formula or similar device. The Faculty Consultative Committee will report on the adequacy of the steps taken in the first stage and make its recommendations on the proposal. If the Faculty Senate approves the proposed action (or any modification of it) by an absolute majority of its membership or by a two-thirds vote of the members present and voting (a quorum being present), the Board of Regents may take that action (or any less stringent action) and, to that extent, modify the terms of the appointments of all faculty members. The Board of Regents may rescind the action at any time thereafter. Such action may be repeated by the same procedures.

11.5. Third Stage: Fiscal Emergency. If there has been a reduction of the University's income which is so drastic as to threaten its survival, and this threat cannot be alleviated by the measures specified above, the Board of Regents may declare a fiscal emergency. During such an emergency, the Board of Regents may terminate or suspend faculty appointments as provided in this section.

11.51. Preliminary Procedures. Before recommending to the Board of Regents that it declare a fiscal emergency, the president must meet with the Senate Consultative Committee to examine alternatives to and consequences of such a declaration. The president must provide the committee access to all available information. The president must provide a written report identifying the dollar amount to be saved by reducing faculty positions. This report must also identify the dollar amount proposed to be saved by any other measures to be taken, including the level of any concurrent reductions in non-faculty staff during the emergency. The Faculty Consultative Committee will prepare a written report on the president’s proposal, to which the Senate Consultative Committee may add additional comments. The Faculty Senate will first consider and act on the proposal and reports. Thereafter, the University Senate may consider them. The president must attend both senate meetings to explain the proposal and to answer questions.

After receiving the president’s recommendation and the resolutions of the senates, the Board of Regents may declare a state of fiscal emergency. Before action contrary to the recommendation of the University Senate is subsequently taken, the president must report in writing and in person the reasons for this action to the Senate Consultative Committee. The Board of Regents' resolution states the maximum amount to be realized from termination or suspension of faculty appointments.

11.52. Duration. A fiscal emergency lasts no longer than 12 months unless renewed by the same procedure. A fiscal emergency may be rescinded at any time by the Board of Regents.

11.53. Allocation of Shortfall. After consultation with the Faculty Consultative Committee and the Senate Consultative Committee, the president proposes an initial allocation of the shortfall to the various collegiate units, which need not be prorated. The committee must obtain the views of the faculty in the affected units and must hold an open meeting at which anyone may comment upon the proposed action. It may also
request the assistance of other University or Senate committees in studying all or particular aspects of the educational policies and priorities involved in the action. The colleges and campuses then allocate the shortfall to the various academic units after similar consultation with the representative bodies and academic units in the colleges and similar open meetings. The plans must reflect the principles and priorities established in subsection 11.6. The colleges and campuses return their plans to the executive vice president and provost, who prepares a comprehensive plan for the University, including a list of the persons whose appointments will be suspended or terminated. This plan is submitted to the University Senate and the Faculty Senate for their recommendation. The recommendations of the senate and the executive vice president and provost’s plan will be presented to the president and the Board of Regents for action.

11.6. Principles Governing Termination or Suspension.

11.61. General Principles.

(a) Savings achieved through resignations, retirements, renegotiations of contracts, inloading or other measures must be credited to the assigned shortfall before terminating or suspending faculty appointments.

(b) A good faith effort should be made to use temporary suspensions or voluntary furloughs rather than terminations. In this third stage, the Board of Regents may impose the temporary or permanent reduction of faculty compensation or the reduction of fringe benefits, in excess of those approved in the second stage. Suspensions without pay for no more than one-third of the annual appointment in any year may be ordered in accordance with objective criteria, provided that faculty members are given at least six months notice.

(c) Terminations may not be used in case of a short-term financial crisis, but only if the circumstances are such that the shortfall is reasonably expected to continue over a substantial number of years.

(d) A good faith effort must be made to cover as much of the shortfall as possible by allowing non-regular appointments to lapse and by giving notice to probationary faculty in accordance with the terms of their appointments.

(e) A good faith effort must be made to cover as much of the shortfall as possible by transferring faculty members to other positions for which they are qualified or by offering them retraining for available positions.

(f) The selection of faculty members within an academic unit for termination must be made on objective criteria. It may not involve a comparative evaluation of the relative merits of individuals or a repetition of the tenure-granting process.


(a) Unless the unit can demonstrate that essential functions could not otherwise be performed:
   1. all non-regular faculty within an academic unit must be suspended or terminated before any regular faculty may be suspended or terminated in that unit; and
   2. all probationary faculty within an academic unit must be suspended or terminated before any tenured faculty may be suspended or terminated in that unit.

(b) Care must be taken to protect the employment of women and minorities entitled to affirmative action. The executive vice president and provost must insure that for the University as a whole the plan which is submitted does not reduce the proportion of appointments with indefinite tenure held by women or minorities entitled to affirmative action, and does not reduce the proportion of non-regular appointments held by women or minorities entitled to affirmative action.
11.63. **Notice and Severance Pay.** A faculty member whose appointment is to be terminated or suspended is entitled to a minimum of one full academic year’s notice or to one year’s salary as severance pay in lieu of notice, unless the appointments would otherwise expire earlier.

11.64. **Reemployment Rights.** The University will not fill any faculty position for which a faculty member with indefinite tenure who has been terminated is qualified for five years after notice of termination, unless it first offers the position to each such faculty member and gives a reasonable time for the faculty member to accept or reject it.

11.7. **Judicial Committee Report.** A faculty member whose appointment is terminated or suspended may make a written request for review by the Judicial Committee. The review will be conducted in accordance with section 15. The Judicial Committee will not reexamine the determination that a fiscal emergency exists, nor will it reexamine the educational policies and priorities pursued unless it finds a substantial failure to follow the procedures established in this section. It will only examine whether the action was taken in accordance with the procedures and standards set forth in this section, whether the action was based on a violation of academic freedom or constitutional or legal rights, or was substantially based on immaterial or improper factors. It may consolidate cases involving common issues for a single hearing.

**SECTION 12. PROGRAMMATIC CHANGE**

12.1. **Programmatic Change.** The University and faculty recognize that changes in academic programs are an essential part of the development and growth of the institution. These changes should be based on academic considerations and on long-term policy and planning, and may be undertaken only after consultation with the faculty, including the appropriate governance structure.

12.2. **Faculty Rights and Duties.** In the event that programmatic change leads to discontinuation of a program in which a member of the faculty is employed, the University recognizes its obligation to continue the employment of regular faculty in accordance with the terms of their employment, and to continue the employment of non-regular faculty for the term of appointment. In case of fiscal emergency, the provisions of section 11 apply.

Regular faculty members who are so retained have the responsibility to accept teaching or other assignments for which they are qualified, and to accept training to qualify them for assignment in other fields. The University has the responsibility to assign such faculty members to responsibilities as closely related to their original field of tenure as is practicable, to allow them time in which to continue scholarship in their original field if they wish, and to recognize scholarly contributions in that field as valuable in assessing their contribution to the University for pay, promotion and other purposes.

In addition to the steps mentioned above, the University has the right to offer inducements to faculty members voluntarily to change fields of study, to seek employment elsewhere, or to accept early retirement.

12.3. **Reassignments.** In cases of programmatic change, an officer designated by the president will make the reassignment or offer of training. The officer will consult with the faculty member and the receiving unit and will seek a mutually satisfactory assignment. If agreement cannot be reached, the University officer will assign new responsibilities after consultation with the individual.

The University may give the faculty member other assignments only if assignments to teaching in the faculty member’s discipline are not feasible. For example, faculty might be assigned
• to teach in another field in which the individual is qualified
• to perform professional or administrative duties, including professional practice in a field in which the individual is qualified.
• to transfer effort, by assignment in a suitable professional capacity, at another educational institution or similar entity, while retaining University tenure, compensation, and benefits.

A faculty member must accept any reasonable reassignment or offer of retraining. Following the assignment, any dispute about the reasonableness of reassignment may be taken to the Judicial Committee, as provided in section 15. The faculty member shall perform the reassignment pending resolution of the dispute, unless the president on the recommendation of the chair of the Judicial Committee determines that provisional measures are appropriate.

12.4. Termination of Appointment. A faculty member who chooses not to accept a reasonable reassignment or retraining opportunity shall receive:

(a) Assistance in locating other employment;
(b) A minimum of one full academic year’s notice or one year’s salary as severance pay in lieu of notice, unless the appointment would otherwise expire earlier.
(c) Continuation of the University’s contribution to health benefits for one year after the date of the termination of the appointment.

In place of the severance payment provided by this section, a faculty member may select another severance program for which the faculty member is otherwise eligible at the time the appointment is terminated.

SECTION 13. JUDICIAL COMMITTEE

13.1. Membership. The Judicial Committee is composed of at least nine members of the regular faculty. The number of members and manner of appointment is governed by the Faculty Senate bylaws.

13.2. Procedures. The Judicial Committee applies and interprets this tenure code in complaints that come before it. The Judicial Committee has its own Rules of Procedure and may adopt additional rules with the approval of the Tenure Committee, as provided in section 16.3.

In every case before the Judicial Committee the senior academic administrator may designate the academic administrator who will represent the University as respondent. If the case involves two or more campuses or areas, the president or the executive vice president and provost may designate the respondent.

13.3. Duty to Testify. Faculty members and administrators have an obligation to appear before the Judicial Committee if asked to give testimony in matters pending before it.

13.4. Panels. The Judicial Committee may sit in panels to hear individual cases. In cases under sections 10 and 14, the panel must consist of at least five members. In all other cases, the panel must consist of at least three members. The rules of the Judicial Committee will establish the respective functions of the committee as a whole and of the individual panels.

13.5. Legal Officer. The Judicial Committee shall have its own legal officer, appointed by the Judicial Committee with the approval of the president. The Judicial Committee also may, with the approval of the president, appoint a deputy legal officer, or a substitute legal officer for a particular case, as necessary. At
the direction of the committee, the legal officer may preside at hearings of Judicial Committee panels or regulate the procedure in Judicial Committee cases. The legal officer may be present and participate in the deliberation of a panel, but shall have no vote.

SECTION 14. PROCEDURES IN CASES OF UNREQUESTED LEAVE OF ABSENCE OR TERMINATION OR SUSPENSION OF A FACULTY APPOINTMENT FOR CAUSE [INTERP 5]

14.1. Preliminary Proceedings. Only a dean or an academic administrator specially designated by the executive vice president and provost or by the senior academic administrator may initiate preliminary proceedings under this section leading to unrequested leave of absence or to suspension or removal or to temporary or permanent reduction in rank. The dean [FN9] must first attempt to discuss and resolve the matter with the faculty member involved.

The dean must then submit the matter to the tenured faculty of the academic unit involved for their recommendation.

If the executive vice president and provost and the Faculty Senate have expressly approved the submission of allegations of the violation of a specified policy to another body for preliminary recommendation, in place of submission to the tenured faculty of the academic unit, the dean must submit the matter to that body for its recommendation.

Both the dean and the faculty member may submit their views, in person or in writing, to the body making the recommendation, but neither of them may participate in the deliberation or vote. The body making the recommendation does so by secret ballot and makes a written report to the dean within 40 work days of submission of the issue to it, indicating the number of votes for and against the proposed action and the reasons articulated. A copy of the report shall be sent to the senior academic administrator and to the faculty member.

14.2. Formal Action. Within 40 work days after receiving the recommendation of the tenured faculty or other body, the dean must decide whether to proceed with formal action. Before taking formal action, the dean must consult with the senior academic administrator. If the dean does not proceed within 40 work days, the charges are dropped and the faculty member and the academic unit are so notified in writing. If the dean decides to proceed with formal action, the dean must give written notice to the faculty member. The notice must specify the action proposed, identify the specific ground upon which it has been taken, and summarize the evidence in support. It must inform the faculty member of the right to request a hearing before the Judicial Committee and advise the faculty member of the applicable time limit for making such a request.

If the faculty member does not request a hearing within 30 work days, the president may take the action proposed in the dean’s notice, without further right to a hearing.

14.3. Judicial Committee Hearing. The faculty member may request a hearing before the Judicial Committee by written request to the chair of the committee, filed within 30 work days of the notice. The Judicial Committee may extend the 30 day period for good cause. The dean will be responsible for presenting the case. The dean has the burden of proving the case for the proposed action by clear and convincing evidence and also has the burden of demonstrating the appropriateness of the proposed action, rather than some lesser measure.

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FN9 Throughout this section the word “dean” means the dean of the collegiate unit or other equivalent officer or an academic administrator specifically designated for this purpose by the senior academic administrator or by the executive vice president and provost.
The Judicial Committee makes written findings of fact, conclusions, and a recommendation for the disposition of the case. If the committee finds that action is warranted, it may recommend action that is less severe than that requested in the written notice, including but not limited to, permanent or temporary reduction in salary or rank. It may not recommend more severe measures than those proposed in the dean’s notice.

The Judicial Committee sends its report to the president with copies to the faculty member, the dean and the senior administrator.

14.4. Action by the President. The president shall give the faculty member and the dean the opportunity to submit written comments on the report. In determining what action to take, the president may consult privately with any administrators, including attorneys, who have had no previous responsibility for the decision at issue in the case and have not participated in the presentation of the matter to the Judicial Committee. The president may not discuss the case with any administrator who was responsible for the decision at issue in the case or who participated in the presentation of the matter to the senate Judicial Committee. Such administrators may communicate with the president in writing, but only if the full text of the communication is given to the faculty member and the faculty member is given a reasonable opportunity to respond to it.

The president shall not take action materially different from that recommended by the panel unless, prior to the action, the president has consulted with the committee. Parties and their representatives shall not be present at any meeting between the president and the committee nor shall their consent be required for such meeting.

In addition, the president may request the Judicial Committee to make further findings of fact, to clarify its recommendation or to reconsider its recommendation. The reconsideration will be made by those who have heard all of the evidence in the case, but the full Judicial Committee may consult with them on questions of general policy.

The president may impose the action recommended by the committee, or any action more favorable to the faculty member. The president may impose action less favorable to the faculty member only for important substantive reasons, which must be stated in writing, with specific detailed reference to the report of the Judicial Committee, the evidence presented, and the policies involved. The president’s written statement must be given to the parties and to the Judicial Committee. If the Judicial Committee decides that the president has imposed an action that is less favorable to the faculty member than it had recommended, it shall inform the faculty by publication of the president’s action in the docket of the Faculty Senate. If the faculty member waives rights to confidentiality, the full text of the statement will be published. Otherwise a summary of the statement will be published without identification of the faculty member or information that may indirectly identify the faculty member.

14.5. Appeal to the Board of Regents. If the action involves removal or if the action involves a sanction more severe than that recommended by the Judicial Committee, the faculty member may appeal to the Board of Regents. In cases in which the president imposes a sanction more severe than that recommended by the Judicial Committee, the faculty member and the president may present to the board evidence with respect to issues on which the president differs from the recommendation of the Judicial Committee. The request for a hearing must be made to the secretary of the board within ten work days of the president’s action.
14.6. Temporary Suspension During Proceedings. The dean may temporarily suspend a faculty member during the proceedings, but only if there is clear evidence that the faculty member is likely to cause serious harm or injury or is not available for work. The suspension will be with full pay, unless the faculty member is not available for work. Before ordering such suspension, the dean must present the evidence to a special panel of the Faculty Consultative Committee and receive their written report. The faculty member must be given the opportunity to contest the suspension before the panel.

If no final decision has been rendered one year after the commencement of formal proceedings, the faculty member shall be temporarily suspended without pay, unless the parties agree otherwise, or unless the hearing panel of the Judicial Committee extends the time period because of undue delays in the procedure attributable to the action of the University. This provision applies only in a case in which the majority of the tenured faculty of the academic unit concurred in the recommendation to terminate the appointment. If the faculty member is reinstated or if the president determines that the temporary suspension without pay was not warranted, then the president shall order the repayment of back pay to the faculty member with interest thereon from the date it would originally have been paid.

In case of any suspension under this section, the faculty member shall continue to receive full medical insurance and disability benefits without regard to the suspension.

14.7. Resignation During Proceedings. A faculty member may submit a written notice of resignation to the president at any time during Judicial Committee proceedings pursuant to this section. Upon the effective date of such resignation, the proceedings will be discontinued unless the faculty member concurrently files a written request with the Judicial Committee that they be carried to completion.

SECTION 15. APPEALS TO THE JUDICIAL COMMITTEE [INTERP 6]

15.1. Right to Review. Any faculty member who claims that the faculty member’s rights or status under these regulations have been adversely affected without the faculty member’s consent may seek review before the Judicial Committee. Cases arising under sections 1, 4, 7, 7a, 8, 10, 11 or 12 must be brought directly to the Judicial Committee. In these cases, that is, the Judicial Committee has original jurisdiction. In other cases, the faculty member must exhaust all other available University remedies before bringing the case to the Judicial Committee; the Judicial Committee will not proceed with such a case until the appropriate University body has either decided it or has refused to consider it. In such cases, the Judicial Committee has appellate jurisdiction.

15.2. Procedure for Securing Review. A written request for review must be filed with the chair of the Judicial Committee within 30 work days of written notice of the action challenged. The request must specify the action complained of and the remedial action the individual seeks. Within 30 work days of filing, the chair of the Judicial Committee must send copies of the request to the head of the academic unit concerned and to the senior academic administrator.

The Judicial Committee, however, may extend the time for filing for review for reasons that seem compelling to the committee, such as mental or physical illness, or serious personal or family problems, or doubt concerning when final action was taken.

15.3. Hearings Before the Judicial Committee. The person seeking review has the burden of proving by the preponderance of the evidence that the action complained of was improper unless the Judicial Committee, for good cause, otherwise directs.
The Judicial Committee does not itself decide whether the faculty member is professionally worthy of a faculty position, but only determines whether the action was based in significant degree upon any of the factors specified in subsection 7.7 or section 8.

In cases involving sections 7, 8, or 11, the Judicial Committee hears the merits of the case, as provided in those sections. In other cases, if there is an appropriate University body to review the matter, the Judicial Committee will only determine whether that body has given the faculty member due process and whether, on the basis of the facts found by that body, there has been a violation of these regulations or of the faculty member's academic freedom. If there is no appropriate University body to hear such a case, or if the Judicial Committee finds that the body which heard the case did not provide due process, the Judicial Committee may hear the merits or may appoint an ad hoc tribunal to hear them.

15.4. Action by the Judicial Committee. The Judicial Committee makes written findings of fact, conclusions, and a recommendation for the disposition of the case.

If the Judicial Committee finds that the action complained of was improper, it also specifies the respects in which it finds the action to have been improper and recommends appropriate remedial action.

If it recommends reconsideration, it may specify the manner in which reconsideration will be undertaken to avoid the influence of improper factors. If a probationary faculty member has reached the maximum probationary period, the committee may recommend a non-regular appointment for an additional academic year to provide for reconsideration.

The Judicial Committee sends its report to the president with copies to the faculty member and the administrator who appeared as respondent.

15.5. Action by the President. The president must give the faculty member and the administrator the opportunity to submit written comments on the report. In determining what action to take, the president may consult privately with any administrators, including attorneys, who have had no previous responsibility for the decision at issue in the case and have not participated in the presentation of the matter to the Judicial Committee. The president may not discuss the case with any administrator who was responsible for the decision at issue in the case or who participated in the presentation of the matter to the senate Judicial Committee. Such administrators may communicate with the president in writing, but only if the full text of the communications is given to the faculty member and the faculty member is given a reasonable opportunity to respond to it.

The president shall not take action materially different from that recommended by the panel unless, prior to the action, the president has consulted with the committee. The parties and their representatives shall not be present at any meeting between the president and the committee nor shall their consent be required for such meeting.

In addition, the president may request the Judicial Committee to make further findings of fact, to clarify its recommendation or to reconsider its recommendation. The reconsideration will be made by those who have heard all of the evidence in the case, but the full Judicial Committee may consult with them on questions of general policy.

The president may impose the action recommended by the committee or any action more favorable to the faculty member. The president may impose action less favorable to the faculty member only for important substantive reasons, which must be stated in writing, with specific detailed reference to the report of the
Judicial Committee, the evidence presented, and the policies involved. The president’s written statement must be given to the parties and to the Judicial Committee. If the Judicial Committee decides that the president has imposed an action that is less favorable to the faculty member than it had recommended, it shall inform the faculty by publication of the president’s action in the docket of the Faculty Senate. If the faculty member waives rights to confidentiality, the full text of the statement will be published. Otherwise a summary of the statement will be published without identification of the faculty member or information that may indirectly identify the faculty member. The president’s written statement must be given to the parties and to the Judicial Committee.

15.6. Actions Requiring Reconsideration. If the Judicial Committee recommends reconsideration of an action, that reconsideration will be undertaken under the supervision of the senior academic administrator, unless otherwise specified. The Judicial Committee may retain provisional jurisdiction of the matter to review allegations that the reconsideration itself was improper, and may make supplementary findings, conclusions, and recommendations in this regard.

15.7. Recommendations for Changes in University Policies and Procedures. As a result of Judicial Committee proceedings, the Judicial Committee, the Tenure Committee or the executive vice president and provost may initiate steps to clarify or improve University rules or policies involved. The changes will not affect the outcome of the case before the committee.

SECTION 16. ACADEMIC FREEDOM AND TENURE COMMITTEE

16.1. Membership. The Academic Freedom and Tenure Committee (referred to elsewhere in these regulations as the Tenure Committee) is composed of at least seven members of the faculty and such other persons as the Faculty Senate bylaws shall provide. The manner of appointment is governed by the Faculty Senate bylaws.

16.2. Interpretations. The executive vice president and provost and the Tenure Committee may propose formal interpretations of these regulations, consistent with their terms. Such interpretations must be reported to the Faculty Senate and the Board of Regents. If adopted by the Board of Regents, such interpretations will be binding in all cases subsequently arising.

16.3. Procedures. The executive vice president and provost and the Tenure Committee may jointly adopt the procedures provided by subsections 7.4 and 7.61, and jointly approve the procedures proposed by the Judicial Committee under subsection 13.2. Such procedures must be reported to the Faculty Senate and the Board of Regents before they go into effect.

16.4. Additional Functions. The Tenure Committee also advises the University and makes recommendations concerning the interpretation and amendment of these regulations.

SECTION 17. WRITTEN NOTICE

Notices of termination of a probationary appointment, of suspension or termination of an appointment, or of placement on unrequested leave of absence for disability, must be sent by registered or certified mail to the last known residence address of the faculty member concerned and also by campus mail to the faculty member’s campus address, if any. The written notice satisfies the applicable time requirement if it is postmarked at or before midnight of the applicable date.
Failure to comply fully with this section is immaterial if, in fact, the faculty member was not prejudiced by such failure.

SECTION 18. PUBLICATION

These regulations, and the interpretations referred to in section 16, will be published and made available to all faculty members. Every faculty member who holds a regular or non-regular appointment, except for courtesy faculty appointments without salary, must be given a copy of the current regulations and copies of subsequent amendments or published interpretations.

SECTION 19. AMENDMENT

These regulations are subject to amendment by the Board of Regents. Proposed amendments from any source will be submitted to the Faculty Senate for its advice and recommendation before final action by the Board of Regents. The Faculty Senate will solicit the recommendations of the Faculty Affairs Committee, the Judicial Committee, and the Tenure Committee, before giving its advice and recommendation.

REVISION HISTORY

Adopted: February 9, 1945
Technical Correction: March 31, 2016
Last Comprehensive Review: May 12, 2017
Supersedes: Regents’ Policies Statement dated February 8, 1974; and Authority to Correct Policies dated July 8, 1983.

INTERPRETATIONS

Dated April 12, 1985; September 8, 1988; March 12, 1993 and October 13, 1985; June 9, 2000; June 10, 2011.

1. Interpretation of Subsection 4.4: Definition of Recurring Salaries.

It is expected that any salary increases normally will be added to recurring salary if recurring funds are available for that purpose. Subsection 4.4 does not give any specific faculty member a legal entitlement or right to an increase in recurring salary.

2. Interpretation of Subsection 4.5: Financial Stringency.

Financial stringency in subsection 4.5 is understood to mean financial difficulties that are unusual in extent and require extraordinary rather than ordinary responses. Section 11 may be invoked if the regents are “faced with the necessity of drastic reduction in the University budget,” reductions so severe that they may “threaten [the] survival” of the University. It is understood that the financial difficulty that would permit the president to propose temporary reductions or postponements in compensation under subsection 4.5 is less severe than the “fiscal emergency” outlined in section 11, but it is also understood that “financial

The faculty of an academic unit are expected to periodically review their criteria for awarding indefinite tenure and for promotion in rank and reflect any new criteria in a revision of their subsection 7.12 Statement. The new criteria and subsection 7.12 Statement must be adopted in accordance with the procedures of the University, after consultation as required by those procedures. Current probationary faculty in the unit may elect to be evaluated on the criteria for tenure and promotion in the previous subsection 7.12 Statement or on the new criteria. This option is also available to current tenured faculty in their evaluation for promotion to the next level. Probationary or tenured faculty must make this decision within one year of the date of administrative approval of the new criteria.

4. Interpretation of Amendment to Subsection 10.2: Faculty Assignments.

Faculty members are free to choose topics for research or outreach and to discuss all relevant matters in the classroom, in accordance with the principles of academic freedom and responsibility. The head of the academic unit will assign individual faculty members to teach specific courses in accordance with the academic workload statement and other policies adopted by the faculty of that unit. A faculty member may challenge an assignment by showing that it is unreasonable. An assignment is unreasonable if: (a) taken as a whole, it exceeds the workload expected in the workload statement of that unit, (b) the faculty member lacks the basic qualifications to teach the course, or (c) the assignment was made in violation of the faculty member’s academic freedom or in violation of another specific university policy. The faculty member should carry out the teaching assignment pending resolution of any grievance, unless the responsible grievance or hearing officer or panel indicates that provisional measures are appropriate.

5. Interpretation of Amendments to Subsections 14.1 and 14.2: Timely Responses in Cases of Unrequested Leave of Absence, Termination, or Suspension.

The timelines for responses by either the involved faculty member or administrator may be extended by agreement of the parties to the proceeding or for extraordinary circumstances. An agreement of the parties to extend the time limit shall be in writing, signed by both parties or their representatives. If the parties do not agree, either party may apply to the chair of the Senate Judicial Committee for an extension of the time in which to take the steps required in this section. If the faculty member has failed to act within the time limits prescribed in these sections, the responsible administrator may request the chair of the Senate Judicial Committee to set a specific date by which the faculty member must take action; if the faculty member fails to do so, the petition for review will be dismissed without further proceedings and the requested disciplinary action (or any lesser sanction) may be taken. If the responsible administrator has failed to act within the time limits prescribed in these sections, the faculty member may request the chair of the Senate Judicial Committee to set a specific date by which the administrator must take action; if the administrator fails to do so, the proceedings shall be dismissed and further action can be taken only by reinitiating the entire proceedings.


As stated in the Preamble, the tenure regulations “provide a comprehensive set of policies dealing with the relationship between the University and its faculty,” including decisions regarding promotions in rank that may or may not involve questions of tenure. When a faculty member's request for promotion is not
approved, the Judicial Committee shall conduct a review in a manner analogous to the review of tenure decisions (see subsection 7.7). Such cases may be brought directly to the Judicial Committee without a requirement that the faculty member exhaust all other available University remedies before bringing the case to the Judicial Committee.

7. Interpretation of Subsection 6.3: Relation Between Tenure and Promotion.

Regular faculty with appointments as assistant professors with indefinite tenure at the time of the adoption of this interpretation in 2011 will continue to hold these appointments until they retire, subject to the review provisions of subsection 7a and as otherwise provided in these regulations.
Proposed Amendments to the *Civil Service Employment Rules*

The following amendments to the University's *Civil Service Employment Rules* are proposed to bring the rules into compliance with the new Title IX regulations. The current rules can be viewed [here](#) and were last amended by the Board of Regents at the February 2020 meeting.

**Proposed Amendments**

1.2 Application of the Rules

The Civil Service Employment Rules cover all University employees in job classifications included in the Civil Service Employee group except that temporary no-post and non-public employees are specifically excluded from coverage. In addition, decisions and appeals regarding disciplinary action in response to complaints against employees for alleged violation of Board of Regents Policy: *Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence* and Administrative Policy: *Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence* are excluded from these Civil Service Employment Rules and shall be addressed under Administrative Policy: *Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence* and related procedures.

7.3 Probationary Rating

All probationary employees will have a minimum of one verbal performance appraisal and one written performance appraisal during their probationary period, except where immediate removal from the position is warranted, such as serious job misconduct -- for example, falsification of records or misappropriation of University resources -- or workplace actions that endanger the health or safety of the employee or others or when termination is a result of discipline imposed under the Administrative Policy: *Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence* and related procedures. Supervisors must inform the probationary employee of any performance issues and develop a plan to remedy any performance issues which may be cause for not passing probation within 30 days of the expiration date of the probation period. Supervisors must use either the standardized University evaluation form or other Human Resources approved evaluation form, pursuant to Rule 9.1. The Vice President may, at any other time during the probationary period, ask the responsible administrator for additional oral and/or written statements regarding the employee’s work performance. If a written performance appraisal is not given before the actual expiration date of an employee’s probationary period, the employee will pass probation.

