

## **Applicable Federal Law**

This policy addresses the requirements of Title IX of the Education Amendments of 1972 (“Title IX”), which is a federal law that prohibits sex discrimination in federally funded education programs and activities. Title IX states as follows:

***No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.***

Discrimination on the basis of sex (i.e., sex discrimination) includes sexual harassment, sexual assault and sexual misconduct. Title IX prohibits sex discrimination in both the educational and employment settings.

## **Policy Statement**

It is the policy of the College to provide an educational, employment, and business environment free of all forms of sex discrimination, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined in this policy and as otherwise prohibited by state and federal statutes. Sexual harassment, including acts of sexual assault and sexual misconduct, is a form of sex discrimination and is prohibited at the College. The sexual harassment of College students, faculty, and staff by non-College employees and guests doing business or providing services on campus (*e.g.*, contractors and vendors) also is prohibited by this policy. This policy applies to all College students, faculty, and staff, to other members of the Martin Luther College Community, and to contractors, consultants, and vendors doing business or providing services to the College.

## **Alleged or Suspected Violations of this Policy**

Martin Luther College is committed to investigating all possible violations of this policy about which the school knows or reasonably should know (also referred to in this policy as “alleged violations of this policy”), regardless of whether a complaint alleging a violation of this policy has been filed and regardless of where the conduct at issue occurred. The College’s ability to investigate in a particular situation, or the extent of the investigation in any given situation, may be affected by any number of factors, including whether the complainant is willing to file a complaint or to consent to an investigation, the location where the alleged or suspected conduct occurred, and the College’s access to information relevant to the alleged or suspected violation of this policy. The College is nonetheless committed to investigating all alleged and suspected violations of this policy to the fullest extent possible under the circumstances

## **Title IX Coordinators**

Any inquiries regarding Title IX or this policy should be directed to the Title IX Coordinator or his/her Deputy Coordinators identified below. These officials will be available to meet with students, faculty and employees regarding issues relating to Title IX and this policy.

### **Title IX Coordinator**

The Title IX Coordinator is responsible for implementing and monitoring Title IX Compliance on behalf of the College. This includes coordination of training, education, communications, and administration of grievance procedures for the handling of complaints alleging violations of this policy.

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[schonejl@mlc-wels.edu](mailto:schonejl@mlc-wels.edu)  
507-217-9764

### **Deputy Title IX Coordinator**

The Deputy Title IX Coordinator is responsible for assisting the Title IX Coordinator in regard to implementing and monitoring Title IX compliance at the College and for notifying the Title IX Coordinator of any alleged or suspected violations of this policy and the resolution of such alleged or suspected violations, regardless of whether a complaint is filed.

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## **Definition and Examples of Conduct Prohibited Under this Policy**

The behaviors listed below are included to clarify *examples* of acts which would qualify as gender-based discrimination or harassment. The listing of these examples does not preclude nor set aside the College's formal codes of conduct listed elsewhere in College publications or handbooks. Violations of the College's codes of conduct may not constitute a violation of the Title IX/Sexual Harassment policy but would be addressed under the proper College codes as found in the student code of conduct or other applicable policies.

Prohibited conduct includes all forms of sex discrimination and sexual harassment, as well as all types of sexual assault. Sexual harassment, which includes sexual assault and sexual misconduct, may take many forms.

## 1.0 Sexual Harassment

Sexual Harassment is defined as unwelcome, gender-based verbal or physical conduct that is:

- a. severe, pervasive, and objectively offensive, and
- b. unreasonably interferes with, limits or deprives someone of the ability to participate in or benefit from the College's education program and/or activities, and is

Sexual harassment may consist of repeated actions or may even arise from a single incident if sufficiently extreme. The complainant and the alleged perpetrator may be of either gender and need not be of different genders.

General examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

### Specific Examples of Sexual Harassment:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list he/she created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a professor's office, on the exterior of a residence hall door or on a computer monitor in a public space.
- A professor engages students in discussions in class about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. Professor probes for explicit details, and demands that students answer, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus.
- Displaying or transmitting unwelcome sexually suggestive electronic content, including inappropriate e-mails or postings on social media such as Facebook, Twitter, or Instagram;
- Stalking or cyberbullying another student;
- A student grabbed another student by the hair, grabbed her breast and then laughed about it as a joke.

## **Three Types of Sexual Harassment—Legal Constructs**

### **Hostile Environment**

includes any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

The determination of whether an environment is “hostile” must be based on all of the circumstances. These circumstances could include:

- the frequency of the conduct;
- the nature and severity of the conduct;
- whether the conduct was physically threatening;
- whether the conduct was humiliating;
- the effect of the conduct on the alleged victim's mental or emotional state;
- whether the conduct was directed at more than one person;
- whether the conduct arose in the context of other discriminatory conduct;
- whether the conduct unreasonably interfered with the alleged victim's educational or work performance;
- whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness
- whether the speech or conduct deserves the protections of academic freedom or the 1st Amendment.

### **Quid pro quo sexual harassment**

exists when there are:

- unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- submission to or rejection of such conduct results in adverse educational or employment action.

### **Retaliatory harassment**

is any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct.

## 2.0 Sexual Assault

Sexual assault is a particular type of sexual harassment that includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol.

### **Non-Consensual Sexual Contact \***

- any intentional sexual touching,
- however slight,
- with any object,
- by a man or a woman upon a man or woman,
- that is without consent and/or by force\*\*

\*Sexual Contact includes: Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

\*\*Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion.

### **Non-Consensual Sexual Intercourse\***

- any sexual intercourse
- however slight,
- with any object,
- by a man or woman upon a man or a woman,
- that is without consent and/or by force.

\*Intercourse includes: vaginal or anal penetration by a penis, object, tongue or finger and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact

## 3.0 Sexual Exploitation and Sexual Misconduct

Sexual Exploitation and Sexual Misconduct occurs when a student/employee takes non-consensual or abusive sexual advantage of another.

Examples of sexual exploitation and sexual misconduct include, but are not limited to:

- Invasion of sexual privacy
- Prostituting another student
- Non-consensual video or audio-taping or broadcasting of sexual activity
- Engaging in voyeurism
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals

- Sexually-based stalking and/or bullying may also be forms of sexual exploitation
- Physical assaults of a sexual nature, such as rape, sexual assault, sexual battery, molestation, or attempts to commit these acts
- The use or display in the classroom or workplace, including electronic, of pornographic or sexually harassing materials such as posters, photos, cartoons or graffiti without pedagogical justification
- Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's sexuality or sexual experience.
- Sexual activity with someone whom one should know to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated\* (e.g., by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.

\*Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction)

This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of drugs.

### **Additional Applicable Definitions:**

#### **Consent**

Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create clear mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.

Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.

Previous relationships or prior consent cannot imply consent to future sexual acts.

In order to give consent, one must be of legal age (18).

In some instances, because of a person's power/authority, or the perception thereof, one individual may not be able to give consent to a given sexual encounter. For example, one individual who supervises another may not be able to obtain consent in an intimate encounter because the other person fears they might lose their job or status if they object to some or all aspects of the encounter. Power and authority may arise from a variety of areas including one's size, strength or reputation within the College.

Sexual activity with someone whom one should know to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (e.g., by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.

### **Incapacitation**

is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (i.e., to understand the “who, what, when, where, why or how” of their sexual interaction).

This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including, but not limited to Rohypnol, Ketomine, GHB, or Burundanga, is prohibited, and administering one of these drugs to another student is a violation of this policy.

### **Force**

is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.

### **Coercion**

is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex or that they do not want to go past a certain point of a sexual interaction, continued pressure beyond that point can be coercive.

Physical resistance (e.g., pushing someone away) is a clear demonstration of non-consent. The lack of physical resistance does not imply the individual consented to the sexual activity or event.

