

UNIVERSITY OF MINNESOTA MORRIS

VIOLENCE PREVENTION & RESPONSE

**Sexual Misconduct, Sexual Assault, Relationship
Violence, Domestic Violence, and Stalking**

The University of Minnesota Morris is committed to each student's safety and wellbeing. Campus programs support student wellness, foster the building of healthy respectful relationships, uphold campus policies, and promote individual action to create a violence-free campus.

**IF YOU ARE EXPERIENCING VIOLENCE,
YOU ARE NOT ALONE.
HELP IS AVAILABLE.**

Offices of Student Affairs, Public Safety, Student Counseling,
and Title IX / Equal Opportunity
University of Minnesota Morris
600 E. 4th Street, Morris MN 56267
morris.umn.edu/wellness/safety

MANY CAMPUS RESOURCES EXIST TO HELP VICTIMS OF VIOLENCE.

immediate support available 24 hours a day

EMERGENCY CALL 911

24-hour Crisis Line—call 800-974-3359

Someplace Safe—confidential support

Public Safety

Call 320-287-1601 Officer on Duty

Call 320-208-6500 Law Enforcement Communications Center

Student Counseling’s counselors and Someplace Safe advocate can inform you of all your options and connect you to resources.

HELP IS AVAILABLE.

FIRST RESPONSE PARTNERS

VIOLENCE PREVENTION AND RESPONSE PROGRAM

TITLE IX / EQUAL OPPORTUNITY—campus.....EOAA 320-589-6021
and STUDENT AFFAIRS—campus..... Student Affairs 320-589-6013
[Victim/survivor reporting](#), support, campus accommodations, resources

PUBLIC SAFETY—campus and community.....320-589-6000 (office)
Law enforcement and personal safety

STUDENT COUNSELING—campus 320-589-6060
Confidential personal counseling and violence response options

SOMEPLACE SAFE—community..... 320-589-3208
Confidential victim/survivor advocacy and services, support
On-campus office hours in Student Counseling..... 320-589-6060

STEVENS COMMUNITY MEDICAL CENTER—community..... 320-589-1313
24-hour emergency care, exams, health care

ADDITIONAL VIOLENCE PREVENTION AND RESPONSE RESOURCES

EQUITY, DIVERSITY, AND INTERCULTURAL PROGRAMS.....320-589-6095
Support for Black, Indigenous, and Students of Color (BIPOC); international students;
LGBTQIA2S+ students; and students with disabilities

HEALTH SERVICE 320-589-6070
Confidential health care, exams, and follow-up care

RESIDENTIAL LIFE 320-589-6475
Response, referrals, housing accommodations, and support

STUDENT AFFAIRS..... 320-589-6013
Campus accommodations, student support, and student conduct information

TITLE IX COMPLIANCE AND EQUAL OPPORTUNITY 320-589-6021
Sexual misconduct/ Title IX reports, harassment or bias reports

TABLE OF CONTENTS

Resources and Rights for Complainants and Respondents

Employee and Student Action Steps: Reporting and Other Obligations Related to Prohibited Conduct

UMN Student Conduct Code and UMN Morris Student Behavior Committee Response

UMN Morris Violence Prevention and Response Program and Community Partners

Key Definitions

Affirmative Consent

Violence Prevention and Bystander Intervention

As required by Title IX, the University does not discriminate on the basis of sex in any of its education programs or activities, including in admissions and employment. Inquiries about the application of Title IX can be directed to the University's Title IX Coordinators or to the U.S. Department of Education, Office of Civil Rights. Please see the University of Minnesota's Title IX Statement (eoaa.umn.edu/resources) and the University's policy (policy.umn.edu/hr/sexharassassault) for information about:

- how to contact the Title IX Coordinators on the University's campuses;
- how to report or file a formal complaint of sexual harassment, gender-based harassment, sexual assault, stalking or relationship violence; and
- the University's procedures for responding to reports and formal complaints.

The University of Minnesota shall provide equal access to and opportunity in its programs, facilities, and employment without regard to race, color, creed, religion, national origin, gender, age, marital status, familial status, disability, public assistance status, membership or activity in a local commission created for the purpose of dealing with discrimination, veteran status, sexual orientation, gender identity, or gender expression.

This publication is available in alternative formats upon request at 320-589-6061.

RESOURCES AND RIGHTS FOR COMPLAINANTS AND RESPONDENTS

To foster an environment free of harassment and violence, all University members are encouraged to take reasonable prudent actions to prevent, stop, and report all acts of prohibited conduct.