7.6.9 A probationary employee who is discharged from the University for disciplinary reasons, including as a result of discipline imposed through the Administrative Policy: *Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence* and related procedures, shall forfeit all rights to return to any prior position or to the layoff list.

13.1.3 Disciplinary action, other than that imposed under Section 13.4.1, shall become effective when the supervisor communicates the action to the employee. An employee may appeal any disciplinary action in accordance with Rule 14, other than that imposed under Section 13.4.1.
13.2.3 The employee may appeal a dismissal during the six-week period in accordance with Rule 14 other than a dismissal under Section 13.4.1. The appeal shall not affect the effective date of the dismissal.

13.4 Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence

13.4.1 Notwithstanding other provisions in these Civil Service Employment Rules, decisions and appeals regarding disciplinary action in response to complaints against employees for alleged violation of Board of Regents Policy: Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence and Administrative Policy: Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence are excluded from these Civil Service Employment Rules and shall be addressed under Administrative Policy: Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence and related procedures.
Sexual Harassment, Sexual Assault, Stalking and Relationship Violence

POLICY STATEMENT

The University of Minnesota (the “University”) is committed to taking prompt and effective steps intended to end sexual harassment, sexual assault, stalking, relationship violence, and related retaliation, prevent their recurrence and, as appropriate, remedy their effects. This policy outlines the University’s definitions and procedures related to these types of misconduct. This policy applies to University members, who include:

- University students, whether enrolled full time or part time, for credit or non-credit courses;
- University employees as defined in this policy; and
- third parties who are engaged in any University activity or program, or who are otherwise interacting with the University, including, but not limited to, volunteers, contractors, vendors, visitors, and guests.

This policy applies to acts of sexual harassment, sexual assault, stalking, relationship violence, and related retaliation committed by or against students, employees, and third parties when:

- the conduct occurs on University property;
- the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored academic, athletic, extracurricular, study abroad, research, on-line or internship programs or activities;
- the conduct occurs off University property and outside the context of a University employment or education program or activity; or 2) creates a hostile environment for one or more students, employees, or third parties while on University property or in any University employment or education program or activity; or
- the conduct indicates that the respondent may present a danger or threat to the health or safety of University members.

To the extent any provision of this policy conflicts with Board of Regents Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence, the Board policy controls. To the extent any provision of this policy conflicts with any other University policy, this policy controls. Nothing in this policy should be interpreted to abridge academic freedom or principles of free speech.

I. PROHIBITION
All University members are prohibited from engaging in, or assisting or abetting another’s engagement in, sexual assault, sexual harassment, relationship violence, stalking, and related retaliation (collectively “prohibited conduct”).

II. RESOURCES AND RIGHTS FOR COMPLAINANTS AND RESPONDENTS

A. OPTIONS FOR COMPLAINANTS

There are a number of University resources and processes available to complainants, including:

1. Confidential personal support and advocacy resources for complainants, whether or not the grievance or informal problem-solving processes are initiated, as described in Resources for Complainants under the “Other Contacts” section of this policy.

2. Supportive measures, as described in Section II.B, whether or not the grievance or informal problem-solving processes are initiated.

3. The grievance process, as described in Section VI: A complainant may file a formal complaint to request the grievance process. A complainant files a formal complaint by submitting a document to the campus Title IX office that: 1) alleges that an individual engaged in prohibited conduct toward the complainant; and 2) requests that the University investigate the allegation of prohibited conduct. The document must contain the complainant’s physical or digital signature or otherwise indicate that the complainant is the individual filing the formal complaint. The formal complaint may be filed with the campus Title IX office in person, by mail, by e-mail, or through an online portal provided for this purpose, where available.

4. Informal problem-solving processes, as described in Section V. A complainant may request informal problem-solving processes by contacting the campus Title IX office.

5. Consultations with the campus Title IX office. A complainant may contact the campus Title IX office to learn more about these options, with or without sharing information about their experience of prohibited conduct or making a formal complaint.

6. Submission of an anonymous report through the University’s UReport reporting system. Reports of prohibited conduct that are submitted through UReport are forwarded to the campus Title IX office. The campus Title IX office will address anonymous reports to the extent possible given the information provided in the report.

B. SUPPORTIVE MEASURES FOR COMPLAINANTS AND RESPONDENTS

The University will provide supportive measures designed to restore or preserve equal access to the University’s programs and activities, protect the safety of all parties or the educational environment, and/or deter prohibited conduct. Supportive measures are non-disciplinary, non-punitive individualized services provided to a party that do not unreasonably burden another party. They are offered to individuals as appropriate and reasonably available. Supportive measures may include the following:

- counseling and support services;
- academic or course-related adjustments, such as extensions of deadlines;
- modifications of work or class schedules;
- campus escort services;
- restrictions on contact between the parties;
- changes in work or housing locations;
- leaves of absence;
• increased security and monitoring of certain areas of campus; and
• assistance in making a report to law enforcement or obtaining a protective order.

Supportive measures may be implemented because an individual has requested them, the campus Title IX office has recommended them, or a local unit or department has identified a need for them. Supportive measures are available regardless of whether a complainant files a formal complaint with the campus Title IX office or pursues any of the processes made available under this policy.

Complainants and respondents may seek these supportive measures by contacting the campus Title IX office, which is responsible for coordinating the effective implementation of supportive measures. Campus or local victim-survivor advocacy offices may also be able to assist complainants in requesting supportive measures. Alternatively, complainants and respondents may seek supportive measures directly from the departments or individuals with the ability to provide the requested accommodations, such as the campus housing and residential life office or the appropriate faculty member, supervisor or human resources representative.

The departments or individuals with the ability to provide the requested accommodations will determine which accommodations and protective measures to take depending on the circumstances of each case and can seek assistance from the campus Title IX office.

The University will maintain the confidentiality of any supportive measures to the extent possible. For more information about supportive measures, see FAQ: Investigations and Supportive Measures. The campus Title IX office staff are also available to meet with University members to address questions or concerns about the provision of supportive measures.

The campus Title IX office will maintain records of any supportive measures taken in response to a report made to the campus Title IX office, the President, or a Vice President, Chancellor, Vice Chancellor or Dean. Specifically, the campus Title IX office will document that it has taken reasonable measures designed to restore or preserve equal access to the University’s education program or activity where appropriate.

C. PRIVACY AND CONFIDENTIALITY

The University is committed to protecting the privacy of all individuals involved in an informal problem-solving process or grievance process under this policy to the greatest extent legally permissible. In order to carry out an informal problem-solving or grievance process and/or to otherwise comply with legal obligations, it is often necessary for the University to share the identities of the parties and/or witnesses, as well as information provided by the parties and/or witnesses, with the parties and other participants in the process. The identities of these individuals and the information provided during these processes also may be included in an investigation report or other document relating to the case, which may be provided to the University Authority and others as appropriate.

The University will keep private the identity of complainants, respondents, witnesses, and third-party reporters in cases involving Title IX-based prohibited conduct except when necessary to: 1) carry out an informal problem-solving or grievance process; 2) disclose data as required by the Minnesota Government Data Practices Act (MGDPA); or 3) otherwise comply with legal obligations.

The University does not restrict the ability of complainants or respondents to discuss allegations that have been reported or to gather and present relevant evidence. At the same time, the University and the participants in the grievance process have a compelling interest in protecting the integrity of the grievance process, protecting the privacy of parties and witnesses, and protecting parties and witnesses from harassment, intimidation, or retaliation during a grievance process. To further these goals, witnesses and parties are encouraged to limit their sharing of information about a matter (including the allegations, the identities of the parties and witnesses,
and the questions asked in interviews) while the grievance process is ongoing. Parties and witnesses are also cautioned not to discuss the allegations in a manner that constitutes retaliation or unlawful conduct. Further, parties and their advisors are not permitted to disseminate the evidence provided to them under Section VII.K.3.

D. AMNESTY

To facilitate reporting and thorough investigations of prohibited conduct, individuals who provide information about possible prohibited conduct violations to the University, and individuals who participate in an informal problem-solving or grievance process under this policy, will not be disciplined by the University for violations of the University’s prohibition on the personal use of drugs or alcohol, when such a violation occurred in connection with a possible prohibited conduct violation and was discovered as a result of a prohibited conduct report.

Moreover, the University may offer leniency with respect to other violations that emerge as a result of a prohibited conduct report, depending on the circumstances involved.

III. REPORTING AND OTHER OBLIGATIONS RELATED TO PROHIBITED CONDUCT

In order to foster an environment free of prohibited conduct, all University members are encouraged to take reasonable prudent actions to prevent, stop, and report all acts of prohibited conduct. In addition, University members have the following reporting and other obligations related to possible prohibited conduct.

A. REPORTING OF PROHIBITED CONDUCT DIRECTED AT STUDENTS

University employees must promptly contact the campus Title IX office when in the course of performing their employment duties they learn about any form of prohibited conduct directed at students that may have:

- occurred on University property;
- occurred during a University employment or education program or activity;
- been directed at a current student at the time they were a student; or
- been committed by a current University member at the time they were a University member.

B. REPORTING OF PROHIBITED CONDUCT DIRECTED AT EMPLOYEES OR THIRD PARTIES

University employees must promptly contact the campus Title IX office when in the course of performing their employment duties they learn about any sexual assault, stalking, or relationship violence directed at University employees or third parties that may have:

- occurred on University property;
- occurred during a University employment or education program or activity;
- been directed at a current University employee at the time they were a University employee;
- been directed at a third party at the time they were engaged in any University activity or program, or were otherwise interacting with the University, including, but not limited to, as volunteers, contractors, vendors, visitors, or guests; or
- been committed by a current University member at the time they were a University member.

In addition, supervisors and human resources representatives must report sexual harassment directed at University employees or third parties to the campus Title IX office.
Other University employees are encouraged to report sexual harassment directed at University employees or third parties to the campus Title IX office, or their supervisor or human resources representative. However, this reporting is not required.

C. INFORMATION THAT MUST BE REPORTED TO THE CAMPUS TITLE IX OFFICE

University employees who learn about possible prohibited conduct are not required to solicit additional information about the prohibited conduct or the individuals involved. However, to the extent known to them, University employees who learn about prohibited conduct as set forth in A and B above must report the following information to the campus Title IX office:

- the names of the complainant(s), respondent(s), and possible witnesses;
- the date, time, and location of the possible prohibited conduct; and
- other relevant details about the possible prohibited conduct.

D. EMPLOYEES WHO ARE EXEMPT FROM THESE REPORTING REQUIREMENTS

The following University employees are exempt from the requirement to report prohibited conduct to the campus Title IX office:

- counselors, psychologists, and others with a professional license requiring confidentiality, and their supervisees, when they learn about prohibited conduct in the course of their professional responsibilities;
- health center employees when they learn about prohibited conduct in the course of treating patients or facilitating the provision of medical services, and other employees who are prohibited by HIPAA from fulfilling this reporting requirement;
- employees of the Student Conflict Resolution Center, Office for Conflict Resolution, and University ombuds offices when they are providing conflict resolution or ombuds services;
- advisors (as defined in this policy) when they learn about prohibited conduct: 1) that is directly related to the case in which they are serving as an advisor; 2) from the party they are serving as an advisor to; and 3) in the course of their advising;
- members of University of Minnesota police departments when they are restricted by law from disclosing this information;
- researchers when they learn about prohibited conduct from a research participant in the course of a research project; and
- victim-survivor advocacy office employees and volunteers when they learn about prohibited conduct in the course of their advocacy office work.

E. ADDITIONAL OBLIGATIONS FOR SUPERVISORS AND HUMAN RESOURCES REPRESENTATIVES

Supervisors and human resources representatives may learn about possible prohibited conduct in a variety of ways, including when:

- they observe or overhear prohibited conduct;
- they receive a report of prohibited conduct, even when an individual does not identify the concerns as “prohibited conduct;” and
- they receive any other information that prohibited conduct may have occurred, regardless of where the information comes from and even if the supervisor is unsure that any prohibited conduct actually occurred.

Supervisors and human resources representatives who learn about possible prohibited conduct have additional obligations. First, supervisors and human resources representatives who learn about possible prohibited conduct, including sexual harassment directed at employees, must promptly contact the campus Title IX office to report information about the possible prohibited conduct and to report any responsive action that has been taken.
Second, supervisors and human resources representatives who learn about possible prohibited conduct must take prompt and effective responsive action. In some cases, a supervisor’s or human resources representative’s obligation to take prompt and responsive action will be satisfied by notifying the campus Title IX office. In other cases, it will be appropriate for supervisors and human resources representatives to take additional responsive action after consulting with the campus Title IX office. The particular responsive actions that a supervisor or human resources representative should take will depend on the circumstances. Below is a list of examples of responsive actions that might be appropriate for a supervisor or human resources representative to take in certain cases:

- providing supportive measures to a complainant or respondent;
- making non-retaliatory employment changes that remove any continued impact on a complainant;
- conducting preliminary inquiries to determine whether others have reported possible prohibited conduct by a particular respondent;
- discussing the prohibited conduct concerns with the respondent and setting expectations for future conduct;
- providing coaching and training on acceptable workplace conduct; and
- monitoring to prevent the occurrence of future prohibited conduct.

In all cases, supervisors and human resources representatives must document the responsive actions taken and provide this information to the campus Title IX office.

For additional information about University employees’ obligation to report prohibited conduct, please see FAQ: Employees’ Obligation to Report Sexual Harassment, Sexual Assault, Stalking and Relationship Violence to the Campus Title IX Office.

IV. CAMPUS TITLE IX OFFICE’S RESPONSES TO ALLEGED PROHIBITED CONDUCT

A. Information Provided to Complainants

When a campus Title IX office learns about possible prohibited conduct, it will promptly contact the complainant to:

1. provide information about available supportive measures, including:
   a. information about supportive measures and resources within the institution and in the community that are available with or without the filing of a formal complaint,
   b. information about how to request supportive measures, including changes to academic, living, transportation and working situations or protective measures,
   c. information about the University’s services related to no-contact orders, orders for protection, or other similar lawful orders,
   d. information about how the University will maintain the confidentiality of supportive measures provided to the complainant, and
   e. an invitation to the complainant to discuss supportive measures and share their wishes with respect to supportive measures with the campus Title IX office;

2. where applicable, provide information about the various processes offered by the University to address prohibited conduct;

3. where applicable, explain the process for filing a formal complaint or requesting an informal problem-solving process;
4. provide information about how the University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the complainant;

5. provide written notification about the importance of preserving evidence that may assist in a legal or campus disciplinary proceeding or may be helpful in obtaining a protective order;

6. provide information about the complainant’s right to seek medical treatment, as appropriate; and

7. provide written information to the complainant about their right to contact law enforcement, to decline to contact law enforcement, to be assisted by campus representatives in contacting law enforcement, and to seek a protective order, as appropriate.

When a complainant does not respond to the communication from the campus Title IX office providing the information described above, the campus Title IX office will generally presume that the complainant does not want to initiate a grievance process or an informal problem-solving process.

B. Campus Title IX Office Determination About Further Responsive Action

In addition to contacting a complainant as set forth in Section IV.A, upon learning about possible prohibited conduct, the campus Title IX office will take one of the following three actions.

1. Initiate a grievance process.

The campus Title IX office will initiate a grievance process when the complainant has filed a formal complaint requesting that the University investigate alleged prohibited conduct or when the Title IX Coordinator has signed a formal complaint.

   a. In cases involving a student respondent, the Title IX Coordinator will sign a formal complaint when an investigation is needed to comply with legal anti-discrimination requirements or when campus safety is threatened. In determining whether campus safety is threatened, the Title IX Coordinator will consider the following factors, among others: whether the respondent is alleged to have used a weapon while committing prohibited conduct; whether the respondent is alleged to have used force while committing prohibited conduct; and whether the respondent has been alleged or found to have committed prohibited conduct against other complainants.

   b. In cases involving an employee or third-party respondent, the Title IX Coordinator will sign a formal complaint when: 1) an investigation is needed to comply with legal anti-discrimination requirements; 2) campus safety is threatened; or 3) an investigation is otherwise deemed to be the most appropriate and effective response.

2. Initiate an informal problem-solving process.

The campus Title IX office may initiate an informal problem-solving process to address alleged concerns and prevent prohibited conduct in cases where no formal complaint is filed or signed. For example, an informal problem-solving process may be appropriate in cases: 1) with an anonymous complainant; 2) where the alleged conduct does not rise to the level of prohibited conduct; 3) where the complainant does not want to initiate a grievance process and an informal problem-solving process may effectively deter future prohibited conduct; or 4) where the alleged conduct is likely covered by academic freedom or free speech protections.

3. Take no further action beyond offering supportive measures.
In certain cases where a complainant does not want an informal problem-solving or grievance process, or when the campus Title IX office does not have sufficient information to effectively initiate such a process, the campus Title IX office may decide not to take any action beyond offering supportive measures to the complainant.

V. INFORMAL PROBLEM-SOLVING PROCESS

The campus Title IX office may initiate an informal problem-solving process when a grievance process has not been initiated or has been dismissed as described in Section VII.H. In an informal problem-solving process, the campus Title IX office does not determine whether a respondent has violated University policy. However, the campus Title IX office may provide resources to help address the concerns raised and make recommendations for responsive action, including actions aimed at preventing misconduct from occurring. For example, informal problem-solving processes may include:

- gathering additional information about the alleged prohibited conduct to determine how to most effectively respond to the alleged prohibited conduct or to provide relevant information to the individuals involved;
- notifying a respondent about the concerns raised, and about any reported impact of the concerns on a complainant or community;
- providing education or coaching to a respondent or complainant;
- providing recommendations that are aimed at preventing further concerns from arising to an appropriate individual who oversees a respondent or complainant; and/or
- establishing a plan to monitor for future misconduct.

VI. THE GRIEVANCE PROCESS

The campus Title IX office will initiate the grievance process when a formal complaint alleging prohibited conduct in violation of this policy is filed by a complainant or signed by the Title IX Coordinator.

A. STANDARD OF PROOF

The University’s grievance process applies the preponderance of the evidence standard when determining whether this policy has been violated. “Preponderance of the evidence” means that it is more likely than not that a policy violation has occurred.

B. ELEMENTS OF THE GRIEVANCE PROCESS

The grievance process includes the following key elements:

1. Title IX Coordinators, campus Title IX office staff who conduct investigations, decision-makers and individuals designated to facilitate informal resolution processes (where available) who: 1) do not have a conflict of interest or bias for or against complainants or respondents generally or individual complainants or respondents specifically; and 2) are trained in accordance with this policy and applicable laws.

2. A burden of proof that rests on the University.

3. A burden of gathering evidence sufficient to reach a determination on responsibility and disciplinary sanctions, if any, that rests on the University.

4. An equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
5. A presumption that a respondent is not responsible for the alleged prohibited conduct until a determination on responsibility and disciplinary sanctions, if any, is made at the conclusion of the grievance process.

6. An objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence.
   a. Relevant evidence is information pertinent to proving whether facts material to the allegations are more or less likely to be true.
   b. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not considered relevant, unless such questions and evidence: 1) are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or 2) concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

7. No consideration of information protected under a legally recognized privilege, or questions seeking disclosure of this information, unless the person holding the privilege waives it.

8. No access to or consideration of a party's records that were made or maintained by a physician, psychiatrist, psychologist, or other professional in connection with the provision of treatment to the party, unless that party provides voluntary, written consent.

9. Credibility determinations, where applicable, that are not based on an individual’s status as a complainant, respondent, or witness.

C. PARTY AND WITNESS PARTICIPATION IN THE GRIEVANCE PROCESS

Parties will be provided with written notice of the date, time, location, participants, and purpose of all meetings during the grievance process at which the party is expected or invited, with sufficient time for the party to prepare to participate.

Parties and witnesses are not required to participate in a grievance process under this policy. When a complainant, respondent, or witness refuses to provide relevant information during a grievance process, the grievance process may proceed. However, a determination on responsibility and disciplinary sanctions, if any, will be based only on the information available.

Individuals who knowingly or intentionally file a false formal complaint or provide false or misleading information during a grievance process may be subject to disciplinary action up to and including termination of employment or expulsion. Disciplinary action is not warranted where an individual provides information in good faith, even if the information is ultimately not substantiated. An individual provides information in good faith when that individual reasonably believes that the information they have provided is accurate.

Concerns that an individual has knowingly or intentionally provided false or misleading information will be addressed by the following offices: (1) for concerns that students allegedly engaged in this misconduct, the campus office responsible for investigating and adjudicating potential Student Conduct Code violations other than prohibited misconduct covered in this policy; (2) for concerns that employees allegedly engaged in this misconduct, the employee’s supervisor or human resources representative; and (3) for concerns that third parties allegedly engaged in this misconduct, the University official responsible for retaining or overseeing the third party.

D. ADVISOR PARTICIPATION IN THE GRIEVANCE PROCESS

Complainants and respondents may be accompanied to meetings and hearings in the grievance process by: 1) an advisor of their choice; and 2) a support person who cannot be a fact witness in
the case. In limited circumstances, other individuals may be permitted to attend these meetings to support a party for good reason, such as to accommodate a disability, at the discretion of the University member conducting the meeting. When a party does not have an advisor present at a live hearing, the University will provide an advisor to conduct cross-examination on behalf of that party. A party may choose to have this advisor fulfill any and all additional functions permitted for advisors. For more information about the responsibilities of advisors who attend meetings and hearings as allowed by this policy, please see Appendix A.

E. REMOVAL OF RESPONDENT FROM THEIR UNIVERSITY ROLE DURING A GRIEVANCE PROCESS

Student respondents. A student respondent may be removed from their University role as an interim measure during a grievance process in two circumstances. First, the University may undertake emergency removal of a student respondent for reasons arising from the alleged prohibited conduct when the University: 1) undertakes an individualized safety and risk analysis; 2) concludes that there is an immediate threat to the physical health or safety of any student or other individual arising from the alleged prohibited conduct; and 3) provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. Second, the University may impose an interim disciplinary suspension on a student respondent in accordance with Board of Regents Policy: Student Conduct Code, Section VI. Interim Suspension for reasons not arising from the alleged prohibited conduct.

Employee respondents. The University Authority identified in Appendix B, at their discretion, may take interim measures such as changing a respondent’s work responsibilities or work location or placing them on paid leave during a grievance process. Such action may be appropriate when there is a legitimate concern that without interim measures: 1) the respondent will engage in prohibited conduct while the grievance process is ongoing, or 2) the respondent would be unduly disruptive to University members or University activities or programs.

Non-student and non-employee respondents. University members who are neither students nor employees may be removed from their University role or a University program as an interim measure during a grievance process at the discretion of the University Authority identified in Appendix B.

F. CONSOLIDATION OF FORMAL COMPLAINTS

Formal complaints may be consolidated when the allegations arise out of the same facts or circumstances and there are: 1) allegations by one complainant against more than one respondent; 2) allegations by more than one complainant against one or more respondents; or 3) cross-complaints.

G. DECISION ABOUT THE DESIGNATION OF PROHIBITED CONDUCT

Upon receipt of a formal complaint that alleges prohibited conduct in violation of this policy, the campus Title IX office will initiate a grievance process. Once the campus Title IX office initiates a grievance process, it will provide notice to the parties in writing of, among other things:

- its decision about whether to designate the alleged prohibited conduct as Title IX-based prohibited conduct;
- the reasons for this decision; and
- the parties’ right to appeal this decision, as described in Section VI.I.

More information about the notice that the campus Title IX office will provide to the parties can be found in Section IV.K.2.

The campus Title IX office will not initiate a grievance process when the alleged conduct, if substantiated, would not constitute prohibited conduct, except in limited circumstances. In such
cases, the campus Title IX office will notify the parties in writing of this decision and of the parties’ right to appeal this decision to an impartial appellate officer.

H. DISMISSAL OF A FORMAL COMPLAINT

The campus Title IX office has discretion to dismiss a formal complaint or any allegations therein during the grievance process when: 1) a complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations therein; 2) a respondent is no longer enrolled in, or employed by, the University; or 3) specific circumstances prevent the gathering of evidence sufficient to reach a determination on responsibility.

When dismissing a complaint, the campus Title IX office will notify the parties in writing of: 1) the decision to dismiss; 2) the reasons for the dismissal; and 3) the parties’ right to appeal the dismissal to an impartial appellate officer, as described in Section VII.I.

I. APPEALS OF DISMISSALS OF FORMAL COMPLAINTS AND OF DECISIONS ABOUT THE DESIGNATION OF PROHIBITED CONDUCT

Any party may appeal the campus Title IX office’s written decision to: 1) designate the alleged conduct as Title IX-based prohibited conduct or its decision to not make that designation; 2) not initiate a grievance process, despite a complainant’s request for a grievance process, because the alleged conduct, if substantiated, would not constitute prohibited conduct under the policy; or 3) dismiss a formal complaint as set forth in Section VI.H.

Appeals must be submitted to the Appellate Officer in writing within ten business days of receipt of the campus Title IX office’s written decision. Appeals received after ten business days will be denied. Decisions that are not appealed within ten business days are final. When a timely appeal is received, the other party will be sent a copy of the appeal and provided an opportunity to respond. A response to an appeal must be submitted in writing within ten business days from the party’s receipt of the appeal.

Appeals are not intended to allow for a second review of the same information provided to the campus Title IX office, and the Appellate Officer will not substitute their judgment for that of the campus Title IX office. Appeals are limited to the grounds set forth below:

- procedural irregularity that affected the outcome of the matter.
- new evidence that was not reasonably available at the time the determination or dismissal was made that could affect the outcome of the matter.
- a decision that was not based on substantial information. Substantial information means relevant information that a reasonable person might accept as adequate to support a conclusion.
- the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent that affected the outcome of the matter.

In most cases, the appellate review is limited to review of the written decision and the appeal and response documents submitted by the parties. However, the Appellate Officer may, at their discretion, request and review additional information from the campus Title IX office.

The Appellate Officer will provide a written decision on the appeal to the parties. The Appellate Officer may: 1) affirm the decision; 2) overturn the decision; or 3) remand the case to remedy procedural errors or consider new evidence. The Appellate Officer will strive to issue a decision within 15 calendar days of receipt of all appeal and response documents.

J. INFORMAL RESOLUTION PROCESSES
The University may offer informal resolution processes to parties at any time after a formal complaint is filed and before a final determination on responsibility and on disciplinary sanctions is made. Except, the University will not offer informal resolution processes to resolve allegations that an employee engaged in Title IX-based prohibited conduct toward a student.

Before initiating an informal resolution process, the University will provide the parties with a written notice disclosing:

- the allegations in the formal complaint;
- the requirements of the informal resolution process;
- the circumstances under which the informal resolution process precludes the parties from resuming the grievance process arising from the formal complaint;
- the parties’ right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and
- any privacy-related and recordkeeping-related consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

In addition, before initiating an informal resolution process, the University must obtain the parties' voluntary, written consent to the informal resolution process.

K. INVESTIGATION

1. General principles

Investigations into formal complaints will be conducted by the campus Title IX office. Except, investigations into stalking and relationship violence of a non-sexual nature will be conducted: 1) for student respondents, by the campus office or official that investigates non-sexual Student Conduct Code complaints; 2) for employee respondents, by a human resources representative or a supervisor; and 3) for other University members, by the University official who retains or oversees their participation in University programs or activities. If a prohibited conduct investigation reveals possible misconduct other than prohibited conduct under this policy, the campus Title IX office will forward this information to the campus office or supervisor responsible for investigating that possible misconduct. However, amnesty is provided for certain drug and alcohol related offenses that come to light during a prohibited conduct investigation, as discussed in Section II.D.

2. Written notice to the parties

Upon receipt of a formal complaint that alleges prohibited conduct in violation of this policy, the campus Title IX office will provide written notice to the parties who are known. The written notice will provide the parties with sufficient time to prepare a response before any initial interview, and will include:

- Notice that a grievance process is being initiated.
- Information about the grievance process set forth in this policy.
- Notice of the allegations of prohibited conduct, including the identities of the parties involved in the incident, if known, alleged prohibited conduct, and the date and location of the alleged prohibited conduct, if known.
- Notice of the decision on whether the reported conduct will be designated as Title IX prohibited conduct, the reasons for this decision, and the parties’ right to appeal this decision;
- A statement that the respondent is presumed not responsible for the alleged prohibited conduct and that a determination on responsibility and on disciplinary sanctions, if any, is made at the conclusion of the grievance process.
Notice that the parties may be accompanied to meetings and hearings in the grievance process by: 1) an advisor of their choice who may be, but is not required to be, an attorney, and who may inspect and review evidence as described in Section VI.K.3; and 2) a support person who cannot be a fact witness in the case.