Use of alcohol or other drugs will never function as a defense to a violation of this policy.

## **Reporting Incidents and Seeking Support**

### **Confidentiality and Privacy**

Students/Employees who wish to report or discuss sexual misconduct incidents should be aware that employees on campus have different reporting responsibilities and different abilities to maintain confidentiality or privacy, depending on their roles at the College and applicable mandatory reporting laws. Confidentiality and privacy offer two different levels of protection for information a student shares.

Staff who are considered confidential generally would only share information if there was imminent risk to self or others. Staff who are considered private can share information with others on a “need to know basis,” which is a lower threshold than confidential sources. More detail is provided below on who are confidential or private resources.

If unsure of someone’s duties and ability to maintain your privacy, please ask before you talk to them. They will be able to tell you, and help you make decisions about who can help you best. If your personally identifiable information is shared, it will only be shared as necessary with as few people as possible, and all efforts will be made to protect your privacy.

Campus authorities should treat victims with dignity and should not suggest to a victim of sexual assault that the victim is at fault for the crimes or violations that occurred nor should the campus authority inform the victim that the victim should have acted differently to avoid such action. Campus authorities should offer fair and respectful health care, counseling services or referrals including full cooperation with law enforcement. Campus authorities will cooperate with the victim and the victim’s safety such as shielding the victim from unwanted contact up to and including assisting in transferring the victim to alternate classes or housing.

Witnesses or victims of an incident of sexual assault who report the incident in good faith shall not be sanctioned by the institution for admitting in the report to a violation of the institutions student conduct policy on the usage of drugs or alcohol.

There are three options to seek support and/or to make a report. Depending on the desired outcome, a student may choose one or more of the following options:

### **Seek support from those who can maintain complete confidentiality**

A student who desires that details of the incident be kept confidential should speak with the following individuals:

- Off-campus health professionals (e.g., New Ulm Medical Center 1-507-233-1000)
- Off-campus rape crisis resources who can maintain confidentiality, 1-800-630-1425
- Campus Pastor John Boeder, 1-507-404-0624
- Michelle Markgraf, Executive Director – The Compass Center 1-877-IN-CRISIS

### **Make a formal report to the College (the College will act)**

A student/employee has the right to report the incident to the College Title IX Coordinator or Deputy Coordinator.

- The names and contact information for these individuals is listed above.
- Reporting an incident to these officials ensures that an investigation will be conducted.

A student/employee may make formal reports of sexual misconduct incidents to other College officials.

- These officials include the President, Vice presidents, and Academic Deans.



- The College considers these people to be responsible employees (those with supervisory responsibility or remedial authority to address sexual misconduct.)
- Notice to them is official notice to the institution.
- When any of these individuals receive a report of sexual misconduct, they will be required to take action by immediately referring the incident to the Title IX Coordinator.

The College takes incidents of sexual misconduct seriously when formally reported, and will investigate and resolve incidents through administrative procedures. Formal reporting means that only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses, and the accused individual.

### **Seek support from those who can maintain privacy, but not complete confidentiality**

A student can seek advice from other members of the College community not listed above.

- These individuals are required to report to the Title IX Coordinator that an incident occurred but are not required to tell the reporter's private, personally identifiable information unless there is cause for fear for their safety, or the safety of others.
- These are individuals who the College has not specifically designated as "responsible employees" for purposes of putting the institution on notice.
- These people include those without supervisory responsibility or remedial authority to address sexual misconduct, faculty members, advisors to student organizations, admissions officers, student activities personnel, dormitory supervisors, resident assistants, security workers and others.

If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you, and help you make decisions about who can help you best. If your personally identifiable information is shared, it will only be shared as necessary with as few people as possible, and all efforts will be made to protect your privacy.

### **Other Reporting Options**

#### **Law Enforcement**

Sexual misconduct incidents may always be reported to the Police Department by the victim. The College reserves the right in certain circumstances to report the incident to the Police Department.

