



**TITLE IX:
SEXUAL MISCONDUCT POLICY**

Policy Number: MLC-7201

Responsible Office: Institutional Policy & Compliance
Contact: Title IX Coordinator

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Effective Date: TBD Next Review:

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I. Policy Statement

Martin Luther College (MLC) has high standards of respect and Christian kindness toward one another, including a learning and working environment free from unlawful harassment and discrimination. This Policy outlines the MLC's commitment to ensuring a campus free from sex discrimination, sexual harassment, and Sexual Misconduct, the steps for recourse for those individuals who have been subject to sex discrimination, sexual harassment, and Sexual Misconduct (including resources and options for such persons), and the procedures for determining whether a violation of College Policy occurred.

This Policy applies to conduct that constitutes sex discrimination and sexual harassment under applicable federal and state law and MLC Policy. For purposes of this Policy, "Sexual Misconduct" includes sexual harassment, Violence Against Women Act (VAWA) crimes of sexual assault, domestic violence, intimate partner violence, stalking, sexual exploitation, and other forms of sex-based misconduct as defined by applicable law and institutional standards. It further includes nonconsensual distribution of sexual images, sexual extortion, nonconsensual dissemination of a deepfake depicting intimate parts or sexual acts, and sex trafficking.

MLC will review this Policy regularly and revise it as necessary to reflect changes in law, regulations, or institutional practice. Updates will be made when appropriate to ensure continued compliance and effective implementation.

This Policy is provided annually during student registration to all students and employees and is made available through the Employee Handbook, Student Handbook, and other official College publications and platforms. A copy is posted at appropriate campus locations at all times. It is also available upon request to any student, employee, or other individual who reports experiencing Sexual Misconduct.

MLC is a Christian College of the Wisconsin Evangelical Lutheran Synod (WELS). As such, it seeks to conduct all aspects of campus life in keeping with Scripture and MLC's mission and beliefs. MLC teaches and expects students to live in accordance with Biblical principles regarding sexuality and relationships, as reflected in MLC's standards of conduct. At the same time, the College's response to Sexual Misconduct is grounded in the principle that every member of the campus community is entitled to safety, dignity, and protection under MLC Policy and applicable law, regardless of the circumstances surrounding the incident.

While certain aspects of this Policy may reference sexual conduct outside of marriage in the context of educational or disciplinary standards, such references are not intended to condone or approve such conduct. Likewise, an individual's personal conduct or circumstances never justify or excuse Sexual Misconduct committed against that individual.

MLC is committed to responding promptly and appropriately to reports of Sexual Misconduct and to providing Supportive Measures, fair procedures, and protective resources to all individuals involved.

II. Title IX Notice of Nondiscrimination

Martin Luther College is committed to providing an educational and employment environment that reflects respect for the dignity of every person and is free from unlawful discrimination and harassment. As a college of the Wisconsin Evangelical Lutheran Synod (WELS), Martin Luther College carries out this commitment in a manner consistent with its Christian mission, beliefs, and governing documents.

In accordance with Title IX of the Education Amendments of 1972, **“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.”**

Martin Luther College does not discriminate on the basis of sex in its education programs or activities, including admissions and employment. Title IX prohibits discrimination on the basis of sex, including sex-based harassment, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and other conduct prohibited by law.

In accordance with Minnesota Campus Sexual Misconduct Policy Law, this Policy also addresses the College’s prohibition of Sexual Misconduct, which additionally includes sexual violence, intimate partner violence, nonconsensual distribution of sexual images, sexual extortion, nonconsensual dissemination of a deepfake depicting intimate parts or sexual acts, and sex trafficking.

As a religious institution, Martin Luther College is entitled to certain exemptions from Title IX when the application of a provision of Title IX would be inconsistent with the religious tenets of the institution. Martin Luther College reserves and exercises its rights under applicable law to maintain policies and practices consistent with its religious beliefs and mission.