Information about applicable supportive measures and advisor resources, and an opportunity to discuss them with the campus Title IX office.

Notice that this policy prohibits knowingly or intentionally filing a false formal complaint or providing false or misleading information during a grievance process.

If, during the course of an investigation, the campus Title IX office decides to investigate additional allegations of prohibited conduct, the campus Title IX office will provide notice of those additional allegations to the parties whose identities are known.

3. **Investigation process**

The nature and scope of an investigation will be determined based on the formal complaint and any additional information gathered during the investigation, and will include the following elements:

- Written notice to the parties as described in Section VI.K.2.
- One or more requested interviews of a complainant, where the complainant will have the opportunity to describe the allegations giving rise to the formal complaint, provide evidence, and identify witnesses.
- One or more requested interviews of a respondent, where the respondent will have the opportunity to respond to the allegations, provide evidence, and identify witnesses.
- Gathering of other evidence, such as through witness interviews.
- An equal opportunity for the parties and their advisors to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint as follows: Prior to completion of the investigation, the campus Title IX office will send to each party and the party’s advisor, if any, the evidence for inspection and review. The parties are not permitted to photograph the evidence or disseminate the evidence to the public. The parties will be provided ten calendar days in which to submit a written response, which the campus Title IX office will consider prior to completion of the investigation.
- Provision of a final investigation report to each party, the party’s advisor, if any, and to the University Authority (identified in Appendix B) that fairly summarizes the relevant evidence, provides an analysis of the evidence, and a recommended determination on responsibility.

The campus Title IX office strives to complete investigations within 90 business days. However, depending on the complexity of the investigation, the number of witnesses, the availability of evidence and other factors, some investigations may take additional time. When an investigation will not be completed within 90 business days, the campus Title IX office will notify the parties and provide the reason for the extended timeline in writing.

L. **POST-INVESTIGATION INFORMAL RESOLUTION**

Based on the final investigation report, the University Authority (identified in Appendix B) may opt to provide the parties with a proposed informal resolution. If both parties agree in writing to the informal resolution, the grievance process ends. If either party does not agree to the informal resolution, the matter will proceed to a hearing. Informal resolution processes are discussed further in Section VI.J.

This informal resolution option is not available to resolve formal complaints that an employee engaged in Title IX-based prohibited conduct toward a student.
M. HEARING

1. Hearing

If there is no informal resolution, the parties will be provided a live hearing. The hearing will be scheduled no earlier than ten calendar days after the parties receive the final investigation report and proposed informal resolution, if one is proposed. The parties will be permitted to submit a written response to the final investigation report to the decision-maker(s).

Hearing format. The University may conduct live hearings with all parties physically present in the same geographic location or with any or all parties, witnesses, and other participants appearing virtually, with technology enabling participants to simultaneously see and hear each other. At the request of any party, the parties will be located in separate rooms during the hearing with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party of the witness answering questions.

Access to evidence at the hearing. The University will make all evidence directly related to the allegations available to the parties at any hearing.

Advisor and support person. Each party may be accompanied to the hearing by: 1) one advisor of their choice; and 2) a support person who cannot be a fact witness in the case. Support persons may participate in the hearing in a non-speaking capacity. Advisors are permitted to present information and conduct direct and cross-examination during the hearing. If a party does not have an advisor present at the hearing, the University will provide that party, free of charge, with an advisor of the University’s choice, to conduct cross-examination on behalf of that party. A party’s advisor may appear and conduct cross-examination even when the party whom they are advising does not appear. Where neither party nor that party’s advisor of choice appears, a University-provided advisor must still cross-examine any other appearing party “on behalf of” the non-appearing party, so that consideration of the appearing party’s statements can be made.

Cross-examination. Cross-examination at the live hearing will be conducted directly, orally, and in real time by the party’s advisor and never by a party personally. Each party’s advisor is permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including questions that challenge credibility. Only relevant cross-examination may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination question (or other question), the decision-maker(s) will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Failure to submit to cross-examination – applicable only to Title IX-based prohibited conduct formal complaints. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) will not rely on any statement of that party or witness in reaching a determination on responsibility or on disciplinary sanctions, if any. The decision-maker(s) will not draw an inference about the determination on responsibility or on disciplinary sanctions, if any, based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

Recording or transcript. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

2. Determination on responsibility and disciplinary sanctions, if any

Both parties will be: 1) simultaneously provided with the hearing decision-maker(s)’s written decision on responsibility; and 2) simultaneously provided with the University Authority’s decision on disciplinary sanctions, if any. The University Authority is identified in Appendix B.
Together, these written decisions on responsibility and disciplinary sanctions will constitute the “Written Determination” described in VI.M.3 that may then be appealed by either party.

3. **The Written Determination will include:**

- identification of the allegations of prohibited conduct;
- a description of the procedural steps taken from the receipt of the formal complaint through the determination on responsibility and disciplinary sanctions, including lists of any notifications sent to the parties, any interviews with parties and witnesses, any site visits, the methods used to gather other evidence, and the hearings held;
- findings of fact supporting the determination;
- conclusions regarding the application of this policy to the facts;
- a statement of, and rationale for, the determination on responsibility and disciplinary sanctions;
- a statement of, and rationale for, any disciplinary sanctions that will be imposed on the respondent, and whether the University will provide remedies to the complainant; and
- the University’s procedures and permissible bases for the parties to appeal the determination on responsibility and disciplinary sanctions.

If an appeal is not filed, the Written Determination becomes final on the date on which an appeal would no longer be considered. If an appeal is filed, the Written Determination becomes final on the date that the Appellate Officer provides the parties with the written determination of the result of the appeal. See Section VI.O on appeals.

N. DISCIPLINARY SANCTIONS, REMEDIES, AND OTHER RESPONSIVE ACTIONS

1. **The role of the University Authority in determining, and monitoring compliance with, disciplinary sanctions and other responsive actions**

The responsible University Authority (identified in Appendix B) will decide which disciplinary sanctions and other responsive actions will be implemented, if any.

Disciplinary sanctions will not be imposed on the respondent until: 1) the date on which an appeal would no longer be considered timely, if an appeal is not filed; or 2) the date that the parties are provided with the written determination of the result of the appeal, if an appeal is filed.

The University Authority will monitor compliance with any disciplinary sanctions or other responsive actions and address any compliance failures by the respondent.

Where a student respondent is also a third party or employee, the campus Title IX office will determine the appropriate University Authority(ies) to determine disciplinary sanctions and other responsive actions in those non-student roles. In making this determination, the campus Title IX office will consider case-specific factors, including the context in which the alleged prohibited conduct occurred (e.g. whether it occurred in an employment or academic context) and the respondent’s primary affiliation.

2. **Disciplinary sanctions and other responsive actions – general information**

Responsive action is intended to eliminate prohibited conduct, prevent its recurrence, and promote accountability while supporting the University’s educational mission and legal obligations. Responsive action may include disciplinary, rehabilitative (including educational), restorative, and monitoring components.
Disciplinary sanctions in cases with student respondents are detailed in the Board of Regents Policy: Student Conduct Code, and include the following:

- an oral or written warning;
- probation;
- required compliance with work assignments, community service assignments, or other discretionary assignments;
- restitution;
- restriction of privileges;
- University housing suspension or expulsion;
- suspension or expulsion from the University;
- withholding of a diploma or degree; and
- revocation of admission or a degree.

Responsive action in cases with employee respondents (including student employees) may include any one or a combination of the following:

- coaching or education;
- mentoring;
- changes to work duties or locations;
- monitoring to ensure that prohibited conduct is not occurring;
- probation;
- progressive disciplinary action;
- transfer of position;
- removal of administrative appointment;
- demotion;
- salary reduction;
- suspension; and
- termination of employment.

Responsive action in cases with third-party respondents may include restrictions on a third-party respondent’s: 1) participation in University programs or activities; 2) attendance at University events; or 3) ability to enter campus spaces, among other things.

The following factors will be considered in determining the appropriate responsive action to address a determination of responsibility for prohibited conduct:

- the severity, persistence, or pervasiveness of the prohibited conduct;
- the nature of the prohibited conduct;
- whether the prohibited conduct threatened physical safety;
- any incidents of prior misconduct by a respondent, including the respondent’s disciplinary history, at the University or elsewhere;
- the impact of the prohibited conduct on other members of the University community;
- an assessment of a respondent’s potential for development, including whether the respondent has accepted responsibility for the prohibited conduct;
- the maintenance of a safe, nondiscriminatory, and respectful work and learning environment; and
- any other mitigating, aggravating, or compelling factors.

3. Remedies

Where a decision has been made that a respondent is responsible for prohibited conduct, the University will provide remedies to the complainant that are designed to restore or preserve
the complainant’s equal access to the University’s education programs and activities. Such remedies may include supportive measures discussed in Section II.B, as well as other measures that prevent the respondent from having contact with the complainant, and other measures. For example, remedies may prevent the respondent from participation in student organizations, teams, or classes in which the complainant participates. The campus Title IX office is responsible for effective implementation of any remedies.

O. APPEAL

Any party may initiate this appeal process when they receive a Written Decision. Appeals must be submitted to the Appellate Officer in writing within ten business days of receipt of the Written Decision. Appeals received after ten business days will be denied. Written Decisions that are not appealed within ten business days are final.

When a timely appeal is received, the other party(ies) will be sent a copy of the appeal and provided an opportunity to respond. A response to an appeal must be submitted in writing within ten business days from the party’s receipt of the appeal.

 Appeals are not intended to allow for a second review of the same information provided during the investigation, and the Appellate Officer will not substitute their judgment for that of the hearing decision-maker(s). Appeals are limited to the grounds set forth below:

- Procedural irregularity that affected the outcome of the matter.
- New evidence that was not reasonably available at the time the determination was made, that could affect the outcome of the matter.
- A decision on responsibility that was not based on substantial information. Substantial information means relevant information that a reasonable person might accept as adequate to support a conclusion. In making this determination, the Appellate Officer must respect the credibility determinations of the hearing panel and must not substitute the Officer’s judgment for the hearing body.
- The sanction was grossly disproportionate to the offense.
- The Title IX Coordinator, investigator(s), decision-maker(s), and/or University Authority had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

In most cases, the appellate review is limited to review of the Written Determination and the appeal and response documents submitted by the parties. However, the Appellate Officer may, at their discretion, request and review the entire grievance process record.

The Appellate Officer will provide a written decision on the appeal to the parties. The Appellate Officer may: 1) affirm the written Written Determination; 2) overturn the Written Determination; or 3) remand the case to remedy procedural errors or consider new evidence. The Appellate Officer will strive to issue a final decision within 30 calendar days of receipt of all appeal and response documents.

VII. RECORDKEEPING

The University will maintain the following for the longer of seven years or the retention period required by Administrative Policy: Managing University Records and Information:

1. Records of reports of prohibited conduct made to the campus Title IX office, the President, or a Chancellor, Vice President, Vice Chancellor, or Dean.
2. Records of any actions, including any supportive measures, taken in response to such a report.
3. Records of each prohibited conduct grievance process, including
   a. information that is obtained, gathered, or received during the grievance process;
   b. any Written Determination;
   c. any audio or audiovisual recording or transcript of a hearing;
d. any disciplinary sanctions imposed on a respondent; and

e. any remedies provided to the complainant designed to restore or preserve equal access
to the University’s education program or activity.

4. Records of any appeal and the result therefrom.

5. Records of any informal resolution and the result therefrom.
   Records of all materials used to train Title IX Coordinators, investigators, decision-makers, and
   any person who facilitates an informal resolution process.

The University will compile and maintain publicly available records, including Clery Act reporting and
disclosures, without the inclusion of personally identifying information about the complainant. The
University will provide complainants and respondents with access to their records related to any of the
prohibited conduct processes set forth in this policy in accordance with the law.

VIII. POLICY REVIEW

The Office of Equal Opportunity and Affirmative Action (EOAA) will annually review this policy.

IX. TRAINING

Individuals who conduct the University’s grievance process will receive training on:

- the definitions of Title IX-based prohibited conduct;
- the scope of the University’s education programs and activities;
- how to conduct an investigation and grievance process including hearings, appeals, and informal
  resolution processes, where applicable;
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of
  interest, and bias;
- technology to be used at a live hearing, where applicable;
- issues of relevance of questions and evidence, including when questions and evidence about the
  complainant’s sexual predisposition or prior sexual behavior are not relevant; and
- issues of relevance to create an investigative report that fairly summarizes relevant evidence,
  where applicable.

Individuals who conduct the University’s grievance process (including Title IX Coordinators, investigators,
decision-makers, University Authorities, Appellate Officers, and any person who facilitates an informal
resolution process) will also be trained annually on issues related to prohibited conduct and on how to
conduct a grievance process that protects the safety of victims and promotes accountability.

Materials used to train individuals who conduct the University’s grievance process will:

- not rely on sex stereotypes;
- promote impartial investigations and adjudications of formal complaints of sexual harassment;
- be maintained by the school for at least 7 years; and
- be publicly available on the school’s website.

To facilitate the goals of this policy, the University will make training on prohibited conduct available to
students, employees, and volunteers.

REASON FOR POLICY

The University adopts this policy to implement Board of Regents Policy: Sexual Harassment, Sexual
Assault, Stalking and Relationship Violence and to implement its commitment to: 1) taking prompt and
equitable action to eliminate, prevent and address the effects of prohibited conduct; 2) fostering a trusting
environment where prohibited conduct is not tolerated; 3) cultivating a climate where all persons are well-
informed and supported with respect to reporting prohibited conduct; 4) providing a fair and impartial
process that treats all participants with dignity; and 5) identifying the standards by which violations of this policy will be evaluated and disciplinary action may be imposed.

PROCEDURES

Administrative Procedure:  Post-Investigation Procedures for Formal Complaints of Violations of Administrative Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence

FORMS/INSTRUCTIONS

There are no forms associated with this policy.

APPENDICES

- Appendix A: Roles and Responsibilities of Advisors
- Appendix B: University Authorities and Appellate Officers

FREQUENTLY ASKED QUESTIONS

- FAQ: Employees’ Obligation to Report Sexual Harassment, Sexual Assault, Stalking and Relationship Violence to the Campus Title IX Office
- FAQ: Investigations and Accommodations
- FAQ: Retaliation in Sexual Harassment, Sexual Assault, Stalking and Relationship Violence Cases

ADDITIONAL CONTACTS

<table>
<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Contact</td>
<td>Tina Marisam</td>
<td>612-626-9357</td>
<td><a href="mailto:marisam@umn.edu">marisam@umn.edu</a></td>
</tr>
<tr>
<td>Policy or process questions</td>
<td>Campus Title IX Offices (see below)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Campus Title IX Offices

Prohibited conduct reports can be made to the University’s campus Title IX offices listed here. As described in this policy, upon learning of certain types of prohibited conduct, employees must contact their campus Title IX office to satisfy their prohibited conduct reporting obligations.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crookston Campus</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Title IX Coordinator for students</td>
<td>Kamille Meyer</td>
<td>218-281-8423</td>
<td><a href="mailto:kmwahlin@crk.umn.edu">kmwahlin@crk.umn.edu</a></td>
</tr>
<tr>
<td></td>
<td>Assistant Athletic Director/SWA/Wellness Center Director</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crookston Campus</td>
<td>Contact</td>
<td>Phone</td>
<td>Email</td>
</tr>
<tr>
<td>------------------</td>
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</tr>
</tbody>
</table>
| Title IX Coordinator for employees | Jonathon Fuller  
UMC Human Resources  
304 Selvig Hall  
2900 University Ave  
Crookston, MN 56716 | 218-281-8345 | fulle423@crk.umn.edu |

<table>
<thead>
<tr>
<th>Duluth Campus</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
</table>
| Title IX Coordinator | Lisa Erwin  
Vice Chancellor for Student Life and Dean of Students  
245 Kirby Plaza  
1208 Kirby Drive  
Duluth, MN 55812 | (218) 726-8501 | laerwin@d.umn.edu |

<table>
<thead>
<tr>
<th>Morris Campus</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
</table>
| Title IX Coordinator | Sarah Mattson  
Director of Human Resources  
201 Behmler Hall  
600 East 4th Street  
Morris, MN 56267 | 320-589-6021 | mattsosj@morris.umn.edu |

<table>
<thead>
<tr>
<th>Rochester Campus</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
</table>
| Title IX Coordinator for students | Andrew Williams  
Assistant Vice Chancellor  
111 S Broadway  
Apt 300  
Rochester, MN 55904 | 507-258-8106 | will2036@r.umn.edu |
| Title IX Coordinator for employees | Virginia Wright-Peterson  
Interim Director of Human Resources  
300 University Square  
R0869A  
111 S Broadway  
Rochester, MN 55904 | 507-258-8009 | wrig0070@r.umn.edu |
Twin Cities Campus

<table>
<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
</table>
| Title IX Coordinator | **Tina Marisam**  
Director of the Office of Equal Opportunity and Affirmative Action  
McNamara Alumni Center, Room 274  
200 Oak Street SE  
Minneapolis, MN  
55455 | 612-626-9357 | marisam@umn.edu |

UReport

Reports of prohibited conduct, including anonymous reports, may be submitted 24 hours a day through the University’s UReport reporting system. Reports of prohibited conduct made through UReport will be forwarded to the campus Title IX office, which will address the concerns through the grievance or informal problem-solving processes. However, reporting about prohibited conduct through UReport does not satisfy the obligation of University employees as set forth above in Section III to report incidents of prohibited conduct to the campus Title IX office. Similarly, anonymous reporting in any other form also does not satisfy this reporting obligation.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Campuses</td>
<td><strong>UReport</strong></td>
<td>1-866-294-8680</td>
</tr>
</tbody>
</table>

Law Enforcement

Employees, students and third parties are encouraged to report crimes to the law enforcement agency for the jurisdiction in which the conduct at issue occurred. Complainants have the option to report a crime to the appropriate law enforcement agency, to report prohibited conduct to the appropriate campus Title IX office, or to report to both investigative bodies simultaneously. Even if a criminal investigation is ongoing, the University will conduct its own grievance process and will not wait for the conclusion of a criminal investigation or proceeding to begin its grievance process. However, the University may temporarily delay the fact-finding portion of a Title IX investigation portion of the grievance process while law enforcement is gathering evidence to avoid interfering with the criminal investigation.

Victims of sexual misconduct are granted specific rights under Minnesota law. When a crime is reported to law enforcement, a victim has the right to:

- request that their identity be kept private in reports available to the public;
- be notified of crime victim rights and information on the nearest crime victim assistance resource;
- apply for financial assistance for non-property losses related to a crime;
- participate in prosecution of their case, including the right to be informed of a prosecutor’s decision to decline prosecution or dismiss their case;
- protection from harm and from employer retaliation for taking time off to attend protection or harassment restraining order proceedings;
- receive information about seeking a protective or harassment order at no cost; and
- receive assistance from the Crime Victims Reparations Board and the Commissioner of Public Safety.

Victims of sexual assault have the right to undergo a confidential sexual assault examination at no cost and make a confidential request for HIV testing of a convicted felon. Victims of sexual assault are not required to undergo a polygraph examination in order for an investigation or prosecution to proceed. Victims of domestic abuse also have the right to terminate a lease without penalty. In cases of domestic abuse and violent crime where an arrest has been made, victims also have the right to be provided notice of the release of the offender, including information on the release conditions and supervising agency. Complete information about crime victims’ rights is available.

<table>
<thead>
<tr>
<th>Campus</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
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<tbody>
<tr>
<td>Crookston Campus</td>
<td>The City of Crookston Police Department 321 West Robert Street Crookston, MN 56716</td>
<td>218-281-3111</td>
<td></td>
</tr>
<tr>
<td>Duluth Campus</td>
<td>University of Minnesota-Duluth Police Department 287 Darland Admin Bldg 1049 University Drive Duluth, MN 55812</td>
<td>218-726-7000</td>
<td><a href="mailto:umdpd@d.umn.edu">umdpd@d.umn.edu</a></td>
</tr>
<tr>
<td></td>
<td>Duluth Police Department 2030 North Arlington Avenue Duluth, MN 55811</td>
<td>218-730-5400</td>
<td><a href="mailto:police@duluthmn.gov">police@duluthmn.gov</a></td>
</tr>
<tr>
<td>Morris Campus</td>
<td>University of Minnesota Morris Campus Police Behmler Hall 6 600 East Fourth Street Morris, MN 56267</td>
<td>320-589-6000</td>
<td><a href="mailto:ummpd@morris.umn.edu">ummpd@morris.umn.edu</a></td>
</tr>
<tr>
<td></td>
<td>Morris Police Department 400 Colorado Avenue Morris, MN 56267</td>
<td>320-208-6500</td>
<td><a href="mailto:mpd@co.stevens.mn.us">mpd@co.stevens.mn.us</a></td>
</tr>
<tr>
<td>Rochester Campus</td>
<td>Rochester Law Enforcement Center 101 Fourth Street Southeast Rochester, MN 55902</td>
<td>507-328-6810</td>
<td></td>
</tr>
<tr>
<td>Twin Cities Campus</td>
<td>University of Minnesota Police Department 511 Washington Ave. SE</td>
<td>612-624-2677</td>
<td><a href="mailto:police@umn.edu">police@umn.edu</a></td>
</tr>
<tr>
<td>Campus</td>
<td>Contact</td>
<td>Phone</td>
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<tr>
<td></td>
<td>Minneapolis, MN 55455</td>
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</tr>
<tr>
<td></td>
<td>St. Paul Police Department</td>
<td>651-291-1111</td>
<td><a href="mailto:policeinfo@ci.stpaul.mn.us">policeinfo@ci.stpaul.mn.us</a></td>
</tr>
<tr>
<td></td>
<td>367 Grove Street</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>St. Paul, MN 55101</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minneapolis Police Department</td>
<td>612-673-2941 (Sex crimes unit)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>350 South 5th Street, Room 130</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minneapolis, MN 55415</td>
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<tr>
<td></td>
<td>Ramsey County Sheriff’s Department</td>
<td>651-767-0640</td>
<td></td>
</tr>
<tr>
<td></td>
<td>425 Grove Street</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Saint Paul, MN 55101</td>
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</tbody>
</table>

**Resources For Complainants**

The following resources offer free and confidential services for complainants, including advocacy, counseling, emotional support, and/or guidance through law enforcement and University reporting processes. These resources are available to complainants regardless of whether they choose to report the prohibited conduct they experienced to law enforcement or the campus Title IX office.

<table>
<thead>
<tr>
<th>Campus</th>
<th>Contact</th>
<th>Phone</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Polk County Coordinated Victim Services</td>
<td>218-281-1554  800-524-1993</td>
</tr>
<tr>
<td></td>
<td>UMC Counseling Center</td>
<td>218-281-8571  218-281-8348</td>
</tr>
<tr>
<td></td>
<td>Student Health</td>
<td>218-281-8512</td>
</tr>
<tr>
<td></td>
<td>Women’s Resource and Action Center (WRAC)</td>
<td>218-726-6292</td>
</tr>
<tr>
<td></td>
<td>Program for Aid to Victims of Sexual Assault (PAVSA)</td>
<td>218-726-1931</td>
</tr>
<tr>
<td></td>
<td>Counseling: Health Services</td>
<td>218-726-7913</td>
</tr>
</tbody>
</table>
The University's Employee Assistance Program (EAP) is available to benefits-eligible employees on all system campuses. EAP provides confidential, professional consultation and referral services to address any personal or work concern that may be affecting one’s wellbeing. EAP can be reached at 612-625-2820, 1-888-243-5744 or eap@umn.edu.

Resources For Respondents

The offices in the table below can identify advocates to assist respondent students through the University’s investigative and post-investigative processes.
The table below provides confidential resources for respondent students.

<table>
<thead>
<tr>
<th>Campus</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Twin Cities Campus</td>
<td>Student Advocate Services</td>
<td>612-624-1760</td>
<td><a href="mailto:cbracht@umn.edu">cbracht@umn.edu</a></td>
</tr>
</tbody>
</table>

The University’s Employee Assistance Program (EAP) is available to benefits-eligible employees on all system campuses. EAP provides confidential, professional consultation and referral services to address any personal or work concern that may be affecting one’s wellbeing. EAP can be reached at 612-625-2820, 1-888-243-5744 or eap@umn.edu.

**U.S. Department of Education, Office for Civil Rights**

Individuals with questions regarding this policy or the application of this policy may also contact the U.S. Department of Education, Office for Civil Rights, which is the federal agency that enforces Title IX of the Education Amendments of 1972.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal government</td>
<td>U.S. Department of Education</td>
<td>312-730-1700</td>
<td>312-730-1704</td>
</tr>
<tr>
<td>contact</td>
<td>500 W. Madison Street, Suite 1427, Chicago, IL 60661</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**DEFINITIONS**

Advisor
An individual who conducts cross-examination on behalf of a party, and who may also accompany the party to meetings in the grievance process and otherwise participate in the live hearing, among other things.

**Assists or Abets**
An individual assists or abets prohibited conduct when the individual: (1) helps any other person to engage in prohibited conduct; and (2) intends the prohibited conduct to occur or knows that their actions are significantly likely to help the other person to engage in prohibited conduct.

**Campus Title IX Office.**
The phrase “campus Title IX office” refers to campus Title IX office staff members and others designated to carry out the responsibilities described in this policy.

**Complainant**
An individual is a “complainant” when the University learns that the individual may have experienced prohibited conduct. Complainants are assisted under this policy even if they have not reported prohibited conduct to the University or pursued a prohibited conduct process under this policy.

**Formal complaint**
A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator that: 1) alleges that an individual engaged in prohibited conduct toward the complainant; and 2) requests that the University investigate the allegation of prohibited conduct. A complainant files a formal complaint by submitting such a document to the campus Title IX office that contains the complainant’s physical or digital signature or otherwise indicates that the complainant is the individual filing the formal complaint. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by e-mail, or through an online portal provided for this purpose, where available.

**Party**
Refers to a complainant or respondent.

**Prohibited conduct**
Prohibited conduct includes sexual assault, sexual harassment, stalking, relationship violence, and retaliation as defined by this policy.

**Relationship violence**
Relationship violence is: (1) actual, attempted or threatened violence by one individual against another individual with whom they are, or have been, in a social relationship of a romantic or intimate nature; or (2) conduct that would constitute a felony or misdemeanor crime of violence by an individual against: (i) a current or former spouse or intimate partner; (ii) an individual with whom they share a child; (iii) an individual similarly situated to a spouse under the Minnesota state domestic or family violence laws; or (iv) any adult or youth who is protected from the individual’s acts under the Minnesota state domestic or family violence laws.

While relationship abuse can include non-physical tactics – such as emotional, psychological and fiscal abuse and control – this policy addresses only physical acts of relationship violence. Individuals who experience any type of relationship abuse are encouraged to seek help from campus or community resources.

(a) **Title IX relationship violence** is a subset of relationship violence that occurs in the United States and: (1) on campus; 2) as part of the University’s operations; (3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or (4) in buildings owned or controlled by a student organization that is officially recognized by the University.
Relationship violence will be designated Title IX relationship violence if it meets the above definition and the complainant is participating or attempting to participate in a University education program or activity at the time the complainant files a formal complaint, or if it meets the above definition and the Title IX Coordinator signs a formal complaint.

Retaliation
Retaliation means taking an adverse action against an individual: (1) for the purpose of interfering with any right or privilege secured by this policy; (2) for refusing to participate in any manner in an informal problem-solving or grievance process relating to a prohibited conduct allegation; or (3) 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) testifying, assisting, or participating in an informal problem-solving or grievance process related to a prohibited conduct allegation; or
(d) accessing the Office for Conflict Resolution (OCR) to resolve a conflict related to prohibited conduct.

Adverse actions are actions that might deter a reasonable person from reporting suspected or alleged prohibited conduct; expressing opposition to suspected or alleged prohibited conduct; testifying, assisting, participating (or not participating) in the grievance process related to a prohibited conduct allegation; or accessing the Office for Conflict Resolution. Examples of adverse action include, but are not limited to:

- impeding the individual’s academic advancement;
- departing from any customary academic or employment practice regarding the individual;
- firing, refusing to hire, or refusing to promote the individual; transferring or assigning the individual to a lesser position in terms of wages, hours, job classification, job security, employment or academic status;
- threatening, intimidating, coercing, marginalizing, or discriminating against an individual; and
- charging an individual for code of conduct violations that do not involve sex discrimination or prohibited conduct, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of prohibited conduct.

Good faith participation means: (1) reporting or expressing opposition to prohibited conduct based on a reasonable belief that prohibited conduct has occurred, or (2) honestly participating in an investigation of prohibited conduct or accessing conflict resolution services.