#### **Anonymous Report**

A student or employee may file an anonymous complaint of sexual harassment and/or sexual violence through the [MLC Advocate site](https://mlc-wels-advocate.symplicity.com/public_report/index.php). The report will be filed with the college student life office and investigated as best as feasibly possible.

[https://mlc-wels-advocate.symplicity.com/public\\_report/index.php](https://mlc-wels-advocate.symplicity.com/public_report/index.php)

### **Office for Civil Rights**

Individuals with complaints of sexual harassment or sexual misconduct who do not feel that the school is addressing cases of sexual misconduct and discrimination also have the right to file a formal complaint with the United States Department of Education, Office for Civil Rights (OCR). Discrimination based on sex is prohibited by Title IX of the Education Amendment of 1972 and is enforced by OCR. A complaint of discrimination can be filed by ***anyone who believes that an education institution that receives Federal financial assistance has discriminated against someone*** on the basis of sex, as well as other categories such as race, color, national origin, disability, or age. The person or organization filing the complaint need not be a victim of the alleged discrimination, but may complain on behalf of another person or group. Generally, a complaint must be filed with OCR within 180 calendar days of the last act that the complainant believes was discriminatory.

More information can be obtained regarding filing a complaint with OCR at the following link: <http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>

The OCR office for Minnesota is located at:

Chicago Office

Office for Civil Rights

U.S. Department of Education

Citigroup Center

500 W. Madison Street, Suite 1475

Chicago, IL 60661-4544

Telephone: 312-730-1560

FAX: 312-730-1576;

TDD: 800-877-8339

Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

### **Federal Statistical Reporting Obligations**

Victims of sexual misconduct should be aware that certain campus officials have a duty to report sexual misconduct for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus security regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

Mandated federal reporters include: student/conduct affairs, campus security, local police, coaches, athletic directors, residence hall staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities.

The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

## **Federal Timely Warning Reporting Obligations**

Victims of sexual misconduct should also be aware that college administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The college will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed at the end of the above paragraph.

## **Investigation of Reported Violations**

Although there is no specific time limit for reporting a suspected violation of this policy, an employee or student who believes that he or she has been subjected to conduct that violates this policy is encouraged to report such as soon as possible after the alleged act of discrimination, harassment, sexual assault, sexual misconduct or retaliation to discuss the available options for proceeding. The victim of sexual assault also may choose to file a criminal complaint against the alleged perpetrator with law enforcement. Any pending criminal investigation or criminal proceeding may have some impact on the timing of the College's investigation, but the College will commence its own investigation as soon as is practicable under the circumstances. The College reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding.

The Title IX Coordinator (or designee) will conduct an investigation either alone or with one or more other College officials as deemed appropriate by the College. The investigation will be completed within sixty (60) days of the filing of a complaint or the date on which the College becomes aware of a suspected violation of this policy unless the College determines in its discretion that more time is required to complete the investigation. As part of the investigation, the Title IX Coordinator (or designee) will seek to interview the complainant and the accused and other witnesses as indicated. To help ensure a prompt and thorough investigation, complainants are encouraged to provide as much of the following information as possible:

The name, department, and position of the person or persons allegedly causing the sex discrimination, sexual harassment, sexual assault, sexual misconduct or retaliation.

- A description of any relevant incident(s), including the date(s), location(s), and the presence of any witnesses.
- The alleged effect of the incident(s) on the complainant's academic standing, educational benefits or opportunities, position of employment, salary, employee benefits, promotional opportunities, or other terms or conditions of employment.
- The names of other students or employees who might have been subject to the same or similar sex discrimination, sexual harassment, or retaliation.
- Any steps the complainant has taken to try to stop the discrimination, harassment, or retaliation.
- Any other information the complainant believes to be relevant to the alleged discrimination, harassment, or retaliation.

The accused also is encouraged to provide as much information as possible in connection with the investigation.