Questions or complaints regarding Title IX, sex discrimination, sexual harassment, or other forms of Sexual Misconduct may be directed to:

Title IX Coordinator
Michelle Markgraf
Martin Luther College
Office WCC 133
(507) 233-9135
policy@mlc-wels.edu

Deputy Title IX Coordinator
Andrea Wendland
Martin Luther College
HR Suite, Office WCC 158B
(507) 354-8221 x399
wendlaae@mlc-wels.edu

Individuals may also contact the Office for Civil Rights (OCR) of the U.S. Department of Education with questions or concerns regarding Title IX compliance:

Office for Civil Rights

U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
(800) 421-3481 or TDD (800) 877-8339
OCR@ed.gov

Martin Luther College prohibits retaliation against any person who reports discrimination, participates in an investigation or resolution process, or exercises rights protected by law or College Policy.

Martin Luther College reserves the right to update this notice as required by changes in federal or state law and institutional Policy.

III. Scope of the Policy

This Policy applies to all College community members, including students, employees, faculty, administrators, staff, trustees, volunteers, vendors, independent contractors, applicants for admission or employment, visitors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity with the College or on College property. This Policy may also apply to individuals who interact with College community members under certain circumstances. All College community members are required to follow College policies and local, state, and federal law.

Jurisdiction. This Policy applies to Sexual Misconduct committed by or against a College community member, including conduct that occurs on campus or College property and any incident of Sexual Misconduct that occurred at an event, program, organization, or activity sponsored by the College, on or off campus, such as study abroad and internships, and off campus conduct that occurs outside the context of a College-sponsored event or program that may cause or threaten to cause an unacceptable disruption at the College or which may interfere with an individual's right to a non-discriminatory educational or work environment.

This Policy applies to Sexual Misconduct within the scope of Title IX, as well as Sexual Misconduct committed by or against an MLC community member that does not fall within the scope of Title IX or that falls within the scope of the Minnesota Campus Sexual Misconduct Law.

Although the College maintains its right to uphold and apply its religious beliefs regarding sexual orientation and gender identity, the College does not tolerate Sexual Misconduct against any individual. All individuals are strongly encouraged to report incidents of Sexual

Misconduct, even if they are concerned that their own conduct may have violated the College's Standards of Conduct relating to sexual activity.

Not every report of Sexual Misconduct falls within the scope of Title IX. Under Title IX law and regulations, a Formal Complaint of sexual harassment must be dismissed under the College's Title IX process if:

- The conduct alleged in the Formal Complaint would not constitute sexual harassment, even if proven;
- The conduct did not occur in a College education program or activity; or
- The conduct did not occur against the person in the United States.

A dismissal from the Title IX process does not necessarily mean that the College is prohibited from addressing the conduct under another College policy or process.

IV. Policy Definitions

Actual Knowledge

MLC has received information that reasonably may constitute sex discrimination or sex-based harassment prohibited by this Policy. The College is considered to have actual knowledge when such information is reported to the Title IX Coordinator or to an employee who is required to share the information with the Title IX Coordinator.

Advisor

An individual selected by a party or appointed by MLC, if necessary, to accompany a party during the grievance process and to conduct cross-examination on the party's behalf during a live hearing.

Complainant

A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination or sexual harassment under this Policy.

Education Program or Activity

Locations, events, or circumstances over which MLC exercises substantial control over both the Respondent and the context in which the alleged sexual harassment occurs.

Formal Complaint

A document filed by a Complainant (including the Complainant's physical or digital signature) or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the College investigate the allegation. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the College's education program or activity. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, or by any additional method designated by the College.

Notice

Notice is the information provided to MLC, whether orally or in writing, that reasonably indicates possible sex discrimination or sex-based harassment. Notice may come from a Complainant, a witness, a third party, an anonymous report, or another source.

Remedies

Measures provided to a Complainant following a determination of responsibility that are designed to restore or preserve the Complainant's equal access to the MLC's education program or activity. Remedies may include the same individualized services provided as Supportive Measures and may also include disciplinary or other actions imposed on the Respondent.