For more information on retaliation, see FAQ: Retaliation in Sexual Harassment, Sexual Assault, Stalking and Relationship Violence Cases.

Respondent
An individual is a “respondent” when the University learns that the individual is alleged to have engaged in conduct that could constitute prohibited conduct under this policy.

Sexual assault
*Sexual assault* is: 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.

Sexual contact is intentional sexual touching with an object or body part. Depending on the context, it may include, but is not limited to: (i) intentionally touching the breasts, buttocks, groin or genitals of another individual; (ii) intentionally touching another individual with any of these body parts; and (iii) 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.
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. The following factors will be considered when determining whether affirmative consent was given.

- Each individual who wishes to engage in sexual contact is responsible for obtaining consent from the other individual or individuals who intend to be involved in the sexual contact.
- A lack of protest, the absence of resistance, and silence do not by themselves indicate consent.
- The existence of a present or past sexual, dating, or other romantic relationship between the individuals involved does not by itself imply consent to sexual contact.
- Consent must be present throughout the sexual contact and may be given and withdrawn at any time.
- When consent is withdrawn, all sexual contact must stop. Where there is confusion about the state of consent, sexual contact must stop until the individuals have verified the affirmative consent of all individuals involved.
- Consent to one form of sexual contact does not by itself constitute consent to another form of sexual contact.

Consent is not obtained where:

- An individual is compelled to engage in unwanted sexual contact through the use of coercion. Coercion may consist of physical force, intimidation, threats, or severe or persistent pressure that would reasonably cause an individual to fear significant consequences if they refuse to engage in sexual contact.
- An individual involved in sexual contact is incapacitated due to the influence of drugs or alcohol, and a reasonable person would know of this incapacitation. Incapacitation due to the influence of drugs or alcohol is a state beyond mere intoxication or impaired judgment. Some indicators of incapacitation due to the influence of drugs or alcohol may include:
  - A lack of control over one’s physical movement (for example, an inability to walk or stand without stumbling or assistance).
  - An inability to effectively communicate (for example, where one’s speech is heavily slurred, incomprehensible, or nonsensical).
  - A lack of awareness of one’s circumstances or surroundings (for example, a lack of awareness of where one is, how one got there, who one is with, and how or why one became engaged in sexual contact).
- An individual involved in sexual contact is unable to communicate or understand the nature or extent of the sexual situation because of a physical or mental condition.
- An individual involved in sexual contact is asleep, unconscious or involuntarily physically restrained.
- Sexual intercourse occurs with an individual who is not of legal age to give consent pursuant to Minnesota state law.
- Sexual intercourse occurs between parties who are related to each other within the degrees wherein marriage is prohibited by Minnesota state law.

(a) **Title IX sexual assault** is a subset of sexual assault that occurs in the United States and:

1. on campus;
2. as part of the University’s operations;
3. in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or
4. in buildings owned or controlled by a student organization that is officially recognized by the University. Title IX sexual assault occurs when there is actual or attempted:

   - penetration, no matter how slight, of the vagina or anus with any body part or object without affirmative consent;
   - oral penetration by a sex organ of another person without affirmative consent; or
the touching of the private body parts of another person without affirmative consent and for the purpose of sexual gratification.

Sexual assault will be designated Title IX sexual assault by the campus Title IX office if it meets the above definition and the complainant is participating or attempting to participate in a University education program or activity at the time the complainant files a formal complaint, or if it meets the above definition and the Title IX Coordinator signs a formal complaint.

Sexual harassment

Sexual harassment means unwelcome conduct on the basis of sex under the following conditions:

(a) *Quid pro quo sexual harassment*: When a University member conditions the provision of a University aid, benefit, or service on an individual’s participation in unwelcome sexual conduct.

(b) *Hostile environment sexual harassment*: When conduct is severe, persistent or pervasive and:

- unreasonably interferes with an individual’s employment or educational performance,
- creates a work or educational environment that an individual finds, and a reasonable person would find, to be intimidating, hostile or offensive, or
- effectively denies an individual equal access to a University program or activity.

(c) *Sexual exploitation*: When an individual intentionally engages in the following conduct and should reasonably have known that the conduct would be unwelcome to any individual involved:

- exposure of one’s own or another individual’s breasts, buttocks, or genitals to one or more other individuals;
- distribution of sexual or nude images or recordings of another individual;
- observation or recording of sexual activity or nudity;
- demanding financial compensation, sexual contact, or some other benefit under threat of disseminating or posting images, video, or other recording of the nudity or sexual activity of one or more individuals; and/or
- engaging in sexual conduct that carries a significant risk of transmitting known sexual infections or diseases without another individual’s knowledge.

(d) *Title IX sexual harassment* is a subset of sexual harassment that occurs in the United States and: (1) on campus; (2) as part of the University’s operations; (3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or (4) in buildings owned or controlled by a student organization that is officially recognized by the University. Title IX sexual harassment occurs when:

- a University employee conditions the provision of a University aid, benefit, or service on an individual’s participation in unwelcome sexual conduct; or
- unwelcome conduct is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity.

Sexual harassment will be designated Title IX sexual harassment by the campus Title IX office if it meets the above definition and the complainant is participating or attempting to participate in a University education program or activity at the time the complainant files a
formal complaint, or if it meets the above definition and the Title IX Coordinator signs a formal complaint.

The determination of whether conduct is unwelcome is made according to a subjective standard. In other words, the determination is made based on whether the complainant viewed the conduct as unwelcome. This subjective standard reflects understanding that an individual may submit to or participate in sexual conduct with an individual with greater power (e.g., an advisor, supervisor, instructor) because the subordinate individual fears potential negative repercussions if they refuse, and not because they welcome the conduct.

Sexual harassment may include conduct that is verbal, nonverbal, graphic, and/or physical. Individuals of all genders can be victims of sexual harassment, and the complainant and respondent can be of the same or different genders. The following conduct may lead to a determination that a respondent engaged in sexual harassment:

- Unwelcome sexual advances, including touching or sexual comments.
- Implicit or explicit requests for sexual favors in exchange for employment or academic benefits.
- Distributing ratings of individuals’ attractiveness or sexual activity or performance.
- A pattern of sexually suggestive comments, jokes, or gestures.

Stalking
Stalking is a course of conduct directed at a specific individual that would cause a reasonable person to: (1) fear for their safety or the safety of others; or (2) suffer 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.

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. In determining whether an individual has engaged in a course of conduct, consideration is given to the number of acts, their level of severity, and the time period in which they occur.

Stalking includes cyber-stalking, in which an individual uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other methods or forms of contact to engage in stalking.

(a) Title IX stalking is a subset of stalking that occurs in the United States and: (1) on campus; (2) as part of the University’s operations; (3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or (4) in buildings owned or controlled by a student organization that is officially recognized by the University.

Stalking will be designated Title IX stalking by the campus Title IX office if it meets the above definition and the complainant is participating or attempting to participate in a University education program or activity at the time the complainant files a formal complaint, or if it meets the above definition and the Title IX Coordinator signs a formal complaint.

Title IX-based prohibited conduct
Title IX-based prohibited conduct is a subset of prohibited conduct that includes Title IX sexual assault, Title IX sexual harassment, Title IX stalking, and Title IX relationship violence. Any prohibited conduct alleged in a formal complaint that can be designated as Title IX-based prohibited conduct, will be so designated by the campus Title IX office. In some cases, this policy calls for specific procedures that
apply only to Title IX-based prohibited conduct. If conduct is designated as Title IX-based prohibited conduct, then those specific procedures must apply.

**University Employees**

University employees include the following individuals:

a. all individuals defined as employees by Board of Regents Policy: *Employee Group Definitions*, including:
   i. faculty
   ii. academic professionals
   iii. academic administrators
   iv. professionals in training (including postdoctoral associates)
   v. civil service staff
   vi. union-represented staff
   vii. graduate assistants
   viii. student employees

b. fellows;
c. temporary employees; and
d. third parties serving in instructional roles at the University.

**University Property**

University property includes any building or property that is owned or controlled by the University and is used by the University in direct support of, or in a manner related to, the University’s educational purposes.

**RESPONSIBILITIES**

**Appellate Officer**

Decides appeals of: 1) decisions to designate the alleged conduct as Title IX-based prohibited conduct or to not make that designation; 2) decisions to not initiate a grievance process, despite a complainant’s request for a grievance process, because the alleged conduct, if substantiated, would not constitute prohibited conduct under the policy; 3) decisions to dismiss a formal complaint as set forth in Section VI.H.; and 4) Written Decisions.

**Counseling Services Offices**

Provide counseling services and referrals.

**Campus Title IX Offices and their Designees**

Provide consultations regarding prohibited conduct policies and procedures. Receive and respond to reports of prohibited conduct.

**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.

**Human Resources**

Assist in responding to alleged prohibited conduct committed by employees.

**Police Departments**

- Investigate reports for possible criminal prosecution.
- Refer complainants to appropriate campus resources for personal support and investigation.
• Provide for campus safety and security.
• Provide timely warnings as appropriate.

Student Conduct Offices
• Respond to and resolve reports of prohibited conduct consistent with the Student Conduct Code. This includes advising and sanctioning student respondents when warranted. Some offices also investigate reports.
• Provide resource and guidance for University presenters in prohibited conduct hearings and hearing panel board members and chairs.

University Authority
• Offers informal resolutions.
• Decides upon and implements responsive action.

Victim/Survivor Services
• Maintain all contacts and reports as strictly confidential.
• Provide crisis intervention and advocacy.
• Assist complainant in contacting police and/or reporting to other University offices, if the complainant consents (some can assist in obtaining restraining orders).
• Assist complainant 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, Sexual Assault, Stalking and Relationship Violence
• Board of Regents Policy: Employee Group Definitions
• Administrative Policy: Retaliation
• Administrative Policy: Graduate Assistant Employment
• Regulations Concerning Faculty Tenure
• Civil Service Employment Rules
• Academic Professional and Administrative employee policies and procedures
• All Collective Bargaining Contracts
• Sexual Assault Victim’s Rights Statement
• Previous policy version and associated documents for matters reported prior to January 1st 2018

HISTORY
Effective:
January 2018 - New policy: 1. Consolidates information from two current administrative policies: Sexual Harassment, and Sexual Assault, Stalking and Relationship Violence. 2. Provides a detailed description as to how the University responds to sexual misconduct reports. 3. Incorporates the new standard language on retaliation. 4. Broadens employee’s obligation to report sexual misconduct.
Sexual Harassment, Sexual Assault, Stalking and Relationship Violence

Senior Leader: Vice President, Office for Equity and Diversity
Responsible University Officer: Vice President, Office for Equity and Diversity
Policy Owner: Director and Title IX Coordinator, Office of Equal Opportunity and Affirmative Action
Policy Contact: Tina Marisam

POLICY STATEMENT

The University of Minnesota (the “University”) is committed to taking prompt and effective steps intended to end sexual harassment, sexual assault, stalking, relationship violence, and related retaliation, prevent their recurrence and, as appropriate, remedy their effects. This policy outlines the University’s definitions and procedures related to these types of misconduct. This policy applies to University members, who include:

- University students, whether enrolled full time or part time, for credit or non-credit courses;
- University employees as defined in this policy; and
- third parties who are engaged in any University activity or program, or who are otherwise interacting with the University, including, but not limited to, volunteers, contractors, vendors, visitors, and guests.

This policy applies to acts of sexual harassment, sexual assault, stalking, relationship violence, and related retaliation committed by or against students, employees, and third parties when:

- the conduct occurs on University property;
- the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored academic, athletic, extracurricular, study abroad, research, on-line or internship programs or activities;
- the conduct occurs off University property and outside the context of a University employment or education program or activity, but 1) has a continuing adverse effect on a University education program or activity; or 2) creates a hostile environment for one or more students, employees, or third parties while on University property or in any University employment or education program or activity; or
- the conduct indicates that the respondent may present a danger or threat to the health or safety of University members.

To the extent any provision of this policy conflicts with Board of Regents Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence, the Board policy controls. To the extent any provision of this policy conflicts with any other University policy, this policy controls. Nothing in this policy should be interpreted to abridge academic freedom or principles of free speech.

I. PROHIBITION

All University members are prohibited from engaging in, or assisting or abetting another’s engagement in, sexual assault, sexual harassment, relationship violence, stalking, and related retaliation (collectively “prohibited conduct”).
II. RESOURCES AND RIGHTS FOR COMPLAINANTS AND RESPONDENTS

A. OPTIONS FOR COMPLAINANTS

There are a number of University resources and processes available to complainants, including:

1. Confidential personal support and advocacy resources for complainants, whether or not the grievance or informal problem-solving processes are initiated, as described in Resources for Complainants under the “Other Contacts” section of this policy.

2. Supportive measures, as described in Section II.B, whether or not the grievance or informal problem-solving processes are initiated.

3. The grievance process, as described in Section VI: A complainant may file a formal complaint to request the grievance process. A complainant files a formal complaint by submitting a document to the campus Title IX office that: 1) alleges that an individual engaged in prohibited conduct toward the complainant; and 2) requests that the University investigate the allegation of prohibited conduct. The document must contain the complainant’s physical or digital signature or otherwise indicate that the complainant is the individual filing the formal complaint. The formal complaint may be filed with the campus Title IX office in person, by mail, by e-mail, or through an online portal provided for this purpose, where available.

4. Informal problem-solving processes, as described in Section V. A complainant may request informal problem-solving processes by contacting the campus Title IX office.

5. Consultations with the campus Title IX office. A complainant may contact the campus Title IX office to learn more about these options, with or without sharing information about their experience of prohibited conduct or making a formal complaint.

6. Submission of an anonymous report through the University’s UReport reporting system. Reports of prohibited conduct that are submitted through UReport are forwarded to the campus Title IX office. The campus Title IX office will address anonymous reports to the extent possible given the information provided in the report.

B. SUPPORTIVE MEASURES FOR COMPLAINANTS AND RESPONDENTS

The University will provide supportive measures designed to restore or preserve equal access to the University’s programs and activities, protect the safety of all parties or the educational environment, and/or deter prohibited conduct. Supportive measures are non-disciplinary, non-punitive individualized services provided to a party that do not unreasonably burden another party. They are offered to individuals as appropriate and reasonably available. Supportive measures may include the following:

- counseling and support services;
- academic or course-related adjustments, such as extensions of deadlines;
- modifications of work or class schedules;
- campus escort services;
- restrictions on contact between the parties;
- changes in work or housing locations;
- leaves of absence;
- increased security and monitoring of certain areas of campus; and
- assistance in making a report to law enforcement or obtaining a protective order.

Supportive measures may be implemented because an individual has requested them, the campus Title IX office has recommended them, or a local unit or department has identified a need...
for them. Supportive measures are available regardless of whether a complainant files a formal complaint with the campus Title IX office or pursues any of the processes made available under this policy.

Complainants and respondents may seek these supportive measures by contacting the campus Title IX office, which is responsible for coordinating the effective implementation of supportive measures. Campus or local victim-survivor advocacy offices may also be able to assist complainants in requesting supportive measures. Alternatively, complainants and respondents may seek supportive measures directly from the departments or individuals with the ability to provide the requested accommodations, such as the campus housing and residential life office or the appropriate faculty member, supervisor or human resources representative.

The departments or individuals with the ability to provide the requested accommodations will determine which accommodations and protective measures to take depending on the circumstances of each case and can seek assistance from the campus Title IX office.

The University will maintain the confidentiality of any supportive measures to the extent possible. For more information about supportive measures, see FAQ: *Investigations and Supportive Measures*. The campus Title IX office staff are also available to meet with University members to address questions or concerns about the provision of supportive measures.

The campus Title IX office will maintain records of any supportive measures taken in response to a report made to the campus Title IX office, the President, or a Vice President, Chancellor, Vice Chancellor or Dean. Specifically, the campus Title IX office will document that it has taken reasonable measures designed to restore or preserve equal access to the University’s education program or activity where appropriate.

C. PRIVACY AND CONFIDENTIALITY

The University is committed to protecting the privacy of all individuals involved in an informal problem-solving process or grievance process under this policy to the greatest extent legally permissible. In order to carry out an informal problem-solving or grievance process and/or to otherwise comply with legal obligations, it is often necessary for the University to share the identities of the parties and/or witnesses, as well as information provided by the parties and/or witnesses, with the parties and other participants in the process. The identities of these individuals and the information provided during these processes also may be included in an investigation report or other document relating to the case, which may be provided to the University Authority and others as appropriate.

The University will keep private the identity of complainants, respondents, witnesses, and third-party reporters in cases involving Title IX-based prohibited conduct except when necessary to: 1) carry out an informal problem-solving or grievance process; 2) disclose data as required by the Minnesota Government Data Practices Act (MGDPA); or 3) otherwise comply with legal obligations.

The University does not restrict the ability of complainants or respondents to discuss allegations that have been reported or to gather and present relevant evidence. At the same time, the University and the participants in the grievance process have a compelling interest in protecting the integrity of the grievance process, protecting the privacy of parties and witnesses, and protecting parties and witnesses from harassment, intimidation, or retaliation during a grievance process. To further these goals, witnesses and parties are encouraged to limit their sharing of information about a matter (including the allegations, the identities of the parties and witnesses, and the questions asked in interviews) while the grievance process is ongoing. Parties and witnesses are also cautioned not to discuss the allegations in a manner that constitutes retaliation or unlawful conduct. Further, parties and their advisors are not permitted to disseminate the evidence provided to them under Section VII.K.3.

D. AMNESTY
To facilitate reporting and thorough investigations of prohibited conduct, individuals who provide information about possible prohibited conduct violations to the University, and individuals who participate in an informal problem-solving or grievance process under this policy, will not be disciplined by the University for violations of the University’s prohibition on the personal use of drugs or alcohol, when such a violation occurred in connection with a possible prohibited conduct violation and was discovered as a result of a prohibited conduct report.

Moreover, the University may offer leniency with respect to other violations that emerge as a result of a prohibited conduct report, depending on the circumstances involved.

III. REPORTING AND OTHER OBLIGATIONS RELATED TO PROHIBITED CONDUCT

In order to foster an environment free of prohibited conduct, all University members are encouraged to take reasonable prudent actions to prevent, stop, and report all acts of prohibited conduct. In addition, University members have the following reporting and other obligations related to possible prohibited conduct.

A. REPORTING OF PROHIBITED CONDUCT DIRECTED AT STUDENTS

University employees must promptly contact the campus Title IX office when in the course of performing their employment duties they learn about any form of prohibited conduct directed at students that may have:

- occurred on University property;
- occurred during a University employment or education program or activity;
- been directed at a current student at the time they were a student; or
- been committed by a current University member at the time they were a University member.

B. REPORTING OF PROHIBITED CONDUCT DIRECTED AT EMPLOYEES OR THIRD PARTIES

University employees must promptly contact the campus Title IX office when in the course of performing their employment duties they learn about any sexual assault, stalking, or relationship violence directed at University employees or third parties that may have:

- occurred on University property;
- occurred during a University employment or education program or activity;
- been directed at a current University employee at the time they were a University employee;
- been directed at a third party at the time they were engaged in any University activity or program, or were otherwise interacting with the University, including, but not limited to, as volunteers, contractors, vendors, visitors, or guests; or
- been committed by a current University member at the time they were a University member.

In addition, supervisors and human resources representatives must report sexual harassment directed at University employees or third parties to the campus Title IX office.

Other University employees are encouraged to report sexual harassment directed at University employees or third parties to the campus Title IX office, or their supervisor or human resources representative. However, this reporting is not required.

C. INFORMATION THAT MUST BE REPORTED TO THE CAMPUS TITLE IX OFFICE

University employees who learn about possible prohibited conduct are not required to solicit additional information about the prohibited conduct or the individuals involved. However, to the
extent known to them, University employees who learn about prohibited conduct as set forth in A
and B above must report the following information to the campus Title IX office:

- the names of the complainant(s), respondent(s), and possible witnesses;
- the date, time, and location of the possible prohibited conduct; and
- other relevant details about the possible prohibited conduct.

D. EMPLOYEES WHO ARE EXEMPT FROM THESE REPORTING REQUIREMENTS

The following University employees are exempt from the requirement to report prohibited conduct
to the campus Title IX office:

- counselors, psychologists, and others with a professional license requiring confidentiality,
  and their supervisees, when they learn about prohibited conduct in the course of their
  professional responsibilities;
- health center employees when they learn about prohibited conduct in the course of
  treating patients or facilitating the provision of medical services, and other employees
  who are prohibited by HIPAA from fulfilling this reporting requirement;
- employees of the Student Conflict Resolution Center, Office for Conflict Resolution, and
  University ombuds offices when they are providing conflict resolution or ombuds services;
- advisors (as defined in this policy) when they learn about prohibited conduct: 1) that is
  directly related to the case in which they are serving as an advisor; 2) from the party who
  they are serving as an advisor to; and 3) in the course of their advising;
- members of University of Minnesota police departments when they are restricted by law
  from disclosing this information;
- researchers when they learn about prohibited conduct from a research participant in the
  course of a research project; and
- victim-survivor advocacy office employees and volunteers when they learn about
  prohibited conduct in the course of their advocacy office work.

E. ADDITIONAL OBLIGATIONS FOR SUPERVISORS AND HUMAN RESOURCES
   REPRESENTATIVES

Supervisors and human resources representatives may learn about possible prohibited conduct
in a variety of ways, including when:

- they observe or overhear prohibited conduct;
- they receive a report of prohibited conduct, even when an individual does not identify the
  concerns as “prohibited conduct;” and
- they receive any other information that prohibited conduct may have occurred, regardless
  of where the information comes from and even if the supervisor is unsure that any
  prohibited conduct actually occurred.

Supervisors and human resources representatives who learn about possible prohibited conduct
have additional obligations. First, supervisors and human resources representatives who learn
about possible prohibited conduct, including sexual harassment directed at employees, must
promptly contact the campus Title IX office to report information about the possible prohibited
conduct and to report any responsive action that has been taken.

Second, supervisors and human resources representatives who learn about possible prohibited
conduct must take prompt and effective responsive action. In some cases, a supervisor’s or
human resources representative’s obligation to take prompt and responsive action will be
satisfied by notifying the campus Title IX office. In other cases, it will be appropriate for
supervisors and human resources representatives to take additional responsive action after
consulting with the campus Title IX office. The particular responsive actions that a supervisor or
human resources representative should take will depend on the circumstances. Below is a list of
examples of responsive actions that might be appropriate for a supervisor or human resources
representative to take in certain cases:
• providing supportive measures to a complainant or respondent;
• making non-retaliatory employment changes that remove any continued impact on a complainant;
• conducting preliminary inquiries to determine whether others have reported possible prohibited conduct by a particular respondent;
• discussing the prohibited conduct concerns with the respondent and setting expectations for future conduct;
• providing coaching and training on acceptable workplace conduct; and
• monitoring to prevent the occurrence of future prohibited conduct.

In all cases, supervisors and human resources representatives must document the responsive actions taken and provide this information to the campus Title IX office.

For additional information about University employees’ obligation to report prohibited conduct, please see FAQ: Employees’ Obligation to Report Sexual Harassment, Sexual Assault, Stalking and Relationship Violence to the Campus Title IX Office.

IV. CAMPUS TITLE IX OFFICES’ RESPONSES TO ALLEGED PROHIBITED CONDUCT

A. Information Provided to Complainants

When a campus Title IX office learns about possible prohibited conduct, it will promptly contact the complainant to:

1. provide information about available supportive measures, including:
   a. information about supportive measures and resources within the institution and in the community that are available with or without the filing of a formal complaint,
   b. information about how to request supportive measures, including changes to academic, living, transportation and working situations or protective measures,
   c. information about the University’s services related to no-contact orders, orders for protection, or other similar lawful orders,
   d. information about how the University will maintain the confidentiality of supportive measures provided to the complainant, and
   e. an invitation to the complainant to discuss supportive measures and share their wishes with respect to supportive measures with the campus Title IX office;

2. where applicable, provide information about the various processes offered by the University to address prohibited conduct;

3. where applicable, explain the process for filing a formal complaint or requesting an informal problem-solving process;

4. provide information about how the University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the complainant;

5. provide written notification about the importance of preserving evidence that may assist in a legal or campus disciplinary proceeding or may be helpful in obtaining a protective order;

6. provide information about the complainant’s right to seek medical treatment, as appropriate; and

7. provide written information to the complainant about their right to contact law enforcement, to decline to contact law enforcement, to be assisted by campus representatives in contacting law enforcement, and to seek a protective order, as appropriate.
When a complainant does not respond to the communication from the campus Title IX office providing the information described above, the campus Title IX office will generally presume that the complainant does not want to initiate a grievance process or an informal problem-solving process.

B. Campus Title IX Office Determination About Further Responsive Action

In addition to contacting a complainant as set forth in Section IV.A, upon learning about possible prohibited conduct, the campus Title IX office will take one of the following three actions.

1. **Initiate a grievance process.**

   The campus Title IX office will initiate a grievance process when the complainant has filed a formal complaint requesting that the University investigate alleged prohibited conduct or when the Title IX Coordinator has signed a formal complaint.

   a. In cases involving a student respondent, the Title IX Coordinator will sign a formal complaint when an investigation is needed to comply with legal anti-discrimination requirements or when campus safety is threatened. In determining whether campus safety is threatened, the Title IX Coordinator will consider the following factors, among others: whether the respondent is alleged to have used a weapon while committing prohibited conduct; whether the respondent is alleged to have used force while committing prohibited conduct; and whether the respondent has been alleged or found to have committed prohibited conduct against other complainants.

   b. In cases involving an employee or third-party respondent, the Title IX Coordinator will sign a formal complaint when: 1) an investigation is needed to comply with legal anti-discrimination requirements; 2) campus safety is threatened; or 3) an investigation is otherwise deemed to be the most appropriate and effective response.

2. **Initiate an informal problem-solving process.**

   The campus Title IX office may initiate an informal problem-solving process to address alleged concerns and prevent prohibited conduct in cases where no formal complaint is filed or signed. For example, an informal problem-solving process may be appropriate in cases: 1) with an anonymous complainant; 2) where the alleged conduct does not rise to the level of prohibited conduct; 3) where the complainant does not want to initiate a grievance process and an informal problem-solving process may effectively deter future prohibited conduct; or 4) where the alleged conduct is likely covered by academic freedom or free speech protections.

3. **Take no further action beyond offering supportive measures.**

   In certain cases where a complainant does not want an informal problem-solving or grievance process, or when the campus Title IX office does not have sufficient information to effectively initiate such a process, the campus Title IX office may decide not to take any action beyond offering supportive measures to the complainant.

V. INFORMAL PROBLEM-SOLVING PROCESS

The campus Title IX office may initiate an informal problem-solving process when a grievance process has not been initiated or has been dismissed as described in Section VII.H. In an informal problem-solving process, the campus Title IX office does not determine whether a respondent has violated University policy. However, the campus Title IX office may provide resources to help address the concerns raised and make recommendations for responsive action, including actions aimed at preventing misconduct from occurring. For example, informal problem-solving processes may include:
• gathering additional information about the alleged prohibited conduct to determine how to most
effectively respond to the alleged prohibited conduct or to provide relevant information to the
individuals involved;

• notifying a respondent about the concerns raised, and about any reported impact of the concerns
on a complainant or community;

• providing education or coaching to a respondent or complainant;

• providing recommendations that are aimed at preventing further concerns from arising to an
appropriate individual who oversees a respondent or complainant; and/or

• establishing a plan to monitor for future misconduct.

VI. THE GRIEVANCE PROCESS

The campus Title IX office will initiate the grievance process when a formal complaint alleging prohibited
conduct in violation of this policy is filed by a complainant or signed by the Title IX Coordinator.

A. STANDARD OF PROOF

The University’s grievance process applies the preponderance of the evidence standard when
determining whether this policy has been violated. “Preponderance of the evidence” means that
it is more likely than not that a policy violation has occurred.

B. ELEMENTS OF THE GRIEVANCE PROCESS

The grievance process includes the following key elements:

1. Title IX Coordinators, campus Title IX office staff who conduct investigations, decision-
makers and individuals designated to facilitate informal resolution processes (where
available) who: 1) do not have a conflict of interest or bias for or against complainants or
respondents generally or individual complainants or respondents specifically; and 2) are
trained in accordance with this policy and applicable laws.

2. A burden of proof that rests on the University.

3. A burden of gathering evidence sufficient to reach a determination on responsibility and
disciplinary sanctions, if any, that rests on the University.

4. An equal opportunity for the parties to present witnesses, including fact and expert
witnesses, and other inculpatory and exculpatory evidence.

5. A presumption that a respondent is not responsible for the alleged prohibited conduct
until a determination on responsibility and disciplinary sanctions, if any, is made at the
conclusion of the grievance process.