The College reserves the right to suspend or place on immediate administrative leave any member of the campus community accused of violating this policy, or to take any other interim measures the College deems appropriate, pending the outcome of an investigation and/or disciplinary proceedings. Such interim measures can include, but are not limited to, placing an employee on paid or unpaid administrative leave, removing a student from campus housing and/or current classes, suspending a student's enrollment, modifying course schedules, and issuing a "no contact" order.

## **Disciplinary Actions for Violations of this Policy**

Students who are found to have violated this policy will be subject to disciplinary action, up to and including expulsion or dismissal in accordance (i) with the provisions of any applicable Student Code of Conduct (or other comparable policy); and (ii) with the additional provisions set forth in the "Grievance Procedures" section of this policy. Faculty and staff who are found to have violated this policy will be subject to disciplinary action, up to and including discharge or termination in accordance (i) with any applicable policies or procedures governing disciplinary action against faculty and staff and; (ii) with the additional provisions set forth in the "Grievance Procedures" section of this policy, to the extent these additional provisions are applicable. Guests and other third parties who are found to have violated this policy will be subject to corrective action deemed appropriate by the College, which may include removal from the campus and termination of any applicable contractual or other arrangements. In instances where the College is unable to take disciplinary action in response to a violation of this policy because a complainant insists on confidentiality or for some other reason, the College will nonetheless pursue other steps to limit the effects of the conduct at issue and prevent its recurrence.

## **Retaliation**

Retaliation exists when action is taken against a complainant or participant in the complaint process that (i) adversely affects the individual's employment or academic status; and (ii) is motivated in whole or in part by the individual's participation in the complaint process.

## **Prohibition Against Retaliation**

No individual who makes a complaint alleging a violation of this policy or who participates in the investigation or resolution of such a complaint shall be subject to retaliation as a result of such activity or participation. Any acts of retaliation, as defined in this policy, shall be grounds for disciplinary action, up to and including expulsion/dismissal for students and termination/dismissal for faculty and staff.

## Confidentiality

To the extent permitted by law, the confidentiality of all parties involved in the resolution of alleged or suspected violations of this policy will be observed, provided that it does not interfere with the College's ability to conduct an investigation and take any corrective action deemed appropriate.

## Grievance Procedures

All incidents of sexual harassment, sexual assault, and sexual misconduct, as well as any acts of prohibited retaliation, should be reported as outlined above. The College will promptly and equitably investigate and resolve all suspected and alleged violations of this policy. The College reserves the right to take steps to protect the complainant as deemed necessary during the pendency of the investigation and resolution process (e.g., allowing for a change in academic situation, issuing a "no contact" order to the accused, etc.). Any such interim steps will be taken in a manner that minimizes the burden on the complainant to the extent possible.

## Investigation and Resolution Process

The investigation and resolution process typically includes the following elements, which may be modified to fit the circumstances of a particular case:

- Although there is no specific time limit for reporting a suspected violation of this policy, an employee or student who believes that he or she has been subjected to conduct that violates this policy is encouraged to contact Title IX Coordinator as soon as possible after the alleged act of discrimination, harassment, or retaliation occurs in order to discuss the available options for proceeding.
- The Title IX Coordinator (or his/her designee) will conduct an investigation either alone or with one or more other school officials as deemed appropriate by the College. The investigation will be completed within sixty (60) days of the filing of a complaint or of the date on which the College becomes aware of a suspected violation of this policy unless the College determines that more time is required to complete the investigation.
- Within seven (7) days of the conclusion of the investigation, both the complainant and the accused will be informed in writing of the outcome of the investigation, including whether there has been a determination that this policy has been violated. This written notice will be issued concurrently to the complainant and the accused.
- If there is a finding that this policy has been violated, the College will take appropriate corrective action to eliminate the policy violation, prevent the recurrence of the violation, and address the discriminatory effects of the violation.

Additional procedural protections include the following:

- **Standard for Determining Responsibility.** The standard used to determine whether this policy has been violated is whether it is more likely than not that the accused violated this policy. This is often referred to as a "preponderance of the evidence" standard.

