



## **BOARD OF REGENTS POLICY:**

### ***Sexual Harassment, Sexual Assault, Stalking and Relationship Violence***

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

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

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

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

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

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

*Sexual harassment* shall mean unwelcome conduct 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 sexual conduct.
- (b) *Hostile environment sexual harassment*: When conduct is severe, persistent or pervasive and:
  - (1) unreasonably interferes with an individual's employment or educational performance,
  - (2) creates a work or educational environment that an individual finds, and a reasonable person would find, to be intimidating, hostile or offensive, or
  - (3) effectively denies an individual equal access to a University program or activity.
- (c) *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 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.

- (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 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) *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 informal problem-solving, investigation, 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.

**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 making training on prohibited conduct available to 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**

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**Adopted:** October 13, 2017

**Amended:** July 30, 2020

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