6. An objective evaluation of all relevant evidence, including both inculpatory and
exculpatory evidence.

   a. Relevant evidence is information pertinent to proving whether facts material to
the allegations are more or less likely to be true.

   b. Questions and evidence about the complainant’s sexual predisposition or prior
sexual behavior are not considered relevant, unless such questions and
evidence: 1) are offered to prove that someone other than the respondent
committed the conduct alleged by the complainant; or 2) concern specific
incidents of the complainant’s prior sexual behavior with respect to the
respondent and are offered to prove consent.
7. No consideration of information protected under a legally recognized privilege, or questions seeking disclosure of this information, unless the person holding the privilege waives it.

8. No access to or consideration of a party’s records that were made or maintained by a physician, psychiatrist, psychologist, or other professional in connection with the provision of treatment to the party, unless that party provides voluntary, written consent.

9. Credibility determinations, where applicable, that are not based on an individual’s status as a complainant, respondent, or witness.

C. PARTY AND WITNESS PARTICIPATION IN THE GRIEVANCE PROCESS

Parties will be provided with written notice of the date, time, location, participants, and purpose of all meetings during the grievance process at which the party is expected or invited, with sufficient time for the party to prepare to participate.

Parties and witnesses are not required to participate in a grievance process under this policy. When a complainant, respondent, or witness refuses to provide relevant information during a grievance process, the grievance process may proceed. However, a determination on responsibility and disciplinary sanctions, if any, will be based only on the information available.

Individuals who knowingly or intentionally file a false formal complaint or provide false or misleading information during a grievance process may be subject to disciplinary action up to and including termination of employment or expulsion. Disciplinary action is not warranted where an individual provides information in good faith, even if the information is ultimately not substantiated. An individual provides information in good faith when that individual reasonably believes that the information they have provided is accurate.

Concerns that an individual has knowingly or intentionally provided false or misleading information will be addressed by the following offices: (1) for concerns that students allegedly engaged in this misconduct, the campus office responsible for investigating and adjudicating potential Student Conduct Code violations other than prohibited misconduct covered in this policy; (2) for concerns that employees allegedly engaged in this misconduct, the employee’s supervisor or human resources representative; and (3) for concerns that third parties allegedly engaged in this misconduct, the University official responsible for retaining or overseeing the third party.

D. ADVISOR PARTICIPATION IN THE GRIEVANCE PROCESS

Complainants and respondents may be accompanied to meetings and hearings in the grievance process by: 1) an advisor of their choice; and 2) a support person who cannot be a fact witness in the case. In limited circumstances, other individuals may be permitted to attend these meetings to support a party for good reason, such as to accommodate a disability, at the discretion of the University member conducting the meeting. When a party does not have an advisor present at a live hearing, the University will provide an advisor to conduct cross-examination on behalf of that party. A party may choose to have this advisor fulfill any and all additional functions permitted for advisors. For more information about the responsibilities of advisors who attend meetings and hearings as allowed by this policy, please see Appendix A.

E. REMOVAL OF RESPONDENT FROM THEIR UNIVERSITY ROLE DURING A GRIEVANCE PROCESS

Student respondents. A student respondent may be removed from their University role as an interim measure during a grievance process in two circumstances. First, the University may undertake emergency removal of a student respondent for reasons arising from the alleged prohibited conduct when the University: 1) undertakes an individualized safety and risk analysis; 2) concludes that there is an immediate threat to the physical health or safety of any student or other individual arising from the alleged prohibited conduct; and 3) provides the respondent with
notice and an opportunity to challenge the decision immediately following the removal. Second, the University may impose an interim disciplinary suspension on a student respondent in accordance with Board of Regents Policy: Student Conduct Code, Section VI. Interim Suspension for reasons not arising from the alleged prohibited conduct.

**Employee respondents.** The University Authority identified in Appendix B, at their discretion, may take interim measures such as changing a respondent's work responsibilities or work location or placing them on paid leave during a grievance process. Such action may be appropriate when there is a legitimate concern that without interim measures: 1) the respondent will engage in prohibited conduct while the grievance process is ongoing, or 2) the respondent would be unduly disruptive to University members or University activities or programs.

**Non-student and non-employee respondents.** University members who are neither students nor employees may be removed from their University role or a University program as an interim measure during a grievance process at the discretion of the University Authority identified in Appendix B.

**F. CONSOLIDATION OF FORMAL COMPLAINTS**

Formal complaints may be consolidated when the allegations arise out of the same facts or circumstances and there are: 1) allegations by one complainant against more than one respondent; 2) allegations by more than one complainant against one or more respondents; or 3) cross-complaints.

**G. DECISION ABOUT THE DESIGNATION OF PROHIBITED CONDUCT**

Upon receipt of a formal complaint that alleges prohibited conduct in violation of this policy, the campus Title IX office will initiate a grievance process. Once the campus Title IX office initiates a grievance process, it will provide notice to the parties in writing of, among other things:

- its decision about whether to designate the alleged prohibited conduct as Title IX-based prohibited conduct;
- the reasons for this decision; and
- the parties’ right to appeal this decision, as described in Section VI.I.

More information about the notice that the campus Title IX office will provide to the parties can be found in Section IV.K.2.

The campus Title IX office will not initiate a grievance process when the alleged conduct, if substantiated, would not constitute prohibited conduct, except in limited circumstances. In such cases, the campus Title IX office will notify the parties in writing of this decision and of the parties' right to appeal this decision to an impartial appellate officer.

**H. DISMISSAL OF A FORMAL COMPLAINT**

The campus Title IX office has discretion to dismiss a formal complaint or any allegations therein during the grievance process when: 1) a complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations therein; 2) a respondent is no longer enrolled in, or employed by, the University; or 3) specific circumstances prevent the gathering of evidence sufficient to reach a determination on responsibility.

When dismissing a complaint, the campus Title IX office will notify the parties in writing of: 1) the decision to dismiss; 2) the reasons for the dismissal; and 3) the parties’ right to appeal the dismissal to an impartial appellate officer, as described in Section VII.I.

**I. APPEALS OF DISMISSEALS OF FORMAL COMPLAINTS AND OF DECISIONS ABOUT THE DESIGNATION OF PROHIBITED CONDUCT**
Any party may appeal the campus Title IX office’s written decision to: 1) designate the alleged conduct as Title IX-based prohibited conduct or its decision to not make that designation; 2) not initiate a grievance process, despite a complainant’s request for a grievance process, because the alleged conduct, if substantiated, would not constitute prohibited conduct under the policy; or 3) dismiss a formal complaint as set forth in Section VI.H.

Appeals must be submitted to the Appellate Officer in writing within ten business days of receipt of the campus Title IX office’s written decision. Appeals received after ten business days will be denied. Decisions that are not appealed within ten business days are final. When a timely appeal is received, the other party will be sent a copy of the appeal and provided an opportunity to respond. A response to an appeal must be submitted in writing within ten business days from the party’s receipt of the appeal.

Appeals are not intended to allow for a second review of the same information provided to the campus Title IX office, and the Appellate Officer will not substitute their judgment for that of the campus Title IX office. Appeals are limited to the grounds set forth below:

- procedural irregularity that affected the outcome of the matter;
- new evidence that was not reasonably available at the time the determination or dismissal was made that could affect the outcome of the matter;
- the decision was unreasonable (i.e., arbitrary) in light of the information presented; and
- the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent that affected the outcome of the matter.

In most cases, the appellate review is limited to review of the written decision and the appeal and response documents submitted by the parties. However, the Appellate Officer may, at their discretion, request and review additional information from the campus Title IX office.

The Appellate Officer will provide a written decision on the appeal to the parties. The Appellate Officer may: 1) affirm the decision; 2) overturn the decision; or 3) remand the case to remedy procedural errors or consider new evidence. The Appellate Officer will strive to issue a decision within 15 calendar days of receipt of all appeal and response documents.

J. INFORMAL RESOLUTION PROCESSES

The University may offer informal resolution processes to parties at any time after a formal complaint is filed and before a final determination on responsibility and on disciplinary sanctions is made. Except, the University will not offer informal resolution processes to resolve allegations that an employee engaged in Title IX-based prohibited conduct toward a student.

Before initiating an informal resolution process, the University will provide the parties with a written notice disclosing:

- the allegations in the formal complaint;
- the requirements of the informal resolution process;
- the circumstances under which the informal resolution process precludes the parties from resuming the grievance process arising from the formal complaint;
- the parties’ right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and
- any privacy-related and recordkeeping-related consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

In addition, before initiating an informal resolution process, the University must obtain the parties’ voluntary, written consent to the informal resolution process.

K. INVESTIGATION
1. **General principles**

Investigations into formal complaints will be conducted by the campus Title IX office. Except, investigations into stalking and relationship violence of a non-sexual nature will be conducted: 1) for student respondents, by the campus office or official that investigates non-sexual Student Conduct Code complaints; 2) for employee respondents, by a human resources representative or a supervisor; and 3) for other University members, by the University official who retains or oversees their participation in University programs or activities. If a prohibited conduct investigation reveals possible misconduct other than prohibited conduct under this policy, the campus Title IX office will forward this information to the campus office or supervisor responsible for investigating that possible misconduct. However, amnesty is provided for certain drug and alcohol related offenses that come to light during a prohibited conduct investigation, as discussed in Section II.D.

2. **Written notice to the parties**

Upon receipt of a formal complaint that alleges prohibited conduct in violation of this policy, the campus Title IX office will provide written notice to the parties who are known. The written notice will provide the parties with sufficient time to prepare a response before any initial interview, and will include:

- Notice that a grievance process is being initiated.
- Information about the grievance process set forth in this policy.
- Notice of the allegations of prohibited conduct, including the identities of the parties involved in the incident, if known, alleged prohibited conduct, and the date and location of the alleged prohibited conduct, if known.
- Notice of the decision on whether the reported conduct will be designated as Title IX prohibited conduct, the reasons for this decision, and the parties’ right to appeal this decision;
- A statement that the respondent is presumed not responsible for the alleged prohibited conduct and that a determination on responsibility and on disciplinary sanctions, if any, is made at the conclusion of the grievance process.
- Notice that the parties may be accompanied to meetings and hearings in the grievance process by: 1) an advisor of their choice who may be, but is not required to be, an attorney, and who may inspect and review evidence as described in Section VI.K.3; and 2) a support person who cannot be a fact witness in the case.
- Information about applicable supportive measures and advisor resources, and an opportunity to discuss them with the campus Title IX office.
- Notice that this policy prohibits knowingly or intentionally filing a false formal complaint or providing false or misleading information during a grievance process.

If, during the course of an investigation, the campus Title IX office decides to investigate additional allegations of prohibited conduct, the campus Title IX office will provide notice of those additional allegations to the parties whose identities are known.

3. **Investigation process**

The nature and scope of an investigation will be determined based on the formal complaint and any additional information gathered during the investigation, and will include the following elements:

- Written notice to the parties as described in Section VI.K.2.
- One or more requested interviews of a complainant, where the complainant will have the opportunity to describe the allegations giving rise to the formal complaint, provide evidence, and identify witnesses.
• One or more requested interviews of a respondent, where the respondent will have the opportunity to respond to the allegations, provide evidence, and identify witnesses.
• Gathering of other evidence, such as through witness interviews.
• An equal opportunity for the parties and their advisors to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint as follows: Prior to completion of the investigation, the campus Title IX office will send to each party and the party’s advisor, if any, the evidence for inspection and review. The parties are not permitted to photograph the evidence or disseminate the evidence to the public. The parties will be provided ten calendar days in which to submit a written response, which the campus Title IX office will consider prior to completion of the investigation.
• Provision of a final investigation report to each party, the party’s advisor, if any, and to the University Authority (identified in Appendix B) that fairly summarizes the relevant evidence, provides an analysis of the evidence, and a recommended determination on responsibility.

The campus Title IX office strives to complete investigations within 90 business days. However, depending on the complexity of the investigation, the number of witnesses, the availability of evidence and other factors, some investigations may take additional time. When an investigation will not be completed within 90 business days, the campus Title IX office will notify the parties and provide the reason for the extended timeline in writing.

L. POST-INVESTIGATION INFORMAL RESOLUTION

Based on the final investigation report, the University Authority (identified in Appendix B) may opt to provide the parties with a proposed informal resolution. If both parties agree in writing to the informal resolution, the grievance process ends. If either party does not agree to the informal resolution, the matter will proceed to a hearing. Informal resolution processes are discussed further in Section VI.J.

This informal resolution option is not available to resolve formal complaints that an employee engaged in Title IX-based prohibited conduct toward a student.

M. HEARING

1. Hearing

If there is no informal resolution, the parties will be provided a live hearing. The hearing will be scheduled no earlier than ten calendar days after the parties receive the final investigation report and proposed informal resolution, if one is proposed. The parties will be permitted to submit a written response to the final investigation report to the decision-makers(s).

Hearing format. The University may conduct live hearings with all parties physically present in the same geographic location or with any or all parties, witnesses, and other participants appearing virtually, with technology enabling participants to simultaneously see and hear each other. At the request of any party, the parties will be located in separate rooms during the hearing with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.

Access to evidence at the hearing. The University will make all evidence directly related to the allegations available to the parties at any hearing.

Advisor and support person. Each party may be accompanied to the hearing by: 1) one advisor of their choice; and 2) a support person who cannot be a fact witness in the case. Support persons may participate in the hearing in a non-speaking capacity. Advisors are permitted to present information and conduct direct and cross-examination during the hearing. If a party does not have an advisor present at the hearing, the University will provide that party, free of charge, with an advisor of the University’s choice, to conduct cross-
examination on behalf of that party. A party’s advisor may appear and conduct cross-examination even when the party whom they are advising does not appear. Where neither party nor that party’s advisor of choice appears, a University-provided advisor must still cross-examine any other appearing party “on behalf of” the non-appearing party, so that consideration of the appearing party’s statements can be made.

**Cross-examination.** Cross-examination at the live hearing will be conducted directly, orally, and in real time by the party’s advisor and never by a party personally. Each party’s advisor is permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including questions that challenge credibility. Only relevant cross-examination may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination question (or other question), the decision-maker(s) will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

**Failure to submit to cross-examination – applicable only to Title IX-based prohibited conduct formal complaints.** If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) will not rely on any statement of that party or witness in reaching a determination on responsibility or on disciplinary sanctions, if any. The decision-maker(s) will not draw an inference about the determination on responsibility or on disciplinary sanctions, if any, based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

**Recording or transcript.** The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

2. **Determination on responsibility and disciplinary sanctions, if any**

Both parties will be: 1) simultaneously provided with the hearing decision-maker(s)’s written decision on responsibility; and 2) simultaneously provided with the University Authority’s decision on disciplinary sanctions, if any. The University Authority is identified in Appendix B. Together, these written decisions on responsibility and disciplinary sanctions will constitute the “Written Determination” described in VI.M.3 that may then be appealed by either party.

3. **The Written Determination will include:**

   - identification of the allegations of prohibited conduct;
   - a description of the procedural steps taken from the receipt of the formal complaint through the determination on responsibility and disciplinary sanctions, including lists of any notifications sent to the parties, any interviews with parties and witnesses, any site visits, the methods used to gather other evidence, and the hearings held;
   - findings of fact supporting the determination;
   - conclusions regarding the application of this policy to the facts;
   - a statement of, and rationale for, the determination on responsibility and disciplinary sanctions;
   - a statement of, and rationale for, any disciplinary sanctions that will be imposed on the respondent, and whether the University will provide remedies to the complainant; and
   - the University’s procedures and permissible bases for the parties to appeal the determination on responsibility and disciplinary sanctions.

If an appeal is not filed, the Written Determination becomes final on the date on which an appeal would no longer be considered. If an appeal is filed, the Written Determination becomes final on the date that the Appellate Officer provides the parties with the written determination of the result of the appeal. See Section VI.O on appeals.

**N. DISCIPLINARY SANCTIONS, REMEDIES, AND OTHER RESPONSIVE ACTIONS**
1. **The role of the University Authority in determining, and monitoring compliance with, disciplinary sanctions and other responsive actions**

The responsible University Authority (identified in Appendix B) will decide which disciplinary sanctions and other responsive actions will be implemented, if any.

Disciplinary sanctions will not be imposed on the respondent until: 1) the date on which an appeal would no longer be considered timely, if an appeal is not filed; or 2) the date that the parties are provided with the written determination of the result of the appeal, if an appeal is filed.

The University Authority will monitor compliance with any disciplinary sanctions or other responsive actions and address any compliance failures by the respondent.

Where a student respondent is also a third party or employee, the campus Title IX office will determine the appropriate University Authority(ies) to determine disciplinary sanctions and other responsive actions in those non-student roles. In making this determination, the campus Title IX office will consider case-specific factors, including the context in which the alleged prohibited conduct occurred (e.g. whether it occurred in an employment or academic context) and the respondent’s primary affiliation.

2. **Disciplinary sanctions and other responsive actions – general information**

Responsive action is intended to eliminate prohibited conduct, prevent its recurrence, and promote accountability while supporting the University’s educational mission and legal obligations. Responsive action may include disciplinary, rehabilitative (including educational), restorative, and monitoring components.

Disciplinary sanctions in cases with student respondents are detailed in the Board of Regents Policy: *Student Conduct Code*, and include the following:

- an oral or written warning;
- probation;
- required compliance with work assignments, community service assignments, or other discretionary assignments;
- restitution;
- restriction of privileges;
- University housing suspension or expulsion;
- suspension or expulsion from the University;
- withholding of a diploma or degree; and
- revocation of admission or a degree.

Responsive action in cases with employee respondents (including student employees) may include any one or a combination of the following:

- coaching or education;
- mentoring;
- changes to work duties or locations;
- monitoring to ensure that prohibited conduct is not occurring;
- probation;
- progressive disciplinary action;
- transfer of position;
- removal of administrative appointment;
- demotion;
- salary reduction;
- suspension; and
- termination of employment.
Responsive action in cases with third-party respondents may include restrictions on a third-party respondent’s: 1) participation in University programs or activities; 2) attendance at University events; or 3) ability to enter campus spaces, among other things.

The following factors will be considered in determining the appropriate responsive action to address a determination of responsibility for prohibited conduct:

- the severity, persistence, or pervasiveness of the prohibited conduct;
- the nature of the prohibited conduct;
- whether the prohibited conduct threatened physical safety;
- any incidents of prior misconduct by a respondent, including the respondent’s disciplinary history, at the University or elsewhere;
- the impact of the prohibited conduct on other members of the University community;
- an assessment of a respondent’s potential for development, including whether the respondent has accepted responsibility for the prohibited conduct;
- the maintenance of a safe, nondiscriminatory, and respectful work and learning environment; and
- any other mitigating, aggravating, or compelling factors.

3. Remedies

Where a decision has been made that a respondent is responsible for prohibited conduct, the University will provide remedies to the complainant that are designed to restore or preserve the complainant’s equal access to the University’s education programs and activities. Such remedies may include supportive measures discussed in Section II.B, as well as other measures that prevent the respondent from having contact with the complainant, and other measures. For example, remedies may prevent the respondent from participation in student organizations, teams, or classes in which the complainant participates. The campus Title IX office is responsible for effective implementation of any remedies.

O. APPEAL

Any party may initiate this appeal process when they receive a Written Decision. Appeals must be submitted to the Appellate Officer in writing within ten business days of receipt of the Written Decision. Appeals received after ten business days will be denied. Written Decisions that are not appealed within ten business days are final.

When a timely appeal is received, the other party(ies) will be sent a copy of the appeal and provided an opportunity to respond. A response to an appeal must be submitted in writing within ten business days from the party’s receipt of the appeal.

Appeals are not intended to allow for a second review of the same information provided during the investigation, and the Appellate Officer will not substitute their judgment for that of the hearing decision-maker(s). Appeals are limited to the grounds set forth below:

- procedural irregularity that affected the outcome of the matter;
- new evidence that was not reasonably available at the time the determination or dismissal was made, that could affect the outcome of the matter;
- the decision was unreasonable (i.e., arbitrary) in light of the information presented;
- the sanction was grossly disproportionate to the offense; and
- the Title IX Coordinator, investigator(s), decision-maker(s), and/or University Authority had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

In most cases, the appellate review is limited to review of the Written Determination and the appeal and response documents submitted by the parties. However, the Appellate Officer may, at their discretion, request and review the entire grievance process record.
The Appellate Officer will provide a written decision on the appeal to the parties. The Appellate Officer may: 1) affirm the written Written Determination; 2) overturn the Written Determination; or 3) remand the case to remedy procedural errors or consider new evidence. The Appellate Officer will strive to issue a final decision within 30 calendar days of receipt of all appeal and response documents.

VII. RECORDKEEPING

The University will maintain the following for the longer of seven years or the retention period required by the Administrative Policy: Managing University Records and Information:

1. Records of reports of prohibited conduct made to the campus Title IX office, the President, or a Chancellor, Vice President, Vice Chancellor, or Dean.
2. Records of any actions, including any supportive measures, taken in response to such a report.
3. Records of each prohibited conduct grievance process, including
   a. information that is obtained, gathered, or received during the grievance process;
   b. any Written Determination;
   c. any audio or audiovisual recording or transcript of a hearing;
   d. any disciplinary sanctions imposed on a respondent; and
   e. any remedies provided to the complainant designed to restore or preserve equal access to the University’s education program or activity.
4. Records of any appeal and the result therefrom.
5. Records of any informal resolution and the result therefrom.
   Records of all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The University will compile and maintain publicly available records, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the complainant. The University will provide complainants and respondents with access to their records related to any of the prohibited conduct processes set forth in this policy in accordance with the law.

VIII. POLICY REVIEW

The Office of Equal Opportunity and Affirmative Action (EOAA) will annually review this policy.

IX. TRAINING

Individuals who conduct the University’s grievance process will receive training on:

- the definitions of Title IX-based prohibited conduct;
- the scope of the University’s education programs and activities;
- how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, where applicable;
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- technology to be used at a live hearing, where applicable;
- issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant; and
- issues of relevance to create an investigative report that fairly summarizes relevant evidence, where applicable.

Individuals who conduct the University’s grievance process (including Title IX Coordinators, investigators, decision-makers, University Authorities, Appellate Officers, and any person who facilitates an informal resolution process) will also be trained annually on issues related to prohibited conduct and on how to conduct a grievance process that protects the safety of victims and promotes accountability.

Materials used to train individuals who conduct the University’s grievance process will:
• not rely on sex stereotypes;
• promote impartial investigations and adjudications of formal complaints of sexual harassment;
• be maintained by the school for at least 7 years; and
• be publicly available on the school’s website.

To facilitate the goals of this policy, the University will make training on prohibited conduct available to students, employees, and volunteers.

REASON FOR POLICY

The University adopts this policy to implement Board of Regents Policy: 
Sexual Harassment, Sexual Assault, Stalking and Relationship Violence and to implement its commitment to: 1) taking prompt and equitable action to eliminate, prevent and address the effects of prohibited conduct; 2) fostering a trusting environment where prohibited conduct is not tolerated; 3) cultivating a climate where all persons are well-informed and supported with respect to reporting prohibited conduct; 4) providing a fair and impartial process that treats all participants with dignity; and 5) identifying the standards by which violations of this policy will be evaluated and disciplinary action may be imposed.

PROCEDURES

Administrative Procedure: Hearing Procedures for Formal Complaints of Violations of Administrative Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence

FORMS/INSTRUCTIONS

There are no forms associated with this policy.

APPENDICES

• Appendix A: Roles and Responsibilities of Advisors
• Appendix B: University Authorities and Appellate Officers

FREQUENTLY ASKED QUESTIONS

• FAQ: Employees’ Obligation to Report Sexual Harassment, Sexual Assault, Stalking and Relationship Violence to the Campus Title IX Office
• FAQ: Investigations and Accommodations
• FAQ: Retaliation in Sexual Harassment, Sexual Assault, Stalking and Relationship Violence Cases

ADDITIONAL CONTACTS

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<tr>
<th>Subject</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Contact</td>
<td>Tina Marisam</td>
<td>612-626-9357</td>
<td><a href="mailto:marisam@umn.edu">marisam@umn.edu</a></td>
</tr>
<tr>
<td>Policy or process</td>
<td>Campus Title IX</td>
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<tr>
<td>questions</td>
<td>Offices (see below)</td>
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Campus Title IX Offices
Prohibited conduct reports can be made to the University’s campus Title IX offices listed here. As described in this policy, upon learning of certain types of prohibited conduct, employees must contact their campus Title IX office to satisfy their prohibited conduct reporting obligations.

<table>
<thead>
<tr>
<th>Crookston Campus</th>
<th>Contact</th>
<th>Phone</th>
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| Title IX Coordinator for students | Kamille Meyer  
Assistant Athletic Director/SWA/Wellness Center Director  
2900 University Ave.  
Crookston, MN 56716 | 218-281-8423 | kmwahlin@crk.umn.edu |
| Title IX Coordinator for employees | Jonathon Fuller  
UMC Human Resources  
304 Selvig Hall  
2900 University Ave  
Crookston, MN 56716 | 218-281-8345 | fulle423@crk.umn.edu |

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<th>Duluth Campus</th>
<th>Contact</th>
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| Title IX Coordinator for students | Lisa Erwin  
Director of Student Conduct & Conflict Mediation  
245 Kirby Plaza  
1208 Kirby Dr  
Duluth, MN 55812 | (218) 726-8501 | laerwin@d.umn.edu |
| Title IX Coordinator for employees | Annalisa Peterson  
Equal Opportunity Associate  
138 DAdB  
1049 University Drive  
Duluth, MN 55812 | 218-726-8809 | alhp@d.umn.edu |

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<th>Morris Campus</th>
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| Title IX Coordinator | Sarah Mattson  
Director of Human Resources  
201 Behmler Hall  
600 East 4th Street  
Morris, MN 56267 | 320-589-6021 | mattsosj@morris.umn.edu |

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<tbody>
<tr>
<td>Title IX Coordinator for students</td>
<td>Andrew Williams</td>
<td>507-258-8106</td>
<td><a href="mailto:will2036@r.umn.edu">will2036@r.umn.edu</a></td>
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### Rochester Campus

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<tr>
<th>Subject</th>
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<th>Phone</th>
<th>Email</th>
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</table>
| Title IX Coordinator for employees | Virginia Wright-Peterson  
Interim Director of Human Resources  
300 University Square R0869A  
111 S Broadway  
Rochester, MN 55904 | 507-258-8009 | wrig0070@r.umn.edu |

### Twin Cities Campus

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<th>Subject</th>
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</table>
| Title IX Coordinator | Tina Marisam  
Director of the Office of Equal Opportunity and Affirmative Action  
McNamara Alumni Center, Room 274  
200 Oak Street SE  
Minneapolis, MN 55455 | 612-626-9357 | marisam@umn.edu |

### UReport

Reports of prohibited conduct, including anonymous reports, may be submitted 24 hours a day through the University’s UReport reporting system. Reports of prohibited conduct made through UReport will be forwarded to the campus Title IX office, which will address the concerns through the grievance or informal problem-solving processes. However, reporting about prohibited conduct through UReport does not satisfy the obligation of University employees as set forth above in Section III to report incidents of prohibited conduct to the campus Title IX office. Similarly, anonymous reporting in any other form also does not satisfy this reporting obligation.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Campuses</td>
<td>U Report</td>
<td>1-866-294-8680</td>
</tr>
</tbody>
</table>

### Law Enforcement

Employees, students and third parties are encouraged to report crimes to the law enforcement agency for the jurisdiction in which the conduct at issue occurred. Complainants have the option to report a crime to the appropriate law enforcement agency, to report prohibited conduct to the appropriate campus Title IX office, or to report to both investigative bodies simultaneously. Even if a criminal investigation is ongoing, the University will conduct its own grievance process and will not wait for the conclusion of a criminal
investigation or proceeding to begin its grievance process. However, the University may temporarily delay the fact-finding portion of a Title IX investigation portion of the grievance process while law enforcement is gathering evidence to avoid interfering with the criminal investigation.

Victims of sexual misconduct are granted specific rights under Minnesota law. When a crime is reported to law enforcement, a victim has the right to:

- request that their identity be kept private in reports available to the public;
- be notified of crime victim rights and information on the nearest crime victim assistance resource;
- apply for financial assistance for non-property losses related to a crime;
- participate in prosecution of their case, including the right to be informed of a prosecutor’s decision to decline prosecution or dismiss their case;
- protection from harm and from employer retaliation for taking time off to attend protection or harassment restraining order proceedings;
- receive information about seeking a protective or harassment order at no cost; and
- receive assistance from the Crime Victims Reparations Board and the Commissioner of Public Safety.