- **Rights of Complainants and Accused Parties; Timing of Resolution.** Complainants and accused parties shall be provided with the following in connection with any investigative proceeding used to reach a decision regarding whether any violation of this policy has occurred. The College will endeavor to conclude any proceeding and notify the parties of the outcome within thirty (30) days after the investigation and resolution process commences unless the College determines that more time is required.

## **Rights of Complainants (i.e. victim)**

- The opportunity to speak on one's own behalf.
- The opportunity to be accompanied by an attorney or other support person who is not a fact witness to the sexual assault at any meeting with campus officials concerning the complaint or disciplinary proceeding concerning a sexual assault complaint.
- The right to file criminal charges with local law enforcement.
- The right to campus or local programing providing advocacy services.
- The right to be free from retaliation from the campus, the accused, organizations affiliated with the accused, students and other employees.
- The right to assistance from campus authorities and/or law enforcement in obtaining, securing and preserving evidence.
- The right to decide when to repeat a description of the incident.
- The opportunity to present witnesses who can speak about the alleged conduct at issue.
- The opportunity to present other evidence on one's own behalf.
- The right to request a change in classes or housing to avoid unwanted contact.
- The opportunity to review any information offered by the alleged perpetrator (to the greatest extent possible and consistent with FERPA or other applicable law).
- The opportunity to review any information offered by the reporter with access to the description of the incident (to the greatest extent possible and consistent with FERPA and other applicable law).
- The right, at the request of the victim, providing students who reported sexual assaults to the college and choose to transfer with information about resources for victims of sexual assault to which the student is transferring.
- The right an investigation and to be informed of the outcome of the investigation including disciplinary proceedings.
- The opportunity to appeal the outcome of the investigation.
- The right to assistance from the Crime Victims Reparations Board:

Minnesota Crime Victims Reparations Board

<https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-reparations.aspx>

445 Minnesota Street, Suite 2300  
St. Paul, MN 55101-1515  
651-201-7300 or 1-888-622-8799

Fax: 651-296-5787

Email: [dps.justiceprograms@state.mn.us](mailto:dps.justiceprograms@state.mn.us)

## **Rights of Accused Parties**

- The right to a written explanation of the alleged violations of this policy;
- The opportunity to speak on one's own behalf;
- The opportunity to be accompanied by a non-attorney advisor or support person from the campus community;
- The opportunity to present witnesses who can speak about the alleged conduct at issue;
- The opportunity to present other evidence on one's own behalf;
- The opportunity to review any information offered by the complainant (to the greatest extent possible and consistent with FERPA or other applicable law).
- The right to be informed of the outcome of the investigation; and
- The opportunity to appeal the outcome of the investigation

## **Notification of Outcome**

After the conclusion of the investigation and determination of finding, the College will provide written notification to the complainant party and the alleged perpetrator involved of the outcome (i.e., whether a violation of this policy has occurred) within seven (7) calendar days after the conclusion of any determination of finding, unless the school determines that additional time is required. This notice shall be issued contemporaneously to both parties to the extent practicable. The College will also disclose to the complainant information about any sanctions or corrective actions taken that relate directly to the complainant (e.g., a "no contact" order).

## **Right to Appeal**

Once written notification of the resolution has been received, the parties involved will have the opportunity to appeal the findings. The desire to appeal should be submitted in writing to the Title IX Coordinator within seven calendar days. Appeals shall follow the appeal procedure found in the Student Handbook. The only acceptable basis for an appeal is 1) new evidence not previously available or 2) a violation of the procedure outlined in this policy. Appeals will be heard by the Vice President for Administration or his designee.

## **Immunity for Victims and Witnesses**

The College community encourages the reporting of conduct code violations and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to College officials or participate in grievance processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to College officials, and that witnesses come forward to share what they know. To encourage reporting, the College may offer victims and witnesses immunity from policy violations related to the reported incident. While serious violations cannot be overlooked, the College reserves the right to waive lesser charges (such as violations of the alcohol policy) in cases that involve sexual misconduct.