1. Seek Support

- Public Safety provides first response, safety, and support resources and is available 24 hours/day, 7 days/week.
- Student Counseling and Health Service provide confidential support to victims/survivors.
- Someplace Safe, the Stevens County victim/survivor advocacy agency, is also available.

2. Resources and Information

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 the Sexual Harassment, Sexual Assault, Stalking and Relationship Violence policy.
2. The grievance process, as described in Section VI of the Sexual Harassment, Sexual Assault, Stalking and Relationship Violence policy. 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.
3. Informal problem-solving processes, as described in Section V of the Sexual Harassment, Sexual Assault, Stalking and Relationship Violence policy. A complainant may request informal problem-solving processes by contacting the campus Title IX office.
4. 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.
5. Anonymous reporting 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.

3. 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, nonpunitive 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.

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 supportive measures, 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 supportive measures will determine which supportive 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.

For more information, please see *Administrative Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*, August 2020. See <http://policy.umn.edu> for the most current version.

EMPLOYEE AND STUDENT ACTION STEPS: 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 Coordinator 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 Coordinator 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.
- been committed by a current University member at the time they were a University member.

Supervisors and human resources representatives must report sexual harassment directed at University employees or third parties to the campus Title IX Coordinator.

Other University employees are encouraged to report sexual harassment directed at University employees or third parties to the campus Title IX Coordinator, or their supervisor or human resources representative. However, this reporting is not required under this policy.

C. Information that Must Be Reported to the Campus Title IX Office

University employees who learn about 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 Coordinator:

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

D. 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;
- student employees when they learn about prohibited conduct that does not involve a University member whom the student employee formally or informally supervises, advises, and/or instructs as part of their job duties; and
- victim-survivor advocacy office employees and volunteers when they learn about prohibited conduct in the course of their advocacy office work.

E. 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 or human resources representative 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.

August 2020. From the *University of Minnesota Administrative Procedure: Responding to Incidents of Sexual Assault, Stalking and Relationship Violence*. See <http://policy.umn.edu> for the most current version of the full University procedure.

UNIVERSITY RESPONSE TO REPORTS OF PROHIBITED CONDUCT

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. 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.

About the UMN Student Conduct Code

The University of Minnesota Student Conduct Code is based on the following guiding principles.

- The University seeks an environment that promotes academic achievement and integrity, that is protective of free inquiry, and that serves the educational mission of the University.
- The University seeks a community that is free from violence, threats, and intimidation; that is respectful of the rights, opportunities, and welfare of students, faculty, staff, and guests of the University; and that does not threaten the physical or mental health or safety of members of the University community.
- The University supports and is guided by state and federal law while also setting its own standards of conduct for its academic community. The University is dedicated to the rational and orderly resolution of conflict.
- Students are entitled to due process and procedural fairness protections, including the prompt notification of charges, the opportunity to respond, the right to an advocate of choice, and the right to the resolution of a case within a reasonable period of time.

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,
 - 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 antidiscrimination 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.

For more information, please see *Administrative Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*, August 2020. See <http://policy.umn.edu> for the most current version.

UMN MORRIS VIOLENCE PREVENTION AND RESPONSE PROGRAM AND COMMUNITY PARTNERS

Violence Prevention and Response Program

The Morris Violence Prevention and Response Program is led by Student Affairs, Public Safety, and Equal Opportunity. Program leaders are working collaboratively with faculty, staff, and student leaders to create a campus culture that addresses the roots of gender and relationship violence while fostering healthy relationships.

Student Counseling provides confidential support and information on campus and community resources for victims/survivors and concerned parties affected by violence. Confidential advocacy services are provided by Someplace Safe.

This long-standing Morris program was established in 2003 with a US Department of Justice Violence Against Women Act grant to Combat Violent Crimes Against Women on College Campuses Program.

Someplace Safe

Someplace Safe, with an office in Morris and surrounding communities, offers advocacy services for sexual assault, relationship violence, and stalking. Services include campus office hours in Student Counseling, a 24-hour crisis line, crisis intervention, information and referrals; advocacy for medical exams and legal proceedings; support groups; training and education; safe lodging; criminal justice monitoring and policy development.

Coordinated Campus and Community Response

UMN Morris and community agencies work together to support victims/survivors of sexual assault, relationship violence, and stalking. The Stevens County Violence Prevention Task Force leads a coordinated community response to support victims/survivors and hold perpetrators responsible. Partners include: UMN Morris Violence Prevention Program, Public Safety, and Student Affairs; Someplace Safe; Morris Police Department; Stevens County Sheriff's Office, Attorney's Office, Court Administrator, and Human Services; and Stevens Community Medical Center.