Victims of sexual assault have the right to undergo a confidential sexual assault examination at no cost and make a confidential request for HIV testing of a convicted felon. Victims of sexual assault are not required to undergo a polygraph examination in order for an investigation or prosecution to proceed. Victims of domestic abuse also have the right to terminate a lease without penalty. In cases of domestic abuse and violent crime where an arrest has been made, victims also have the right to be provided notice of the release of the offender, including information on the release conditions and supervising agency. Complete information about crime victims' rights is available.

<table>
<thead>
<tr>
<th>Campus</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crookston Campus</td>
<td>The City of Crookston Police Department 321 West Robert Street Crookston, MN 56716</td>
<td>218-281-3111</td>
<td></td>
</tr>
<tr>
<td>Duluth Campus</td>
<td>University of Minnesota-Duluth Police Department 287 Darland Admin Bldg 1049 University Drive Duluth, MN 55812</td>
<td>218-726-7000</td>
<td><a href="mailto:umdpd@d.umn.edu">umdpd@d.umn.edu</a></td>
</tr>
<tr>
<td>Morris Campus</td>
<td>University of Minnesota Morris Campus Police Behmler Hall 6 600 East Fourth Street Morris, MN 56267</td>
<td>320-589-6000</td>
<td><a href="mailto:ummpd@morris.umn.edu">ummpd@morris.umn.edu</a></td>
</tr>
<tr>
<td></td>
<td>Morris Police Department</td>
<td>320-208-6500</td>
<td><a href="mailto:mpd@co.stevens.mn.us">mpd@co.stevens.mn.us</a></td>
</tr>
<tr>
<td>Campus</td>
<td>Contact</td>
<td>Phone</td>
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<tr>
<td></td>
<td>400 Colorado Avenue</td>
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<td></td>
<td>Morris, MN 56267</td>
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<tr>
<td><strong>Rochester Campus</strong></td>
<td>Rochester Law Enforcement Center</td>
<td>507-328-6810</td>
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<tr>
<td></td>
<td>101 Fourth Street Southeast Rochester, MN 55902</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Twin Cities Campus</strong></td>
<td>University of Minnesota Police Department</td>
<td>612-624-2677</td>
<td><a href="mailto:police@umn.edu">police@umn.edu</a></td>
</tr>
<tr>
<td></td>
<td>511 Washington Ave. SE</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Minneapolis, MN 55455</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>St. Paul Police Department</td>
<td>651-291-1111</td>
<td><a href="mailto:policeinfo@ci.stpaul.mn.us">policeinfo@ci.stpaul.mn.us</a></td>
</tr>
<tr>
<td></td>
<td>367 Grove Street St. Paul, MN 55101</td>
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<tr>
<td></td>
<td>Minneapolis Police Department</td>
<td>612-673-2941 (Sex crimes unit)</td>
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<tr>
<td></td>
<td>350 South 5th Street, Room 130</td>
<td>651-767-0640</td>
<td></td>
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<td></td>
<td>Minneapolis, MN 55415</td>
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<tr>
<td></td>
<td>Ramsey County Sheriff's Department</td>
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<td></td>
<td>425 Grove Street Saint Paul, MN 55101</td>
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<tr>
<td><strong>Resources For Complainants</strong></td>
<td>The following resources offer free and confidential services for complainants, including advocacy, counseling, emotional support, and/or guidance through law enforcement and University reporting processes. These resources are available to complainants regardless of whether they choose to report the prohibited conduct they experienced to law enforcement or the campus Title IX office.</td>
<td></td>
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<td></td>
<td>Polk County Coordinated Victim Services</td>
<td>218-281-1554</td>
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<td></td>
<td>800-524-1993</td>
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<tr>
<td></td>
<td>UMC Counseling Center</td>
<td>218-281-8571</td>
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<td></td>
<td>218-281-8348</td>
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<tr>
<td></td>
<td>Student Health</td>
<td>218-281-8512</td>
<td></td>
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</tbody>
</table>
### Campus Contacts

<table>
<thead>
<tr>
<th>Campus</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Duluth Campus</strong></td>
<td>Women’s Resource and Action Center</td>
<td>218-726-6292</td>
<td></td>
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<tr>
<td></td>
<td>(WRAC)</td>
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<tr>
<td></td>
<td>Program for Aid to Victims of Sexual</td>
<td>218-726-1931</td>
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<td></td>
<td>Assault (PAVSA)</td>
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<td></td>
<td>Counseling: Health Services</td>
<td>218-726-7913</td>
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<tr>
<td><strong>Morris Campus</strong></td>
<td>Someplace Safe (providing crime</td>
<td>800-974-3359</td>
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<tr>
<td></td>
<td>victim advocacy)</td>
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<tr>
<td></td>
<td>Student Counseling</td>
<td>320-589-6060</td>
<td></td>
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<tr>
<td><strong>Rochester Campus</strong></td>
<td>Crisis Hotline</td>
<td>507-269-4511</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Student Counseling</td>
<td>507-258-8017</td>
<td><a href="mailto:rktovic@r.umn.edu">rktovic@r.umn.edu</a></td>
</tr>
<tr>
<td></td>
<td>Student Health Services</td>
<td>507-292-7250</td>
<td></td>
</tr>
<tr>
<td><strong>Twin Cities Campus</strong></td>
<td>The Aurora Center</td>
<td>24 Hour Helpline:</td>
<td><a href="mailto:aurora@umn.edu">aurora@umn.edu</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>612-626-9111</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Office Line:</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>612-626-2929</td>
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<td></td>
<td>Boynton Mental Health</td>
<td>Office line:</td>
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<td></td>
<td></td>
<td>612-625-8400</td>
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<td>24 hour Crisis</td>
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<td>Connection</td>
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<td></td>
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<td>counselors:</td>
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<td></td>
<td></td>
<td>612-301-4673</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Student Counseling Services</td>
<td>612-624-3323</td>
<td><a href="mailto:counseling@umn.edu">counseling@umn.edu</a></td>
</tr>
</tbody>
</table>

The University’s Employee Assistance Program (EAP) is available to benefits-eligible employees on all system campuses. EAP provides confidential, professional consultation and referral services to address any personal or work concern that may be affecting one’s wellbeing. EAP can be reached at 612-625-2820, 1-888-243-5744 or eap@umn.edu.

### Resources For Respondents

The offices in the table below can identify advocates to assist respondent students through the University’s investigative and post-investigative processes.

<table>
<thead>
<tr>
<th>Campus</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Crookston Campus</strong></td>
<td>Student Affairs</td>
<td>218-281-8505</td>
<td><a href="mailto:samue026@crk.umn.edu">samue026@crk.umn.edu</a></td>
</tr>
</tbody>
</table>
The table below provides confidential resources for respondent students.

<table>
<thead>
<tr>
<th>Campus</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crookston</td>
<td>UMC Counseling Center</td>
<td>218-281-8571</td>
<td>218-281-8348</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Duluth</td>
<td>Counseling: Health Services</td>
<td>218-726-7913</td>
<td></td>
</tr>
<tr>
<td>Morris</td>
<td>Student Counseling</td>
<td>320-589-6060</td>
<td></td>
</tr>
<tr>
<td>Rochester</td>
<td>Student Counseling</td>
<td>507-258-8017</td>
<td></td>
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</tr>
<tr>
<td>Twin Cities</td>
<td>Boynton Mental Health</td>
<td>Office line:</td>
<td>612-625-8400</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24 hour counselors:</td>
<td>612-301-4673</td>
</tr>
<tr>
<td></td>
<td>Student Counseling Services</td>
<td>612-624-3323</td>
<td></td>
</tr>
</tbody>
</table>

The University’s Employee Assistance Program (EAP) is available to benefits-eligible employees on all system campuses. EAP provides confidential, professional consultation and referral services to address any personal or work concern that may be affecting one’s wellbeing. EAP can be reached at 612-625-2820, 1-888-243-5744 or eap@umn.edu.

**U.S. Department of Education, Office for Civil Rights**

Individuals with questions regarding this policy or the application of this policy may also contact the U.S. Department of Education, Office for Civil Rights, which is the federal agency that enforces Title IX of the Education Amendments of 1972.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal government</td>
<td>U.S. Department of Education</td>
<td>312-730-1700</td>
<td>312-730-1704</td>
</tr>
<tr>
<td>contact</td>
<td>500 W. Madison Street, Suite 1427 Chicago, IL 60661</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DEFINITIONS

Advisor
An individual who conducts cross-examination on behalf of a party, and who may also accompany the party to meetings in the grievance process and otherwise participate in the live hearing, among other things.

Assists or Abets
An individual assists or abets prohibited conduct when the individual: (1) helps any other person to engage in prohibited conduct; and (2) intends the prohibited conduct to occur or knows that their actions are significantly likely to help the other person to engage in prohibited conduct.

Campus Title IX Office.
The phrase “campus Title IX office” refers to campus Title IX office staff members and others designated to carry out the responsibilities described in this policy.

Complainant
An individual is a “complainant” when the University learns that the individual may have experienced prohibited conduct. Complainants are assisted under this policy even if they have not reported prohibited conduct to the University or pursued a prohibited conduct process under this policy.

Formal complaint
A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator that: 1) alleges that an individual engaged in prohibited conduct toward the complainant; and 2) requests that the University investigate the allegation of prohibited conduct. A complainant files a formal complaint by submitting such a document to the campus Title IX office that contains the complainant’s physical or digital signature or otherwise indicates that the complainant is the individual filing the formal complaint. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by e-mail, or through an online portal provided for this purpose, where available.

Party
Refers to a complainant or respondent.

Prohibited conduct
Prohibited conduct includes sexual assault, sexual harassment, stalking, relationship violence, and retaliation as defined by this policy.

Relationship violence
Relationship violence is: (1) actual, attempted or threatened violence by one individual against another individual with whom they are, or have been, in a social relationship of a romantic or intimate nature; or (2) violence that would constitute a felony or misdemeanor crime of violence by an individual against: (i) a current or former spouse or intimate partner; (ii) an individual with whom they share a child; (iii) an individual similarly situated to a spouse under the Minnesota state domestic or family violence laws; or (iv) any adult or youth who is protected from the individual’s acts under the Minnesota state domestic or family violence laws.

While relationship abuse can include non-physical tactics – such as emotional, psychological and fiscal abuse and control – this policy addresses only physical acts of relationship violence. Individuals who experience any type of relationship abuse are encouraged to seek help from campus or community resources.

(a) Title IX relationship violence is a subset of relationship violence that occurs in the United States and: (1) on campus; 2) as part of the University’s operations; (3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or (4) in buildings owned or controlled by a student organization that is officially recognized by the University.
Relationship violence will be designated Title IX relationship violence if it meets the above definition and the complainant is participating or attempting to participate in a University education program or activity at the time the complainant files a formal complaint, or if it meets the above definition and the Title IX Coordinator signs a formal complaint.

**Retaliation**
Retaliation means taking an adverse action against an individual: (1) for the purpose of interfering with any right or privilege secured by this policy; (2) for refusing to participate in any manner in an informal problem-solving or grievance process relating to a prohibited conduct allegation; or (3) 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) testifying, assisting, or participating in an informal problem-solving or grievance process related to a prohibited conduct allegation; or
(d) accessing the Office for Conflict Resolution (OCR) to resolve a conflict related to prohibited conduct.

Adverse actions are actions that might deter a reasonable person from reporting suspected or alleged prohibited conduct; expressing opposition to suspected or alleged prohibited conduct; testifying, assisting, participating (or not participating) in the grievance process related to a prohibited conduct allegation; or accessing the Office for Conflict Resolution. Examples of adverse action include, but are not limited to:

- impeding the individual’s academic advancement;
- departing from any customary academic or employment practice regarding the individual;
- firing, refusing to hire, or refusing to promote the individual; transferring or assigning the individual to a lesser position in terms of wages, hours, job classification, job security, employment or academic status;
- threatening, intimidating, coercing, marginalizing, or discriminating against an individual; and
- charging an individual for code of conduct violations that do not involve sex discrimination or prohibited conduct, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of prohibited conduct.

Good faith participation means: (1) reporting or expressing opposition to prohibited conduct based on a reasonable belief that prohibited conduct has occurred, or (2) honestly participating in an investigation of prohibited conduct or accessing conflict resolution services.

For more information on retaliation, see FAQ: *Retaliation in Sexual Harassment, Sexual Assault, Stalking and Relationship Violence Cases*.

**Respondent**
An individual is a “respondent” when the University learns that the individual is alleged to have engaged in conduct that could constitute prohibited conduct under this policy.

**Sexual assault**
*Sexual assault is*: 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.

Sexual contact is intentional sexual touching with an object or body part. Depending on the context, it may include, but is not limited to: (i) intentionally touching the breasts, buttocks, groin or genitals of another individual; (ii) intentionally touching another individual with any of these body parts; and (iii) 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.
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. The following factors will be considered when determining whether affirmative consent was given.

- Each individual who wishes to engage in sexual contact is responsible for obtaining consent from the other individual or individuals who intend to be involved in the sexual contact.
- A lack of protest, the absence of resistance, and silence do not by themselves indicate consent.
- The existence of a present or past sexual, dating, or other romantic relationship between the individuals involved does not by itself imply consent to sexual contact.
- Consent must be present throughout the sexual contact and may be given and withdrawn at any time.
- When consent is withdrawn, all sexual contact must stop. Where there is confusion about the state of consent, sexual contact must stop until the individuals have verified the affirmative consent of all individuals involved.
- Consent to one form of sexual contact does not by itself constitute consent to another form of sexual contact.

Consent is not obtained where:

- An individual is compelled to engage in unwanted sexual contact through the use of coercion. Coercion may consist of physical force, intimidation, threats, or severe or persistent pressure that would reasonably cause an individual to fear significant consequences if they refuse to engage in sexual contact.
- An individual involved in sexual contact is incapacitated due to the influence of drugs or alcohol, and a reasonable person would know of this incapacitation. Incapacitation due to the influence of drugs or alcohol is a state beyond mere intoxication or impaired judgment. Some indicators of incapacitation due to the influence of drugs or alcohol may include:
  - A lack of control over one’s physical movement (for example, an inability to walk or stand without stumbling or assistance).
  - An inability to effectively communicate (for example, where one’s speech is heavily slurred, incomprehensible, or nonsensical).
  - A lack of awareness of one’s circumstances or surroundings (for example, a lack of awareness of where one is, how one got there, who one is with, and how or why one became engaged in sexual contact).
- An individual involved in sexual contact is unable to communicate or understand the nature or extent of the sexual situation because of a physical or mental condition.
- An individual involved in sexual contact is asleep, unconscious or involuntarily physically restrained.
- Sexual intercourse occurs with an individual who is not of legal age to give consent pursuant to Minnesota state law.
- Sexual intercourse occurs between parties who are related to each other within the degrees wherein marriage is prohibited by Minnesota state law.

(a) **Title IX sexual assault** is a subset of sexual assault that occurs in the United States and:
   - (1) on campus; (2) as part of the University’s operations; (3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or (4) in buildings owned or controlled by a student organization that is officially recognized by the University. Title IX sexual assault occurs when there is actual or attempted:
     - penetration, no matter how slight, of the vagina or anus with any body part or object without affirmative consent;
     - oral penetration by a sex organ of another person without affirmative consent; or
     - the touching of the private body parts of another person without affirmative consent and for the purpose of sexual gratification.
Sexual assault will be designated Title IX sexual assault by the campus Title IX office if it meets the above definition and the complainant is participating or attempting to participate in a University education program or activity at the time the complainant files a formal complaint, or if it meets the above definition and the Title IX Coordinator signs a formal complaint.

**Sexual harassment**

**Sexual harassment** means unwelcome conduct on the basis of sex under the following conditions:

(a) *Quid pro quo sexual harassment:* When a University member conditions the provision of a University aid, benefit, or service on an individual's participation in unwelcome sexual conduct.

(b) *Hostile environment sexual harassment:* When conduct is severe, persistent or pervasive and:

- unreasonably interferes with an individual's employment or educational performance,
- creates a work or educational environment that an individual finds, and a reasonable person would find, to be intimidating, hostile or offensive, or
- effectively denies an individual equal access to a University program or activity.

(c) *Sexual exploitation:* When an individual intentionally engages in the following conduct and should reasonably have known that the conduct would be unwelcome to any individual involved:

- exposure of one's own or another individual's breasts, buttocks, or genitals to one or more other individuals;
- distribution of sexual or nude images or recordings of another individual;
- observation or recording of sexual activity or nudity;
- demanding financial compensation, sexual contact, or some other benefit under threat of disseminating or posting images, video, or other recording of the nudity or sexual activity of one or more individuals; and/or
- engaging in sexual conduct that carries a significant risk of transmitting known sexual infections or diseases without another individual's knowledge.

(d) *Title IX sexual harassment* is a subset of sexual harassment that occurs in the United States and: (1) on campus; (2) as part of the University's operations; (3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or (4) in buildings owned or controlled by a student organization that is officially recognized by the University. Title IX sexual harassment occurs when:

- a University employee conditions the provision of a University aid, benefit, or service on an individual's participation in unwelcome sexual conduct; or
- unwelcome conduct is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

Sexual harassment will be designated Title IX sexual harassment by the campus Title IX office if it meets the above definition and the complainant is participating or attempting to participate in a University education program or activity at the time the complainant files a formal complaint, or if it meets the above definition and the Title IX Coordinator signs a formal complaint.
The determination of whether conduct is unwelcome is made according to a subjective standard. In other words, the determination is made based on whether the complainant viewed the conduct as unwelcome. This subjective standard reflects understanding that an individual may submit to or participate in sexual conduct with an individual with greater power (e.g., an advisor, supervisor, instructor) because the subordinate individual fears potential negative repercussions if they refuse, and not because they welcome the conduct.

Sexual harassment may include conduct that is verbal, nonverbal, graphic, and/or physical. Individuals of all genders can be victims of sexual harassment, and the complainant and respondent can be of the same or different genders. The following conduct may lead to a determination that a respondent engaged in sexual harassment:

- Unwelcome sexual advances, including touching or sexual comments.
- Implicit or explicit requests for sexual favors in exchange for employment or academic benefits.
- Distributing ratings of individuals’ attractiveness or sexual activity or performance.
- A pattern of sexually suggestive comments, jokes, or gestures.

**Stalking**

Stalking is a course of conduct directed at a specific individual that would cause a reasonable person to: (1) fear for their safety or the safety of others; or (2) suffer 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.

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. In determining whether an individual has engaged in a course of conduct, consideration is given to the number of acts, their level of severity, and the time period in which they occur.

Stalking includes cyber-stalking, in which an individual uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other methods or forms of contact to engage in stalking.

(a) **Title IX stalking** is a subset of stalking that occurs in the United States and: (1) on campus; (2) as part of the University’s operations; (3) in locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the prohibited conduct occurred; and/or (4) in buildings owned or controlled by a student organization that is officially recognized by the University.

Stalking will be designated Title IX stalking by the campus Title IX office if it meets the above definition and the complainant is participating or attempting to participate in a University education program or activity at the time the complainant files a formal complaint, or if it meets the above definition and the Title IX Coordinator signs a formal complaint.

**Title IX-based prohibited conduct**

Title IX-based prohibited conduct is a subset of prohibited conduct that includes Title IX sexual assault, Title IX sexual harassment, Title IX stalking, and Title IX relationship violence. Any prohibited conduct alleged in a formal complaint that can be designated as Title IX-based prohibited conduct, will be so designated by the campus Title IX office. In some cases, this policy calls for specific procedures that apply only to Title IX-based prohibited conduct. If conduct is designated as Title IX-based prohibited conduct, then those specific procedures must apply.

**University Employees**

University employees include the following individuals:
a. all individuals defined as employees by Board of Regents Policy: Employee Group Definitions, including:
   i. faculty
   ii. academic professionals
   iii. academic administrators
   iv. professionals in training (including postdoctoral associates)
   v. civil service staff
   vi. union-represented staff
   vii. graduate assistants
   viii. student employees
b. fellows;
c. temporary employees; and
d. third parties serving in instructional roles at the University.

University Property
University property includes any building or property that is owned or controlled by the University and is used by the University in direct support of, or in a manner related to, the University’s educational purposes.

RESPONSIBILITIES

Appellate Officer
Decides appeals of: 1) decisions to designate the alleged conduct as Title IX-based prohibited conduct or to not make that designation; 2) decisions to not initiate a grievance process, despite a complainant’s request for a grievance process, because the alleged conduct, if substantiated, would not constitute prohibited conduct under the policy; 3) decisions to dismiss a formal complaint as set forth in Section VI.H.; and 4) Written Decisions.

Counseling Services Offices
Provide counseling services and referrals.

Campus Title IX Offices and their Designees
Provide consultations regarding prohibited conduct policies and procedures. Receive and respond to reports of prohibited conduct.

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.

Human Resources
Assist in responding to alleged prohibited conduct committed by employees.

Police Departments
- Investigate reports for possible criminal prosecution.
- Refer complainants to appropriate campus resources for personal support and investigation.
- Provide for campus safety and security.
- Provide timely warnings as appropriate.

Student Conduct Offices
- Respond to and resolve reports of prohibited conduct consistent with the Student Conduct Code. This includes advising and sanctioning student respondents when warranted. Some offices also investigate reports.
• Provide resource and guidance for University presenters in prohibited conduct hearings and hearing panel board members and chairs.

**University Authority**
• Offers informal resolutions.
• Decides upon and implements responsive action.

**Victim/Survivor Services**
• Maintain all contacts and reports as strictly confidential.
• Provide crisis intervention and advocacy.
• Assist complainant in contacting police and/or reporting to other University offices, if the complainant consents (some can assist in obtaining restraining orders).
• Assist complainant 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, Sexual Assault, Stalking and Relationship Violence](#)
• Board of Regents Policy: [Employee Group Definitions](#)
• Administrative Policy: [Retaliation](#)
• Administrative Policy: [Graduate Assistant Employment](#)
• [Regulations Concerning Faculty Tenure](#)
• [Civil Service Employment Rules](#)
• [Academic Professional and Administrative employee policies and procedures](#)
• [All Collective Bargaining Contracts](#)
• [Sexual Assault Victim's Rights Statement](#)
• [Previous policy version and associated documents](#) for matters reported prior to January 1st 2018

**HISTORY**

**Effective:**
January 2018 - New policy: 1. Consolidates information from two current administrative policies: Sexual Harassment, and Sexual Assault, Stalking and Relationship Violence. 2. Provides a detailed description as to how the University responds to sexual misconduct reports. 3. Incorporates the new standard language on retaliation. 4. Broadens employee’s obligation to report sexual misconduct.
Post-Investigation Procedures for Formal Complaints of Violations of Administrative Policy: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*

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**Introduction and Purpose**

This procedure describes post-investigation processes for the resolution of formal complaints of alleged violations of Administrative Policy: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*. The goal of this procedure is to provide a fair process that facilitates the informal and formal resolution of complaints of sexual harassment, sexual assault, stalking, relationship violence, and related retaliation (collectively, “prohibited conduct”).

**Scope**

This procedure applies to the adjudication of formal complaints of violations of Administrative Policy: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*.

**Parties**

The parties to a formal complaint are the complainant and respondent, as defined in Administrative Policy: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*. The complainant is the individual who may have experienced conduct prohibited by the policy, and the respondent is the individual alleged to have engaged in prohibited conduct. In certain cases, there may be more than one complainant and/or more than one respondent.

The parties may be accompanied by an advisor of their choice at the hearing described in this procedure, and advisors are permitted to participate fully in the hearing. If a party does not have an advisor at the hearing, the University will provide an advisor for the purpose of conducting cross-examination. The party to whom the advisor is provided may choose to allow the advisor to participate more fully in the hearing.
The parties may also be accompanied at the hearing by a support person, who participates in the hearing in a non-speaking capacity. A support person cannot be a fact witness to the complaint.

**Standard of Proof, Burden of Proof, and Presumption**

The standard of proof in all hearings governed by this procedure is “preponderance of the evidence,” which means that it is more likely than not that the respondent violated Administrative Policy: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University.

The respondent is presumed to not be responsible for the alleged prohibited conduct.

**Sexual Misconduct Hearing Committee and Hearing Panels**

The Sexual Misconduct Hearing Committee (SMHC) is comprised of University members who serve as panelists for formal hearings. Faculty, staff (including civil service, bargaining unit, and professional and administrative employees), and students from all five University campuses serve on the SMHC. The SMHC Secretary provides administrative and scheduling support to the hearing process.

For each hearing, a hearing panel is appointed to decide whether it is more likely than not that the respondent violated Administrative Policy: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*. Each hearing panel includes a hearing officer, a panel member chosen by the complainant from a list of available SMHC members, and a panel member chosen by the respondent from the same list. The list of SMHC members provided to the parties must include at least one SMHC member of the same University classification as each party (i.e., faculty, staff, or student). If there is more than one complainant, the SMHC Secretary will work with the complainants to determine whether they can agree on a panel member. If no agreement can be reached, the SMHC Secretary has discretion to select a panel member who is agreeable to only one of the complainants. The same process shall be followed if there is more than one respondent. If a party declines to select a panel member, the SMHC Secretary will select a panel member.

All members of a hearing panel, including the hearing officer, are voting members.

**The Complaint**

The formal complaint and the campus Title IX office’s written notice to the parties of its decision to initiate an investigation identify the specific policy provisions the respondent is alleged to have violated and whether the alleged conduct has been designated as Title IX-based prohibited conduct. The hearing panel must determine whether it is more likely than not that the respondent violated each policy provision encompassed by the formal complaint.

**Informal Resolution**

Following an investigation of a formal complaint, the campus Title IX office will deliver its investigation report to the SMHC Secretary.

In cases involving a respondent who is a student, the SMHC Secretary will share the report with the campus office that addresses alleged violations of Board of Regents Policy: *Student Conduct Code* to determine whether that office will propose an informal resolution of the formal complaint. In cases involving a respondent who is an employee or other non-student University member, the SMHC Secretary will share the report with the appropriate University Authority, as identified in Appendix B of Administrative Policy: *Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*, to determine whether the University Authority will propose an informal resolution. The SMHC Secretary will not seek a proposed informal resolution of allegations of Title IX-based prohibited conduct if the respondent is an employee and the complainant is a student.
If an informal resolution is not proposed, the matter will proceed to a hearing. If an informal resolution is proposed, the SMHC Secretary will simultaneously share the investigative report and proposal with the parties, who may accept the informal resolution within 7 calendar days. If both parties accept the informal resolution, the matter is considered fully and finally resolved. If either party rejects the informal resolution, the matter will proceed to a hearing.

**Scheduling**

If the parties have not been offered or have not agreed to an informal resolution, the SMHC Secretary will schedule a hearing. The SMHC Secretary will obtain from the campus Title IX office all evidence the campus Title IX office gathered as part of its investigation of the formal complaint and will determine what evidence is relevant to the allegations in the formal complaint so that this information, at a minimum, can be provided to the parties and the hearing panel in advance of the hearing. Relevant information is evidence that is pertinent to proving whether facts material to the allegations in the formal complaint are more or less likely to be true. Despite its relevance, information subject to a legally protected privilege and treatment records offered without an individual’s voluntary, written consent will not be provided to the parties and hearing panel.

The SMHC Secretary will contact the parties to appoint a hearing panel. The SMHC Secretary will send the parties a list of available SMHC members. No later than 7 calendar days after the SMHC Secretary sends the list, each party must tell the SMHC Secretary which SMHC member the party chooses to serve on the panel. Each party then has up to 5 calendar days to submit an objection to a panel member identified by the other party, along with a short statement of the basis for the objection. If the objection is based on an allegation of bias or conflict of interest, the hearing officer will decide if the panel member should be excluded from the panel. The party whose panel member of choice was excluded from the panel will be given an opportunity to select a replacement panel member. If the objection is to the hearing officer, the SMHC Secretary will decide if the hearing officer should be replaced and, if so, will arrange for the replacement. When the hearing panel is set, the SMHC Secretary will deliver, at a minimum, copies of all evidence relevant to the allegations in the complaint to each member of the hearing panel.

Once the hearing panel is appointed and at least 10 calendar days prior to the hearing, the SMHC Secretary will send the parties a written notice of hearing that includes the following:

- **Investigative Report.** If the parties did not receive a copy of the investigative report in connection with a proposed informal resolution, the SMHC Secretary will attach the investigative report to the written notice of hearing.

- **Details.** The written notice of hearing will include the date, time, and location of the hearing and the parties to the hearing. The notice will advise that the purpose of the hearing is to determine whether the respondent violated the specific policy provisions identified in the formal complaint. The notice will indicate whether the hearing is scheduled to take place virtually (via an electronic platform) or in person. If the hearing is scheduled to take place in person, each party must notify the SMHC Secretary no later than 5 calendar days prior to the hearing if the party objects to an in-person hearing. If either party objects to an in-person hearing, the hearing will instead be conducted virtually.