## Local and Campus Advocacy Services

- **MLC College Nurse**  
Luther Student Center  
1995 Luther Court  
New Ulm, MN 56073  
  
Kelsey Horn, RN  
1-507-233-9101 or extension 101  
[hornky@mlc-wels.edu](mailto:hornky@mlc-wels.edu)
- **The Compass Center**  
1800 W. 12<sup>th</sup> St. Ste 100  
Sioux Falls, SD 57104  
  
Michelle Markgraf, Executive Director  
1-605-339-0116  
1-877-IN-CRISIS  
[markgraf@thecompasscenter.org](mailto:markgraf@thecompasscenter.org)
- **CADA – Committee Against Domestic Abuse Brown County, Minnesota Victim Services**  
1 South State Street  
New Ulm, MN 56073  
  
Bernie Epper  
1-507-233-6663  
[bernie.epper@co.brown.mn.us](mailto:bernie.epper@co.brown.mn.us)

## Additional Resources regarding sexual harassment, assault, and violence

- **National Sexual Assault Hotline**  
1-800-656-HOPE  
operated by RAINN—the Rape, Abuse and Incest National Network
- **Minnesota Coalition Against Sexual Assault**  
<http://www.mncasa.org/>
- **About Sexual Violence**  
<http://www.mncasa.org/about.html>
- **Minnesota Statutes Pertaining to Sexual Violence**  
[http://www.mncasa.org/svji\\_legal\\_links.html](http://www.mncasa.org/svji_legal_links.html)
- **Seek Help – Community Services**  
<http://www.mncasa.org/seek.cfm>  
select help by county – particularly Brown & Nicollet Counties
- **National Center for the Victims of Crime**  
<http://www.victimsofcrime.org/>  
detailed information for victims, survivors and helpers
- **Rape, Abuse and Incest National Network**  
<http://www.rainn.org/>
- **Ways to reduce your risk of sexual assault**  
<http://www.rainn.org/get-information/sexual-assault-prevention>
- **Effects of Sexual Assault**  
<http://www.rainn.org/get-information/effects-of-sexual-assault>



- **Aftermath of Sexual Assault**  
<http://www.rainn.org/get-information/aftermath-of-sexual-assault>
  
- **Recovering from Sexual Assault**  
<http://www.rainn.org/get-information/sexual-assault-recovery>
  
- **California Coalition Against Sexual Assault**  
<http://calcasa.org/>
  
- **Hope**  
peer education group that addresses health issues on campus  
<http://www.wm.edu/so/hope>
  
- **Masculinity and Violence Issues**  
<http://www.xyonline.net/category/article-content/violence>
  
- **Men Against Sexual Violence**  
<http://www.menagainstsexualviolence.org/>
  
- **Men Can Stop Rape**  
<http://www.mencanstoprape.org>
  
- **National Sexual Violence Resource Center**  
<http://www.nsvrc.org/>
  
- **National Resource Center on Domestic Violence**  
  

1-800-799-SAFE  
<http://www.nrcdv.org/>
  
- **One in Four**  
national rape prevention peer organization  
<http://www.oneinfourusa.org/>
  
- **U.S. Department of Justice**  
<http://www.ovw.usdoj.gov/sexassault.htm>
  
- **Sexual Assault: For more information**  
Violence  
[www.center4research.org/2010/04/surviving-sexual-assault/](http://www.center4research.org/2010/04/surviving-sexual-assault/)  
  
Alcohol and Sexual Assault  
[www.athealth.com/practitioner/education/alc-assault.html](http://www.athealth.com/practitioner/education/alc-assault.html)  
  
Sexual Assault  
[www.hooah4health.com/prevention/injurytrauma/sexualassault.htm](http://www.hooah4health.com/prevention/injurytrauma/sexualassault.htm)  
  
Rape  
[www.rainn.org/statistics](http://www.rainn.org/statistics)  
  
Sexual Assault  
<http://www.womenshealth.gov/violence-against-women/>