**UMN Morris Violence Prevention & Response Packets
are available from campus and community partners.**

KEY DEFINITIONS

The University of Minnesota prohibits sexual harassment, sexual assault, stalking, and relationship violence and related retaliation—acts of power-based personal violence—as outlined in the University policies and in state and federal law. Any reports will immediately be investigated and appropriate action taken.

The Board of Regents policy on Sexual Harassment, Sexual Assault, Stalking and Relationship Violence governs the University of Minnesota's commitment to preventing and addressing sexual harassment, sexual assault, stalking, relationship violence, and related retaliation.

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) **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.

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.

See *additional insert for more detail on affirmative consent*.

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 with 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 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.

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) 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.

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.

Member of the University Community. Member of the University community means any:

- (a) University student;
- (b) University employee;
- (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.

Complainant. An individual is a "complainant" when the University learns that the individual may have experienced prohibited conduct. Complainants may be assisted under this policy even if they have not reported prohibited conduct to the University or pursued a prohibited conduct process under this policy.

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.

https://regents.umn.edu/sites/regents.umn.edu/files/2020-08/policy_sexual_harassment_sexual_assault_stalking_and_relationship_violence.pdf

AFFIRMATIVE CONSENT

Affirmative Consent

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. This definition of consent does not vary based upon an individual's sex, sexual orientation, gender identity, or gender expression.

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/or 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).

- If there is any doubt as to whether another individual is incapacitated, one should assume that the individual does not have the capacity to give consent.
- 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.
- An individual involved in sexual contact is not of legal age to give consent pursuant to Minnesota state law.

For more information, please see *Administrative Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence*, August 2020. See <http://policy.umn.edu> for the most current version.

YOU CAN MAKE A DIFFERENCE

VIOLENCE PREVENTION AND BYSTANDER INTERVENTION

Sexual Assault Prevention for Undergraduates

Minnesota state statute requires new college students to complete a training program on understanding and preventing sexual violence within the first 10 days of their college enrollment. UMN Morris provides *Sexual Assault Prevention for Undergraduates*—the premier online program addressing the critical issues of sexual assault, relationship violence, stalking, and sexual harassment on campus. *Sexual Assault Prevention for Undergraduates* provides crucial information for our students about sexual assault, dating violence, and stalking within an easy to use and accessible format. New students are provided links by email to complete the two-part program as they begin their first semester prior to move-in with a follow-up later in the semester. Prevention experts created the course to meet and exceed Title IX and the Clery Act (Campus SaVE/VAWA) requirements.

Speak About It

Starting in Fall 2021, *Speak About It* will be embedded into the UMN Morris 1101 first year experience course. *Speak About It* offers innovative, performance-based prevention education to 1) promote healthy sexuality and relationships, 2) inform students about the realities of sexual assault, 3) provide tangible strategies for bystander intervention, and 4) connect audience members to campus and community resources relevant to sexual violence prevention, response, and education. This nonprofit organization partners with colleges to empower students to prevent sexual violence, build healthy relationship habits, and create positive change within their communities.

Using a combination of humorous yet provocative skits, interactive dialogue, and powerful monologues written by college students, *Speak About It* covers a broad range of key topics in prevention education including: consent, sexual assault, and bystander intervention. Each of the educators in the show has completed sexual assault response training and speaks passionately, onstage and off, about the importance of taking an active role in ending sexual violence. *Speak About It's* compilation of true stories capture what healthy sex can and should look like and how to spark dialogues about it.

wespeakaboutit.org

Red Flag Campaign

The *Red Flag Campaign* uses a bystander intervention strategy to address and prevent sexual assault, dating violence, and stalking on college campuses. The campaign uses a positive strategy to help promote healthy relationships—it encourages friends and other campus community members to say something when they see warning signs (“red flags”) for sexual assault, dating violence, or stalking in a friend's relationship. The “Red Flags” poster series presents scenarios and issues that might be present in a relationship with dating violence: coercion, emotional abuse, sexual assault, victim-blaming, excessive jealousy, isolation, and stalking. Often people's first response is to want to “stay out of it” or “ignore” abusive behavior. The University of Minnesota Morris wants people to stand up against all forms of violence.

The Virginia Sexual and Domestic Violence Action Alliance created the campaign working with college students, college personnel, and community victim advocates.

theredflagcampaign.org

students.morris.umn.edu/health-and-wellness/violence-prevention