- **Witnesses.** Each party must submit to the SMHC Secretary at least 5 calendar days prior to the hearing a list of all witnesses the party intends to question at the hearing. If the witness was interviewed by the campus Title IX office during the investigation process, the SMHC Secretary will contact the witness and invite the witness to the hearing. If the witness is one who was not interviewed during the investigation process, the party is responsible for contacting that witness and arranging for the witness to attend the hearing. The SMHC Secretary may also invite witnesses to appear at the hearing who were not identified by either party, if such witnesses were interviewed during the investigation process. Witnesses are not obligated to attend the hearing.

- **Response.** At least 5 calendar days prior to the hearing, each party may submit to the SMHC Secretary a written response to the investigation report for consideration by the hearing panel.
• **Evidence.** The parties will be provided, at a minimum, with copies of all evidence the SMHC Secretary has determined is relevant to the allegations in the formal complaint. At least 5 calendar days prior to the hearing, each party must submit to the SMHC Secretary any new evidence the party plans to submit to the hearing panel that was not considered during the investigation process. The hearing officer will determine if the newly submitted evidence is relevant to the allegations in the formal complaint, and, if the evidence is determined to be relevant, the SMHC Secretary will make the newly submitted evidence available to the hearing panel at the hearing.

**Hearing**

**Decorum**

All hearings before the SMHC are governed by the following rules of decorum:

- All electronic devices, other than devices necessary for participation in a hearing conducted virtually, must be turned off or silenced during the hearing.
- When a hearing is conducted virtually, all participants must ensure that they are in a private, secure space for the duration of the hearing. Participants must mute their microphones unless they have an active speaking role (i.e., making opening or closing comments, conducting cross-examination, answering questions). Participants must not turn off their cameras during the hearing.
- All participants must conduct themselves in a respectful manner at all times during a hearing. For example, participants may not yell, invade the personal space of other participants, badger witnesses, use profanity, engage in ad hominem attacks, ask the same question repeatedly, or otherwise ask questions in a manner that is harassing, intimidating, or abusive.
- If a participant needs to leave the hearing for any reason, the participant must ask the hearing officer for a break in the proceedings.

The hearing officer has authority to ensure that the hearing is conducted in accordance with these rules of decorum. If a party’s advisor does not comply with these rules, the hearing officer will require the party to use a different advisor. If necessary, the University will provide the party with a new advisor to conduct cross-examination.

**Record of Hearing**

Hearings are closed to the public. In certain limited circumstances, a third party may be permitted to attend a hearing, such as to provide reasonable accommodations for a participant with a disability or with agreement of the parties and the hearing officer. The SMHC Secretary will record the hearing. No other participant is permitted to create an audio, visual, or other recording of the hearing.

The University will maintain the record of the hearing, the formal complaint, all evidence presented at the hearing, and all other related documentation for the longer of seven years or the retention period required by Administrative Policy: Managing University Records and Information.

**Appearance**

Complainants, respondents, and witnesses are not required to attend the hearing. If a party declines to attend the hearing, the party’s advisor may still attend the hearing and conduct cross-examination on behalf of the party, but may not otherwise participate in the hearing, other than in a non-speaking capacity. If neither the party nor the party’s advisor attend the hearing, the University will provide an advisor for the sole purpose of conducting cross-examination on behalf of the absent party.

**Evidence Review Prior to Hearing**

Prior to the hearing, the hearing panel will have reviewed, at a minimum, the formal complaint, the investigation report, all evidence gathered by the University during the investigation process that is
relevant to the allegations in the formal complaint, and any written response to the investigation report submitted by a party.

Case Presentation

The parties should prepare for a clear, complete, and concise presentation of their cases. Except in exceptional cases as determined by the hearing officer, each party will be limited to three hours for the presentation the party’s case.

Each party may present brief opening comments. The hearing panel will then have the opportunity to ask any questions it has of the parties. The parties may present testimony and information relevant to the allegations in the formal complaint, and the other party can object to the presented information. The hearing officer will determine whether information is relevant, in which case it will be admitted into the record.

Parties can offer witnesses at the hearing, and they should arrange for witnesses to offer live testimony, if at all possible. If a witness chooses not to attend an in-person hearing, the witness can provide testimony virtually. If the formal complaint does not allege that the respondent engaged in Title IX-based prohibited conduct, a witness can also provide testimony by written statement. After a party questions a witness, the other party and the hearing panel will have the opportunity to question that witness. Non-party witnesses are only allowed to attend a hearing during their testimony.

Finally, the parties can close their presentations with closing comments.

Direct examination and Cross-examination

All relevant questions may be asked during the hearing, including questions that challenge credibility. Questions that are duplicative may not be considered relevant. Questions concerning the complainant’s prior sexual behavior are also not relevant, unless they 1) are intended to elicit information that proves that the respondent was misidentified or 2) concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

Before a party or witness answers any question, the hearing officer will state either that the question is relevant, in which case the party or witness can answer the question, or not relevant, in which case the question is excluded. If the hearing officer excludes the question as not relevant, the hearing officer must state the reason for the determination. A party cannot challenge the hearing officer’s determination on relevance during the hearing.

Cross-examination at the hearing will be conducted by the parties’ advisors. The parties are not permitted to conduct cross-examination. A party who declines to attend a hearing may have the party’s advisor attend the hearing for the purpose of conducting cross-examination. If neither a party nor the party’s advisor attends the hearing, the University will provide the party an advisor for the purpose of conducting cross-examination.

In a case where the respondent is alleged to have engaged in Title IX-based prohibited conduct and a party or witness declines to submit to cross-examination at the hearing, the hearing panel cannot rely on any statement of that party or witness in determining responsibility. In the event that a party’s advisor states that the party does not have any cross-examination questions to ask the other party or witness, the hearing officer will ask the other party or witness if the other party or witness was prepared to submit to cross-examination. If the answer is “yes,” the hearing officer will afford the hearing panel an opportunity to ask any questions necessary for the hearing panel to test the credibility of the other party or witness.

Decision

At the close of the hearing, the hearing panel will deliberate in a session. Only the hearing panel and the SMHC Secretary attend this session.

Decision-making
The hearing panel is tasked with the objective evaluation of all relevant evidence. The hearing panel will assign little weight, if any, to character evidence concerning any party and to evidence of a party’s prior bad acts that are not substantially related to the conduct at issue. It will assign this evidence the same weight whether it concerns a complainant or a respondent. Similarly, the hearing panel will not make credibility determinations that turn on a participant’s status as a complainant, a respondent, or a witness.

The panel must make a determination of responsibility based on a preponderance of the evidence with respect to each policy provision the respondent is alleged to have violated. The hearing panel need not be unanimous in its decision, but a majority of the panel members must agree for the respondent to be found responsible for a policy violation.

Written Determination

In all cases, the parties and their advisors will: 1) simultaneously receive the hearing panel’s written decision on responsibility that articulates the basis for the decision and 2) simultaneously receive the University Authority’s decision on the disciplinary sanction that will be imposed, if any. Together, these written decisions on responsibility and disciplinary sanctions will constitute the “Written Determination” that may then be appealed by the parties.

The Written Determination will include the following:

- the allegations of prohibited conduct;
- a description of the procedural steps taken by the University from its receipt of the formal complaint through the hearing, including a list of the notifications sent to the parties, any interviews and site visits, the methods used to gather evidence, and the hearing;
- findings of fact;
- an application of the policy provisions alleged to have been violated to the facts;
- a statement of the rationale for any determination regarding responsibility;
- the University’s appeal bases and procedures;
- a statement of any specific disciplinary sanction and the rationale behind it; and

In cases with student respondents where the hearing panel finds a respondent responsible, the hearing panel will also decide the appropriate disciplinary sanction, as provided in Board of Regents Policy: Student Conduct Code. The hearing panel will then draft the Written Determination that will be provided simultaneously to the parties and their advisors. In addition, the hearing panel may make a recommendation to the campus Title IX office about remedies to be offered to a complainant, such as barring a respondent from participating in activities or class in which a complainant participates.

In cases with faculty, non-student staff, or third-party respondents, the hearing panel limits its decision to whether it is more likely than not that a respondent violated Administrative Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence. The hearing panel may, at its discretion, make recommendations about disciplinary sanctions and other responsive actions, as well as a recommendation to the campus Title IX office about remedies to be offered to the complainant. The hearing panel’s decision on responsibility is then sent simultaneously to the parties, their advisors, and the University Authority. In cases where a finding of responsibility is made, the University Authority will make the decision on disciplinary sanctions and this decision will be provided in writing simultaneously to the parties and their advisors. Disciplinary sanctions and responsive actions may include the following:

- coaching or education;
- mentoring;
- changes to work duties or locations;
- monitoring to ensure that prohibited conduct is not occurring;
- probation;
• progressive disciplinary action;
• transfer of position;
• removal of administrative appointment;
• demotion;
• salary reduction;
• suspension; and
• termination of employment.

Third-party respondents may be barred from participation in University programs or access to University facilities.

In cases with faculty, non-student staff, and third-party respondents, the hearing panel’s decision on responsibility and the University Authority’s decision on disciplinary sanctions together form the Written Determination that may be appealed by the parties.

**Appeal**

Any party may file an appeal within 10 calendar days of receipt of the written determination. The appeal must be in writing and submitted to the Appellate Officer. Appeals that are not timely filed will be denied.

The Appellate Officer will forward a timely filed appeal to any other party, who then has 10 calendar days to submit a written response to the appeal. The Appellate Officer has discretion to ask for additional information from a party or to request information from the panel.

The following are the only available grounds for appeal:

• Procedural irregularity that affected the outcome.
• New evidence that was not reasonably available at the time of the written determination that could have affected the outcome.
• The sanction was grossly disproportionate to the offense.
• A decision on responsibility that was not based on substantial information. Substantial information means relevant information that a reasonable person might accept as adequate to support a conclusion. In making this determination, the Appellate Officer must respect the credibility determinations of the hearing panel and must not substitute the Officer’s judgment for the hearing body.
• The Title IX Coordinator, the investigator, the hearing panel, and/or the University Authority had a conflict of interest or bias that affected the outcome.

The Appellate Officer will review the parties’ written submissions and the Written Determination and, if necessary, the entire record of the grievance process.

The Appellate Officer will issue a written decision that (1) affirms, in whole or in part, the decision on responsibility, (2) overturns, in whole or in part, the decision on responsibility, (3) adjusts the disciplinary sanction, or (4) remands the matter to remedy procedural errors or consider new evidence. The Appellate Officer will strive to issue a decision within 30 days.

The decision of the Appellate Officer is the final University decision.
Hearing Procedure for Formal Complaints of Violations of Administrative Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence

Related Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence

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Introduction and Purpose

This procedure describes the hearing procedures for the adjudication of alleged violations of Administrative Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence. The goal of this procedure is to provide a fair hearing process that facilitates the formal resolution of complaints of sexual harassment, sexual assault, stalking and relationship violence.

Scope

This procedure applies to the adjudication of formal complaints of violations of Administrative Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence where the parties have not agreed to an informal resolution of the complaint.

Parties

The parties to a formal complaint are the complainant and respondent, as defined in Administrative Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence. The complainant is the individual who may have experienced conduct prohibited by the policy, and the respondent is the individual alleged to have engaged in prohibited conduct.

The parties may be accompanied by an advisor of their choice at the hearing described in this procedure, and advisors are permitted to participate fully in the hearing. If a party does not have an advisor at the hearing, the University will provide an advisor for the purpose of conducting cross-examination. The party to whom the advisor is provided may choose to allow the advisor to participate more fully in the hearing.

The parties may also be accompanied at the hearing by a support person, who participates in the hearing in a non-speaking capacity.
Standard of Proof, Burden of Proof, and Presumption

The standard of proof in all hearings governed by this procedure is “preponderance of the evidence,” which means that it is more likely than not that the respondent violated Administrative Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University.

The respondent is presumed to not be responsible for the alleged prohibited conduct.

Sexual Misconduct Hearing Committee and Hearing Panels

The Sexual Misconduct Hearing Committee (SMHC) is comprised of University members who serve as panelists for formal hearings. Faculty, staff (including civil service, bargaining unit, and professional and administrative employees), and students from all five University campuses serve on the SMHC. The SMHC Secretary provides administrative and scheduling support to the hearing process.

For each hearing, a hearing panel is appointed to decide whether it is more likely than not that the respondent violated Administrative Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence. Each hearing panel includes a hearing officer, a panel member chosen by the complainant from a list of available SMHC members, and a panel member chosen by the respondent from the same list. The list of SMHC members provided to the parties must include at least one SMHC member of the same University classification as each party (i.e., faculty, staff, or student). If there is more than one complainant, the SMHC Secretary will work with the complainants to determine if they can agree on a panel member. If no agreement can be reached, the SMHC Secretary has discretion to select a panel member who is only agreeable to one of the complainants. The same process shall be followed if there is more than one respondent. If a party declines to select a panel member, the SMHC Secretary will select a panel member.

All members of a hearing panel, including the hearing officer, are voting members.

The Complaint

The formal complaint and the campus Title IX office’s written notice to the parties of its decision to initiate an investigation identify the specific policy provisions the respondent is alleged to have violated and whether the alleged conduct has been designated as Title IX-based prohibited conduct. The hearing panel must determine whether it is more likely than not that the respondent violated each policy provision encompassed by the formal complaint.

Scheduling

If an investigation report has been issued and the parties have not agreed to an informal resolution, the formal complaint, the campus Title IX office’s written notice to the parties of its decision to initiate an investigation, and the investigation report will be delivered to the Sexual Misconduct Hearing Committee. The SMHC Secretary will schedule a hearing. At least 10 days prior to the hearing, the SMHC Secretary will send the parties a written notice of hearing that includes the following:

- **Details.** The notice will include the date, time, and location of the hearing and the parties to the hearing. The purpose of the hearing is to determine whether the respondent violated the specific policy provisions identified in the formal complaint. The notice will indicate whether the hearing is scheduled to take place virtually (via an electronic platform) or in-person. If the hearing is scheduled to take place in-person, each party must notify the SMHC Secretary no later than 5 days prior to the hearing if the party objects to an in-person hearing. If either party objects to an in-person hearing, the hearing will instead be conducted virtually.

- **Witnesses.** Each party must submit to the SMHC Secretary at least 5 days prior to the hearing a list of all witnesses the party intends to question at the hearing. If the witness was interviewed by the campus Title IX office during the investigation process, the SMHC Secretary will contact the witness and invite the witness to the hearing. If the witness is one who was not interviewed
during the investigation process, the party is responsible for contacting that witness and arranging for the witness to attend the hearing. The SMHC Secretary may also invite witnesses to appear at the hearing who were not identified by either party, if such witnesses were interviewed during the investigation process. Witnesses are not obligated to attend the hearing.

- **Response.** At least 5 days prior to the hearing, each party may submit to the SMHC Secretary a written response to the investigation report for consideration by the hearing panel.

- **Evidence.** At least 5 days prior to the hearing, each party must submit to the SMHC Secretary any new evidence the party plans to submit to the hearing panel that was not considered during the investigation process. All evidence directly related to the allegations in the formal complaint that the University gathered during the investigation process will be made available to the parties and the hearing panel at the hearing.

- **Hearing Panel.** The hearing officer will be identified and a list of available SMHC members will be shared. No later than 7 days prior to the hearing, each party must tell the SMHC Secretary which SMHC member the party chooses to serve on the panel. No later than 5 days prior to the hearing, a party may submit an objection to a panel member identified by the other party along with a short statement of the basis for the objection. If the objection is based on an allegation of bias or conflict of interest, the hearing officer will decide if the panel member should be excluded from the panel. The party whose panel member of choice was excluded from the panel will be given an opportunity to select a replacement panel member. If the objection is to the hearing officer, the SMHC Secretary will decide if the hearing officer should be replaced and, if so, will arrange for the replacement.

**Hearing**

**Decorum**

All hearings before the SMHC are governed by the following rules of decorum:

- All electronic devices, other than devices necessary for participation in a hearing conducted virtually, must be turned off or silenced during the hearing.

- When a hearing is conducted virtually, all participants must ensure that they are in a private, secure space for the duration of the hearing. Participants must mute their microphones unless they have an active speaking role (i.e., making opening or closing comments, conducting cross-examination, answering questions). Participants must not turn off their cameras during the hearing.

- All participants must conduct themselves in a respectful manner at all times during a hearing. For example, participants may not yell, invade the personal space of other participants, badger witnesses, use profanity, engage in ad hominem attacks, ask the same question repeatedly, or otherwise ask questions in a manner that is harassing, intimidating, or abusive.

- If a participant needs to leave the hearing for any reason, the participant must ask the hearing officer for a break in the proceedings.

The hearing officer has authority to ensure that the hearing is conducted in accordance with these rules of decorum. If a party’s advisor does not comply with these rules, the hearing officer will require the party to use a different advisor. If necessary, the University will provide the party with a new advisor to conduct cross-examination and otherwise participate in the hearing if the party so chooses.

**Record of Hearing**

Hearings are closed to the public. In certain limited circumstances, a third party may be permitted to attend a hearing, such as to provide reasonable accommodations for a participant with a disability or with agreement of the parties and the hearing officer. The SMHC Secretary will record the hearing. No other participant is permitted to create an audio, visual, or other recording of the hearing.

The University will maintain the record of the hearing, the formal complaint, all evidence presented at the hearing, and all other related documentation for 7 years.
Appearance
Complainants, respondents, and witnesses are not required to attend the hearing. If a party declines to attend the hearing, the party’s advisor may still attend the hearing and conduct cross-examination on behalf of the party. If neither the party nor the party’s advisor attend the hearing, the University will provide an advisor to conduct cross-examination on behalf of the absent party.

Evidence Review Prior to Hearing
Prior to the hearing, the hearing officer and panelists will have reviewed the formal complaint, the investigation report, the evidence gathered by the University during the investigation process, and any written response to the investigation report submitted by a party.

Case Presentation
The parties should prepare for a clear, complete, and concise presentation of their cases. Except in exceptional cases as determined by the hearing officer, each party will be limited to three hours for the presentation the party’s case.

Each party may present brief opening comments. The hearing panel will then have the opportunity to ask any questions it has of the parties. The parties may present testimony and information relevant to the allegations in the formal complaint, and the other party can object to the presented information. The hearing officer will determine whether information is relevant, in which case it will be admitted into the record. Relevant information is evidence that is pertinent to proving whether facts material to the allegations in the formal complaint are more or less likely to be true. Despite its relevance, information subject to a legally protected privilege and treatment records offered without an individual’s voluntary, written consent will not be admitted.

Parties can offer witnesses at the hearing, and for in-person hearings, they should offer witnesses in-person, if at all possible. If a witness chooses not to attend an in-person hearing, the witness can provide testimony virtually. If the formal complaint does not allege that the respondent engaged in Title IX-based prohibited conduct, a witness can also provide testimony by written statement. After a party questions a witness, the other party and the hearing panel will have the opportunity to question that witness. Witnesses are only allowed to attend in a hearing (in-person or virtually) during their testimony.

Finally, the parties can close their presentations with closing comments.

Direct examination and Cross-examination
All relevant questions may be asked during the hearing, including questions that challenge credibility. Questions that are duplicative are not considered relevant. Questions concerning the complainant’s prior sexual behavior are also not relevant, unless they 1) are intended to elicit information that proves that the respondent was misidentified or 2) concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

Before a party or witness answers any question, the hearing officer will state either that the question is relevant, in which case the party or witness can answer the question, or irrelevant, in which case the question is excluded. If the hearing officer excludes the question as irrelevant, the hearing officer must state the reason for the determination. A party cannot challenge the hearing officer’s determination on relevance during the hearing.

Cross-examination at the hearing will be conducted by the parties’ advisors. The parties are not permitted to conduct cross-examination. A party who declines to attend a hearing may have the party’s advisor attend the hearing for the purpose of conducting cross-examination. If neither a party nor the party’s advisor attends the hearing, the University will provide the party an advisor for the purpose of conducting cross-examination.

In a case where the respondent is alleged to have engaged in Title IX-based prohibited conduct and a party or witness declines to submit to cross-examination at the hearing, the hearing panel cannot rely on any statement of that party or witness in determining responsibility.
Decision

At the close of the hearing, the hearing panel will deliberate in a closed session. Only the hearing panel and the SMHC Secretary attend this session.

Decision-making

The hearing panel is tasked with the objective evaluation of all relevant evidence. The hearing panel will assign little weight, if any, to character evidence concerning any party and to evidence of a party’s prior bad acts that are not substantially related to the conduct at issue. It will assign this evidence the same weight whether it concerns a complainant or respondent. Similarly, the hearing panel will not make credibility determinations that turn on a participant’s status as a complainant, a respondent, or a witness.

The panel must make a determination of responsibility based on a preponderance of the evidence with respect to each policy provision the respondent is alleged to have violated. The hearing panel need not be unanimous in its decision, but a majority of the panel members must agree for the respondent to be found responsible for a policy violation.

Written Determination

In all cases, the parties will simultaneously receive a written determination on responsibility that articulates the basis for the decision and, if appropriate, the disciplinary sanction that will be imposed.

The written determination on responsibility will include the following:

• the allegations of prohibited conduct;
• a description of the procedural steps taken by the University from its receipt of the formal complaint through the hearing, including a list of the notifications sent to the parties, any interviews and site visits, the methods used to gather evidence, and the hearing;
• findings of fact;
• an application of the policy provisions alleged to have been violated to the facts;
• a statement of the rationale for any determination regarding responsibility;
• the University’s appeal bases and procedures;
• a statement of any specific disciplinary sanction and the rationale behind it; and
• whether the University will provide remedies to the complainant.

The written determination will be provided simultaneously to the parties and their advisors.

In cases with student respondents where the hearing panel finds a respondent responsible, the hearing panel will also decide the appropriate disciplinary sanction, as provided in Board of Regents Policy: Student Conduct Code. In addition, the hearing panel may make a recommendation to the campus Title IX office regarding whether it is appropriate to offer any remedies to a complainant, such as barring a respondent from participating in activities or class in which a complainant participates. The hearing panel will draft the written determination addressing both responsibility and the disciplinary sanction, if any, that is simultaneously delivered to the parties.

In cases with faculty, non-student staff, or third-party respondents, the hearing panel limits its decision to whether a respondent has violated policy. The hearing panel may, at its discretion, make recommendations about disciplinary sanctions and other responsive actions, as well as a recommendation to the campus Title IX office regarding whether it is appropriate to offer any remedies to the complainant. The hearing panel’s decision on responsibility is then sent simultaneously to the parties and the University Authority, as identified in Appendix X of Administrative Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence. The University Authority then determines an appropriate disciplinary sanction, if any. Disciplinary sanctions and responsive actions may include the following:

• coaching or education;
• mentoring;
• changes to work duties or locations;
• monitoring to ensure that prohibited conduct is not occurring;
• probation;
• progressive disciplinary action;
• transfer of position;
• removal of administrative appointment;
• demotion;
• salary reduction;
• suspension; and
• termination of employment.

Third-party respondents may be barred from participation in University programs or access to University facilities.

In cases with faculty, non-student staff, and third-party respondents, the hearing panel’s determination on responsibility and the University Authority’s determination on disciplinary sanctions together form the written determination that is delivered to the parties.

Appeal

Any party may file an appeal within 10 business days of receipt of the written determination. The appeal must be in writing and submitted to the Appellate Officer. Appeals that are not timely filed will be denied.

The Appellate Officer will forward a timely filed appeal to any other party, who then has 10 business days to submit a written response to the appeal. The Appellate Officer has discretion to ask for additional information from a party or to request information from the panel.

The following are the only available grounds for appeal:

• Procedural irregularity that affected the outcome;
• New evidence that was not reasonably available at the time of the written determination that could have affected the outcome;
• The decision was unreasonable or arbitrary in light of the information presented;
• The sanction was grossly disproportionate to the offense; and
• The Title IX Coordinator, the investigator, the hearing panel, and/or the University Authority had a conflict of interest or bias that affected the outcome.

The Appellate Officer will review the parties’ written submissions and the written determination and, if necessary, the entire record of the grievance process.

The Appellate Officer will issue a written decision that (1) affirms the determination on responsibility; (2) overturns the determination on responsibility; (3) adjusts the sanction; or (4) remands the matter to remedy procedural errors or consider new evidence. The Appellate Officer will strive to issue a decision within 30 days.

The decision of the Appellate Officer is the final University decision.
## Appendix B: University Authorities and Appellate Officers

**Related Policy:** Sexual Harassment, Sexual Assault, Stalking and Relationship Violence

<table>
<thead>
<tr>
<th>Respondent</th>
<th>University Authority</th>
<th>Appellate Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Student</strong></td>
<td>The campus office responsible for investigating and adjudicating potential Student Conduct Code violations other than prohibited misconduct: 1) offers informal resolutions; and 2) implements responsive action. Hearing decision-makers decide upon responsive action.</td>
<td>For students on the Twin Cities campus: Executive Vice President and Provost or designee. For students on the Morris, Rochester, Duluth and Crookston campuses: Chancellor or designee.</td>
</tr>
<tr>
<td><strong>Faculty or staff member</strong></td>
<td>Dean, Vice President, Vice Chancellor or equivalent senior administrator that oversees the respondent or the respondent’s department or unit</td>
<td>For faculty on the Twin Cities campus: Executive Vice President and Provost or designee. For staff on the Twin Cities campus: Vice President for Human Resources or designee. For staff and faculty on the Morris, Rochester, Duluth and Crookston campuses: Chancellor or designee.</td>
</tr>
<tr>
<td><strong>Third party</strong></td>
<td>University official who retains or oversees the third party, as designated by the responsible Vice President, Vice Chancellor or equivalent senior administrator</td>
<td>Twin Cities campus: Vice President for Human Resources or designee. Morris, Rochester, Duluth and Crookston campuses: Chancellor or designee.</td>
</tr>
<tr>
<td><strong>Twin Cities Deans</strong></td>
<td>Executive Vice President and Provost</td>
<td>Executive Vice President and Provost</td>
</tr>
<tr>
<td><strong>Vice Chancellors and Deans on the Crookston, Duluth, Morris and Rochester campuses</strong></td>
<td>Chancellor</td>
<td>Chancellor</td>
</tr>
<tr>
<td><strong>Executive Vice President, Senior Vice President,</strong></td>
<td>President</td>
<td>President</td>
</tr>
<tr>
<td>Vice President or Chancellor</td>
<td></td>
<td></td>
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<tr>
<td>-----------------------------</td>
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</tr>
<tr>
<td>President and other employees who report to the Board of Regents</td>
<td>Board of Regents</td>
<td>Board of Regents</td>
</tr>
</tbody>
</table>
Policy Statement

Faculty, P&A, Civil Service, and student workers may access the University's carefully coordinated network of options for the good faith review and resolution of workplace conflicts. These options include:

- informal services to encourage prompt resolution of disputes, to include consultation, problem solving, facilitated discussion, and mediation; and/or
- a formal petition process reserved for conflicts not resolved through informal efforts, including a peer hearing, a final University decision by the Executive Vice President and Provost, and the opportunity to elect binding outside arbitration, or where applicable, appeal to the Minnesota Court of Appeals.

EXCEPTION: A formal petition may not be filed with OCR that (1) alleges a violation of the Administrative Policy: Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence or (2) challenges findings related to or disciplinary decisions resulting from violations of the Administrative Policy: Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence.
Scope

The conflict resolution process applies to employment-related conflicts of non-labor represented faculty, academic professional and administrative (P&A) staff, civil service staff, and student workers, including graduate student teaching and research assistants. In some circumstances, it applies to faculty emeriti and to recently terminated employees. This conflict resolution policy does not apply to labor-represented faculty and staff because their workplace concerns are governed by applicable collective bargaining agreements.

Arbitrations

The Office of Conflict Resolution (OCR) maintains procedures that promote the fair, efficient, and cost-effective arbitration of employment conflicts at the election of the employee. The amount of, and responsibility to pay, arbitrator fees will depend on the source of the arbitrator chosen by the employee.

- If the employee selects an arbitrator from the National Academy of Arbitrators, the employee and the University will share equally in paying the entire arbitrator fees.
- If the employee selects an arbitrator from a roster maintained by the Minnesota Bureau of Mediation Services, the arbitrator will be requested to cap their total fees at $10,000, unless fees in excess of that amount are approved by the Vice President for Equity and Diversity upon a showing of good cause by the arbitrator. The employee and University will share equally the arbitrator fees up to $7,000. The University will pay the arbitrator fees over $7,000.

Relief Available

When warranted, resolution of conflicts under this policy may include corrective action for the benefit of the employee, including reinstatement of back pay and restoration of benefits actually lost. Relief does not include attorneys' fees, damages for pain and suffering or emotional distress, or punitive damages. Resolution may not direct disciplinary action against an employee.

Retaliation
No member of the University community may retaliate against an individual because of the individual’s good faith participation in:

- reporting or otherwise expressing opposition to, suspected or alleged misconduct;
- participating in any process designed to review or investigate suspected or alleged misconduct or non-compliance with applicable policies, rules, and laws; or
- accessing OCR services.

A causal relationship between the good faith participation in one of these activities and an adverse action is needed to demonstrate that retaliation has occurred.

**Reporting Retaliation Concerns**

Individuals who believe that retaliation is occurring or has occurred, as a result of their good faith participation in one of the above referenced activities, should follow the reporting options available to them in the Administrative Policy: *Reporting Suspected Misconduct*.

Reports of retaliation will be reviewed and investigated in the same manner in which other concerns of misconduct are handled. Any University member who engages in retaliation may be subject to disciplinary action up to and including termination of employment or expulsion.

**Intentionally False Reports/Information**

Individuals who, knowingly or intentionally, file a false report or provide false or misleading information in connection with an investigation may be subject to disciplinary action up to and including termination of employment, or expulsion.

**Exclusions**

Employees who are represented by a labor organization are excluded from services. Labor-represented employees may pursue their concerns through the process established in their collective bargaining agreements.
Persons who are not employed by the University, even if their work is physically located at the University, such as employees of University of Minnesota Physicians, are not eligible for these services. Volunteers, fellows, or other individuals who work with the University, but are not paid by the University, are generally not eligible for services.

Reason for Policy

This administrative policy implements Board of Regents Policy: Conflict Resolution Process for Employees. This framework for resolution of workplace conflicts promotes early resolution of workplace conflicts and promotes the engagement of valued University faculty, P&A, Civil Service, and student employees.

Procedures

- Conflict Resolution Procedures for Faculty, P&A, Civil Service, and Student Employee Complaints

Forms/Instructions

- UM 1755 - Petition for Complaints Filed by Faculty, P&A, Civil Service and Student Employees

Appendices

- Administrative Responsibilities
- Filing an Internal Discrimination Complaint*
- Jurisdictional Guidelines
- Relationship Between Internal Conflict Resolution Processes and Court Review
- Timeline for the Petition Process

Frequently Asked Questions
## Contacts

<table>
<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Contact(s)</td>
<td>Tamar Gronvall</td>
<td>612-624-0884</td>
<td><a href="mailto:gronvall@umn.edu">gronvall@umn.edu</a></td>
</tr>
<tr>
<td>Student Conflict Resolution Center (academic conflicts)</td>
<td>Jan Morse, Michael Huyen</td>
<td>612-624-7272</td>
<td><a href="mailto:sos@umn.edu">sos@umn.edu</a></td>
</tr>
<tr>
<td>UReport (an anonymous reporting service for suspected violations of laws and University policies)</td>
<td>UReport</td>
<td>1-866-294-8680</td>
<td></td>
</tr>
<tr>
<td>Director, Human Resources, Crookston</td>
<td>Jonathon Fuller</td>
<td>218-281-8345</td>
<td><a href="mailto:ljumc@umn.edu">ljumc@umn.edu</a></td>
</tr>
<tr>
<td>Director, Human Resources, Duluth</td>
<td>Mark Yuran</td>
<td>218-726-6326</td>
<td><a href="mailto:myuran@d.umn.edu">myuran@d.umn.edu</a></td>
</tr>
<tr>
<td>Director, Human Resources, Morris</td>
<td>Sarah Mattson</td>
<td>320-589-6024</td>
<td><a href="mailto:mattsosi@morris.umn.edu">mattsosi@morris.umn.edu</a></td>
</tr>
<tr>
<td>Director, Human Resources, Rochester</td>
<td>Virginia Wright-Peterson</td>
<td>507-258-8009</td>
<td><a href="mailto:umrhr@r.umn.edu">umrhr@r.umn.edu</a></td>
</tr>
</tbody>
</table>

## Definitions

### Adverse Action
Any action that might deter a reasonable person from engaging in reporting suspected or alleged misconduct, expressing opposition to alleged misconduct, participating in an investigation related to a misconduct allegation, or accessing the Office for Conflict Resolution services. Examples of adverse action include, but are not limited to: impeding the individual’s academic advancement; departing from any customary academic or employment practice regarding the individual; firing, refusing to hire, or refusing to promote the individual; transferring or assigning the individual to a lesser position in terms of wages, hours, job classification, job security, employment or academic status; and threatening or marginalizing an individual. In some situations, retaliatory conduct may also include inappropriate disclosure of the identity of the individual who has made a complaint protected by this policy.

**Attorney**
A person with a J.D. law degree.

**Conflict Resolution Advisory Committee**
An advisory committee whose members are appointed by representative employee groups.

**Employee**
A person receiving a University of Minnesota paycheck.

**Good Faith Participation**
Reporting, or otherwise expressing opposition to, misconduct based on a reasonable belief that misconduct has occurred. Or, honestly participating in an investigation of misconduct or accessing conflict resolution services.

**Investigation**
The steps taken to analyze all relevant information regarding suspected or alleged misconduct and then determine whether sufficient evidence exists to find that misconduct occurred.

**Party**
A petitioner or respondent.

**Petition**
A written complaint alleging a violation of a University rule, regulation, policy, or practice pertaining to employment.

**Petitioner**
A University non-labor represented employee who files a petition.

**Report in Good Faith**
A report made by an individual who reasonably believes that misconduct has occurred and reports the incident.

**Respondent**
The person appointed by the senior administrator to respond to the petition.

**Retaliation**
Taking an adverse action against an individual because of the individual’s good faith participation in reporting suspected or alleged misconduct, expressing opposition to alleged misconduct, participating in an investigation related to a misconduct allegation, or accessing the Office for Conflict Resolution services. (See also Adverse Action.) A causal relationship between good faith participation in reporting and an adverse action is needed to demonstrate that retaliation has occurred.

**Rosters - Hearing Officer, Panelist, Advisor**

- The Hearing Officer Roster consists of individuals who are available to serve as hearing officers on peer hearing panels. The Office for Conflict Resolution appoints a hearing officer from the roster when a matter goes to a peer hearing. The hearing officer must be from the same employment category as the petitioner. Hearing officers are nominated by representative employee committees and are appointed by the vice president for Equity and Diversity for terms of up to three years.
- The members of the Panel Roster are available to the petitioner to be panelists in a peer hearing or arbitration. They are appointed by representative employee committees and serve terms of up to three years.
- The Advisor Roster is a list of individuals who have agreed to serve as advisors to employees during conflict resolution processes. They receive training about conflict resolution processes from Office for Conflict Resolution staff.

**Senior Administrator**
The president, chancellor, senior executive, vice president, or appropriate vice president for the unit in which the petitioner is employed.

**Vice President for Equity and Diversity**
The senior administrator of the unit in which the Office for Conflict Resolution resides.

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**Responsibilities**

**Conflict Resolution Advisory Committee**
Advises the vice president for Equity and Diversity regarding the selection of the conflict resolution staff, its performance, and the operation of the conflict resolution program. It reviews the functioning of the program every five years and reports its findings and recommendations to the vice president for Equity and Diversity, president, and University Senate.

Director, Office for Conflict Resolution
Administers this policy and related procedures so that conflict resolution processes are accessible, competent, and fair. Provides informal and formal conflict resolution services. Offers educational programming about conflict resolution to University faculty and staff. Prepares an annual report on the work of the office.

Petitioner
A University non-labor-represented employee who files a written petition alleging a violation of University policy or practice and prepares and presents the issues to a peer panel.

President
Appoints a respondent and a panelist if a matter goes to arbitration.
Appoints two administrative representatives to the Conflict Resolution Advisory Committee.

Respondent
Appointed by the Senior Administrator to respond to the petition.

Senior Administrator
Appoints a respondent to a petition and ensures that a written response to the petition is submitted. Appoints a panelist if the matter goes to a peer hearing.

Executive Vice President and Provost
Makes the final University decision on jurisdictional determinations and on petitions, following peer panel decisions.

Vice President for Equity and Diversity
Appoints the director of the Office for Conflict Resolution. Supervises the Office for Conflict Resolution in consultation with the Conflict Resolution Advisory Committee. Appoints hearing officers to the Hearing Office Roster after they are nominated by representative employee committees. Determines whether to approve payment of arbitrator fees exceeding the $10,000 cap.

Related Information

- Board of Regents Policy: Conflict Resolution Process for Employees
History

**Amended:**
May 2017 - Comprehensive Review.

1. Updates the policy owner, contact, and unit title and names of contacts.
2. Minor edits to clarify and simplify language.
3. Provides additional FAQs to improve guidance.
4. Updates and increases the stated arbitration fees.

**Amended:**
August 2017 - Minor Revision. The section on Retaliation has been updated to be consistent with core language in Administrative Policy: Retaliation.

**Amended:**
February 2011 - Comprehensive Review. The following revisions were made to enhance efficiency and fair process:

1. A prohibition on retaliation was added to Board of Regents Policy: Conflict Resolution Process for Employees.
2. The Conflict Resolution Policy was converted to the new University-wide format for administrative policies.
3. Existing administrative procedures were revised to encourage the use of Minnesota arbitrators and streamline the arbitration process.
4. An estimated Minnesota arbitrator fee of $3,500 (shared equally by the University and the employee) was established. A process for University payment of arbitration fees exceeding $3,500 was added.

**Effective:**
February 11, 2005 – Board of Regents Policy: Conflict Resolution Process for Employees superseded Board of Regents Policy: Grievance Process. The Board of Regents policy and administrative procedures were revised to include informal ombuds services and to substitute "petition" and "conflict resolution" language for "grievance" language.

**Amended:**
July 12, 2002 – Board of Regents Policy: Grievance Process was adopted. It superseded the Grievance Procedure dated April 16, 1993. Revisions included expanding the scope to include faculty emeriti and revising the definition of "attorney" to include persons with J.D. degrees, who may not be licensed to practice law.

Adopted:
1993 – A University-wide Grievance Procedure for non-bargaining unit University employees was adopted.
Proposed Amendments to University Policies and Procedures to Comply with the New Title IX Regulations

Equal Opportunity and Affirmative Action

Tina Marisam, EOAA Director and Title IX Coordinator
Ned Patterson, Professor
Brian Slovut, Deputy General Counsel

July 8, 2020
Amended Policies: Provide a single, system-wide grievance process for all University members.

Currently, we apply different grievance procedures in sexual misconduct matters based on the classification of the respondent. None comply with the regulations.

Proposal: Amend the following documents to state that sexual misconduct matters will be addressed under the administrative policy and procedures on *Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence*.

- BOR Policy: *Faculty Tenure*
- BOR Policy: *Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence*
- *Civil Service Employment Rules*
- Admin. Policy: *Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence*
- Admin. Policy: *Conflict Resolution for Faculty, P&A, Civil Service, and Student Workers*
- Union contracts
Faculty Tenure Section 19. Amendment

These regulations are subject to amendment by the Board of Regents. Proposed amendments from any source will be submitted to the Faculty Senate for its advice and recommendation before final action by the Board of Regents. The Faculty Senate will solicit the recommendations of the Faculty Affairs Committee, the Judicial Committee, and the Tenure Committee, before giving its advice and recommendation.
Amended Policies: The Faculty Consultative Committee proposes adding the following text to Section 10.4 of Faculty Tenure.

“Notwithstanding other provisions in these regulations, the process for decisions and appeals regarding disciplinary action in response to complaints against faculty for alleged violation of the Board of Regents Policy: Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence will be conducted under the Administrative Policy: Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence and related procedures. The Administrative Policy will provide either that a faculty party (complainant or respondent) will have the opportunity to select at least one member of the hearing panel or that there will be a faculty member on the hearing panel if a faculty member is a party.”
Amended Policies: Apply the preponderance of the evidence standard in all sexual misconduct matters involving students, staff and faculty.
Amended Policies: Create a system-wide hearing committee to serve as decision-makers in the live hearing.

- Consisting of trained faculty, staff, and students from all five University campuses who serve as panelists in live hearings.

- Each panel has three members
  - one professional hearing officer
  - one panelist selected by each party from a list of available hearing committee members

- Proposed panel role: make the determination on responsibility
  - In cases with student respondents, make a determination on disciplinary sanctions.
  - In cases with employee respondents, make recommendations for disciplinary sanctions to the dean or vice chancellor (for faculty) or vice president or equivalent (for staff).
Amended Policies: Allow full advisor participation in hearings.

**Additional questions for discussion:** The regulations require the University to provide advisors to conduct cross-examination on behalf of each party who does not provide their own advisor.

1. Should the University: i) only provide advisors for the live hearing as required by the regulations; or ii) additionally provide advisors for other portions of the grievance process?

2. Who should serve as advisors?

**Proposal:** Provide trained and skilled individuals to serve as advisors to parties for the hearing process. If skilled volunteers are not available, this proposal will require additional staff.
Amended Policies: Offer an appeal process for complainants and respondents.

**Proposed grounds for appeal:**
- procedural irregularity that affected the outcome of the matter;
- new evidence that was not reasonably available at the time the determination was made that could affect the outcome of the matter;
- the Title IX Coordinator, investigator(s), decision-maker(s), and/or University Authority had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;
- the decision on responsibility was not based on substantial information; and
- the sanction was grossly disproportionate to the offense.

**Proposed appellate officers:**
- Provost or designee - For all students and for faculty on the Twin Cities campus
- VP for Human Resources of designee - For staff on the Twin Cities campus
- Chancellor or designee - For Crookston, Duluth, Morris and Rochester faculty and staff
Amended Policies: Add sexual exploitation as a type of sexual harassment.

Proposed definition

*Sexual exploitation:* When an individual intentionally engages in the following conduct and should reasonably have known that the conduct would be unwelcome to any individual involved:

1. exposure of one’s own or another individual’s breasts, buttocks, or genitals to one or more other individuals;
2. distribution of sexual or nude images or recordings of another individual;
3. observation or recording of sexual activity or nudity;
4. demanding financial compensation, sexual contact, or some other benefit under the threat of disseminating or posting images, video, or other recording of the nudity or sexual activity of one or more individuals; and/or
5. engaging in sexual conduct that carries a significant risk of transmitting known sexual infections or diseases without another individual’s knowledge.
Equal Opportunity and Affirmative Action
https://eoaa.umn.edu/
eoaa@umn.edu
274 McNamara Alumni
200 Oak Street SE
Minneapolis, MN  55455
(612) 624-9547
Proposed Amendments to University Policies and Procedures to Comply with the New Title IX Regulations

Equal Opportunity and Affirmative Action

Tina Marisam, EOAA Director and Title IX Coordinator
Brian Slovut, Deputy General Counsel

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- Admin. Policy: *Conflict Resolution for Faculty, P&A, Civil Service, and Student Workers*
- Union contracts
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- procedural irregularity that affected the outcome of the matter;
- new evidence that was not reasonably available at the time the determination was made that could affect the outcome of the matter;
- the Title IX Coordinator, investigator(s), decision-maker(s), and/or University Authority had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;
- the decision was unreasonable (i.e., arbitrary) in light of the information presented; and
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Proposed definition

Sexual exploitation: When an individual intentionally engages in the following conduct and should reasonably have known that the conduct would be unwelcome to any individual involved:

1. exposure of one’s own or another individual’s breasts, buttocks, or genitals to one or more other individuals;
2. distribution of sexual or nude images or recordings of another individual;
3. observation or recording of sexual activity or nudity;
4. demanding financial compensation, sexual contact, or some other benefit under the threat of disseminating or posting images, video, or other recording of the nudity or sexual activity of one or more individuals; and/or
5. engaging in sexual conduct that carries a significant risk of transmitting known sexual infections or diseases without another individual’s knowledge.
Equal Opportunity and Affirmative Action
https://eoaa.umn.edu/
eoaa@umn.edu
274 McNamara Alumni
200 Oak Street SE
Minneapolis, MN 55455
(612) 624-9547
AGENDA ITEM:  University of Minnesota Alumni Association Annual Report

☐ Review  ☐ Review + Action  ☐ Action  X Discussion

X This is a report required by Board policy.

PRESENTERS:  Lisa Lewis, President and CEO, UMAA
              Laura Moret, FY 2020 Board Chair, UMAA
              Mark Jessen, FY 2021 Board Chair, UMAA

PURPOSE & KEY POINTS

The purpose of this item is to update the Board on alumni relations at the University of Minnesota, Twin Cities.

BACKGROUND INFORMATION

The UMAA annual report to the Board was last delivered in July 2019.
University of Minnesota Alumni Association
Highlights of FY20

Alumni Engagement is Growing:
- 591,000 alumni system-wide
- 63% reside in Minnesota
- 373,000 have engaged with the University over their lifetime
- 270,000 engaged with the University in FY20
- In FY19, 38,000 system-wide alumni gave over $214,000,000 to the University, representing 59% of all donors and 53% of the total private giving.

Alumni Lead through Networks
- 85 networks around the world engage alumni based on where they live or work, what they studied and what they care about. There are currently:
  - 50 geographic networks
  - 18 school and college networks
  - 7 corporate networks
  - 10 affinity networks
- The UMAA Board approved three new networks this year:
  - Muslim Alumni Network
  - Pride Alumni Network
  - Student Government Alumni Network

Alumni Advocate for the University
- 366 high-quality contacts with state legislators were made including in-person meetings, original emails, phone calls, and direct contacts through social media from July 2019 - May 2020
- Five alumni leaders met with Governor Walz’s staff to discuss support for the U of M.
- UMAA produced a video tutorial showing how Twitter can be used as an effective tool to advocate for the University.
- 32 high-quality contacts were made with state legislators by alumni from the College of Science and Engineering encouraging support for Fraser Hall and other University capital requests.
- An op-ed by Board Chair Laura Moret and CEO Lisa Lewis supporting University’s capital requests was published in MinnPost.
- 3,000 emails were sent to state legislators and the governor by alumni from all system campuses on April 23 and May 11.
- A letter was sent to Governor Walz by UMAA Board Chair Laura Moret and CEO Lisa Lewis encouraging support for the University’s capital investment request.
UMAA Responds to COVID-19

Strategy: Community and Utility

- Building community and pride among alumni by sharing the University’s work on COVID-19 and bringing alumni together through virtual activities.
- Delivering what alumni need right now during the pandemic, including credible information from the University on the coronavirus, the economy, health and wellbeing, careers and more.

Engagement Content Examples

- Career Support: Webinars on Working Remotely: Now What? (566 day-of attendees), Women and Power in the Workplace (394), Great Management in the Age of Social Distancing (419), and new webpages featuring Resources for Job Seekers.
- Health and Wellbeing: U of M Public Health Faculty Panel (1,184), Managing the Personal Toll of COVID-19 (776), and an interview on Ambiguous Losses: How to Cope with Stress and Anxiety.
- Community and Family: Self-Care for Individuals, Relationships (176), Helping Adult Children of Aging Parents (269), How to Talk with Children About COVID-19 (130).

Communication Content Examples

- COVID resource webpage for alumni that features collection of related content from across the University (98 pieces currently featured on the page). Topics range from CIDRAP updates to emerging curriculum from the Medical School, U of M technological innovation, personal wellness and career resources.
- 127 COVID-related social media posts (Facebook, Twitter, Instagram). Primarily UMN-generated content (158,960 impressions = number of times posts were seen).
- Two weekly email newsletters (Alumni Angle & Monday Update). Focus heavily on COVID-related content, e.g., news and resources that are available through the University and Alumni Association. Several COVID-19-related webinars and the “Osterholm Update” podcasts have been among the most popular content.
- Summer issue of Minnesota Alumni magazine. Features U of M public health expertise including a profile of Dr. Osterholm and an article about U of M students studying public health in India shortly before the pandemic.
- Series of 9 articles written by UMAA authors on COVID-related topics. Published in Alumni Angle between Spring and Summer issues of magazine. Two most viewed: Treating COVID-19 at Home and COVID-19 and Curds.
- In April & May, 11,000 viewers watched 1,300 hours of content on the Alumni Association’s YouTube channel.
Maroon and Gold Reusable Cloth Masks

- At the request of alumni, the Alumni Association created a maroon and gold reusable cloth face mask that launched on April 28 in its Minnesota Alumni Market, an online boutique that sells only products made by U of M alumni.
- For every mask purchased, the UMAA is donating one to M Health Fairview for use by medical patients and their families.
- As of June 15: 13,050 masks were designated for donation.

Alumni Responses: Here’s a sample of the feedback we’ve received from alumni:

“In time of need, it makes me proud and grateful of my association with the School and MHA Program. Thank you all for the important work you do.“

“The Alumni Association has been doing such an awesome job with the webinars this past week. Super informative and helpful! I have enjoyed having something on my calendar and reconnecting with the U community.“

“I’m so impressed with the UMAA’s regular email communications. I’ve taken one webinar course, and I’m signed up for two more. I’ve shared the Alumni Angle with organizations with whom I consult with or volunteer for. The UMAA is clearly demonstrating its value, visibility and viability to the U of MN during the coronavirus.”

Alumni Speak out Against Racism

- Five statements were issued by alumni groups expressing anger over the killing of George Floyd and affirming their commitment to fighting racism and unequal treatment in every form. Statements were issued by: the Black Alumni Network, the Alumni Association, the Multicultural Alumni Network, the Muslim Alumni Network, and the Pride Alumni Network.
- Working in partnership with these alumni networks, the UMAA published a growing body of resources for combatting racism and helping communities in need on its website.

Alumni Celebrate and Support the Class of 2020

- UMAA planned and hosted two events: Trivia Night (May 11) and the virtual Send Off (May 12) for graduating students.
- Alumni submitted 95 congratulatory videos and 100 written messages for graduating students -- including Lt. Gov Peggy Flanagan, Dessa, and Regent Kenyanya.
- UMAA continued promoting its free career advice and mentoring platform, the Maroon and Gold Network, which has amassed 6,276 participants (3,652 alumni mentors and 2,624 students). 1,171 alumni have posted jobs on the University’s GoldPASS system since the start of FY20.
UMAA offered seven webinars: **Financial Wellness 101** and **Lightning Career Talks** on job search strategies, **Exploring the Future of Work- Generation Z in the Workplace**, **Working with a Recruiter: Finding a Job in the World of Remote Work**, **Meet the 3 Companies Hiring Right Now**, **Creating a Compelling Cover Letter**, **White House to U: Interpreting News about the Labor Market** and **Conquering the Virtual Interview**.

**544 “Congratulations to Our New Grad” signs have been sold through the Minnesota Alumni Market.**

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**Alumni Chart our Future**

**New UMAA Officers for FY21**

*(You’ll find the full list of current UMAA Board members [HERE](#))*

- **Mark Jessen, Chair;** Owner, Jessen Co.
  - B.A. ’85, Political Science (CLA), St. Louis Park, MN

- **Scott Wallace, Chair-Elect;** Senior Director of Business Transformation at eCapital Advisors, LLC
  - B.S.B. ’80, Accounting (SOM), Woodbury, MN

- **Pat Duncanson, Secretary;** Partner & Owner, Highland Family Farms
  - B.A. ’83, Agricultural Business (CFANS), Mapleton, MN

- **Ann Sheldon, Treasurer;** Vice President Product Security, Medtronic
  - B.M.E. ’88, Mechanical Engineering (CSE), Minnesota Executive Program ’04 (SOM), Lino Lakes, MN

- **Laura Moret, Past-Chair;** Managing Director & Associate General Counsel, Piper Sandler Companies
  - B.A. ’76, History (CLA), M.B.A. ’81 (SOM)
  - Minneapolis, MN

**Elected to a New Three-Year Term on the Board for FY21**

- **Mary Bany,** Operations Administrator, Mayo Clinic Rochester
  - B.S. ’91 Technical Communication (CLA), Lake City, MN

- **Pat Duncanson,** Partner & Owner, Highland Family Farms
  - B.A. ’83, Agricultural Business (CFANS), Mapleton, MN

- **Nadia Hasan,** Attorney, UnitedHealthcare
  - B.A. ’02 English (CLA), J.D. ’06 (LAW), Minnetonka, MN

- **Roger Reinert,** Attorney and Managing Partner, Reinert & Associates
  - B.S. ’93 Agricultural Education (CEHD), Duluth, MN

- **Tony Wagner,** B.S.B. ’96 (SOM), Minnetonka, MN
Laura Moret
B.A. ’76, M.B.A. ’81
FY20 Alumni Association Chair
Lisa Lewis
Alumni Association President & CEO
<table>
<thead>
<tr>
<th>Campus</th>
<th>Alumni Count</th>
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<tbody>
<tr>
<td>Crookston</td>
<td>11,000</td>
</tr>
<tr>
<td>Duluth</td>
<td>76,000</td>
</tr>
<tr>
<td>Morris</td>
<td>17,000</td>
</tr>
<tr>
<td>Rochester</td>
<td>800</td>
</tr>
<tr>
<td>Twin Cities</td>
<td>496,000</td>
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</tbody>
</table>

**596,000 Alumni System-Wide**

Alumni by campus

63% of system alumni reside in Minnesota
Alumni Engagement

373,000
78%
Connected with the U since graduation

270,000
57%
Connected to the U in FY20
In FY19, more than 38,000 system-wide alumni gave over $214,000,000 to the university, representing 59% of all donors and 53% of the total private giving.
New Alumni Networks

Student Government Alumni Network

Muslim Alumni Network

Pride Alumni Network
A Global Community

85 Total Networks

- 50 Geographic Networks
- 18 School and College Networks
- 7 Corporate Networks
- 10 Affinity Networks
Reflecting on Our History
COVID-19 Response

13,050

designated for donation to

Page 262 of 269
Governor Tim Walz
Lt. Governor Peggy Flanagan
Senate Majority Leader Paul Gazelka
Senate Minority Leader Susan Kent

As representatives of the University of Minnesota Alumni Association, which links more than 430,000 graduates of our state’s flagship university, we want to thank each of you for your wise leadership and careful stewardship during these deeply challenging times for our state.

As you and the rest of our elected leaders face two profound current events, navigating the COVID-19 pandemic and addressing the pervasive racial disparities in our communities, we believe it has never been more important to plant seeds of hope for our collective future. That’s why we urge you to continue and expand your support for the U of M as we educate and cultivate the leaders of tomorrow.

Recently, thousands of U of M alumni sent messages to you and your colleagues—legislative officers, asking you to support a robust capital investment bill to help the University move boldly toward our future. As both the global impact of COVID-19 and the heartbreaking toll wreaked by the death of George Floyd, show, Minnesota is not immune to the larger forces that buffet our world. That’s why a continued partnership between the state and the University has never been more crucial.

Every day the U of M prepares students to proactively and creatively solve our state’s most complex problems. In the case of COVID-19, discoveries made at the U of M are protecting the health of all Minnesotans and bolstering our state’s economic viability during the pandemic. And as our communities show their grief and despair, the University continues to work by valuing and promoting equity, inclusion, and a more just future for all our state’s residents.

Funding the capital investment bill for the University is also a vote toward providing Minnesota with an ongoing, resilient, well-educated workforce. That means expanding the number of graduates in high-demand fields like health and life sciences, pre-med, pre-pharmacy, and science policy, as well as many others.

Unfortunately, half of the buildings at the University are now more than 50 years old. Educating the workers and innovators of tomorrow is the facility of yesterday presents many intractable problems. Since 2010, the state legislature has not fully funded the University’s Higher Education Asset Preservation and Replacement (HEAPR) requests. With a $4.8 billion need over the next 10 years to simply maintain existing University
Alumni Statements against Racism

Black Alumni Network

Multicultural Alumni Network

Muslim Alumni Network

Pride Alumni Network

University of Minnesota Alumni Association
Mark Jessen

B.A. ’86

FY21 Alumni Association Chair
AGENDA ITEM: Report of the Committees

☐ Review ☐ Review + Action ☐ Action ☒ Discussion

This is a report required by Board policy.

PRESENTERS: Regent Kendall J. Powell

PURPOSE & KEY POINTS

Pursuant to Board of Regents Policy: Board Operations and Agenda Guidelines, “The Board conducts business through meetings of the Board and its committees.... [and] Committees provide recommendations for action by the Board. Typically, standing committees have the following responsibilities:

- Recommend action on matters where the Board has reserved authority to itself as outlined in Board of Regents Policy: Reservation and Delegation of Authority and other Board policies;
- Provide governance oversight on topics within the committee’s purview;
- Review and make recommendations on relevant new and existing Board policies;
- Receive reports on policy-related issues affecting University departments and units;
- Receive information items (e.g., status reports on current issues of concern and administrative searches); and
- Review other items placed on the agenda by the Board chair in consultation with the president and Board vice chair.”

BACKGROUND INFORMATION

Current committee chairs:

- Audit & Compliance Committee – D. Rosha
- Finance & Operations Committee – D. McMillan
- Governance & Policy Committee – J. Mayeron
- Litigation Review Committee – R. Beeson
- Mission Fulfillment Committee – T. Anderson