Report

An account of the Sexual Misconduct that has allegedly occurred, and that has been provided to MLC by the Complainant, a third party, or an anonymous source.

Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sanctions

Disciplinary consequences imposed on a Respondent following a determination that the Respondent is responsible for violating this Policy.

Sexual Misconduct

The following forms of sex discrimination: Title IX sexual harassment, sexual assault, domestic violence, dating violence, stalking, and sexual exploitation. These are further defined in [Appendix A](#).

Supportive Measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are confidential and designed to restore or preserve equal access to the MLC's education program or activity without unreasonably burdening the other party, including measures to protect the safety of all parties and the educational environment, or to deter sexual harassment.

Supportive measures may include, but are not limited to: counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort; mutual restrictions and contact between the parties; changes in work or housing locations on campus; leaves of absence; increased security and monitoring of certain areas of the campus.

More information on Supportive Measures is available in [Appendix C: Supportive Measures](#).

Title IX Coordinator

The College's Title IX Coordinator is the designated representative with primary responsibility for coordinating the College's efforts to end Sexual Misconduct, prevent its recurrence, and address its effects. The Title IX Coordinator oversees and monitors the College's overall compliance with Title IX-related policies and developments; the implementation and oversight of complaint resolution processes, including review, investigation, and adjudication of Formal Complaints of Sexual Misconduct; the provision of educational materials and training for the campus community; and monitoring all other aspects of the College's Title IX compliance.

These responsibilities include, but are not limited to:

- Ensuring College policies and procedures and relevant state and federal laws are followed;
- Informing any individual, including a Complainant, a Respondent, or another individual, about the procedural options and processes used by the College, and about resources available at the College and in the community;
- Training and assisting any College employees regarding how to respond appropriately to a report of sex discrimination or Sexual Misconduct;
- Monitoring full compliance with all procedural requirements and time frames outlined in this Policy;
- Evaluating allegations of bias or conflict of interest relating to this Policy;
- Determining whether grounds for appeal under this Policy have been properly stated;
- Ensuring that appropriate training, prevention and education efforts, and periodic reviews of the College's climate and culture take place;
- Coordinating the College's efforts to identify and address any patterns or systemic problems revealed by reports and Formal Complaints;
- Assisting in answering questions related to this Policy;
- Recordkeeping of all incidents reported to the Title IX Coordinator; and
- Complying with the written notice requirements of the Violence Against Women Act (VAWA).

The College's Title IX Team includes the Title IX Coordinator, as well as appointed staff and faculty designees who may also be called upon to investigate or adjudicate Formal Complaints, review appeals, and/or facilitate informal resolutions to Formal Complaints. These team members include the Director of Human Resources, the Dean of Residential Life, Investigators, Decision-Makers, and Advisors. See [Appendix B Resources](#) at the end of this document for a Title IX Team list and contact information.

The Title IX Coordinator may appoint a designee to fulfill the functions of the Coordinator under this Policy. When this Policy refers to actions of the Title IX Coordinator, these actions may be fulfilled by the Title IX Coordinator or the Title IX Coordinator's designee. The College also reserves the right to outsource actions under this Policy to third parties, including actions

of the Title IX Coordinator, Investigator(s), Title IX Hearing Panel/Decision-Makers(s), and Appellate Decision-Maker(s).

V. Policy

A. Prohibited Conduct

1. Sexual exploitation, sexual assault, domestic violence, dating violence, and stalking. These terms are defined in [Appendix A](#).
2. Title IX Sexual Harassment: Discrimination on the basis of sex in MLC's education programs and activities (see Title IX of the Education Amendments of 1972 and its implementing regulations).

MLC prohibits unwelcome conduct that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the MLC's education program or activity, including:

Category	Definition	Examples
01. Quid Pro Quo	Conditioning an educational or employment benefit upon an individual's submission to unwelcome sexual advances.	A professor demanding sexual favors in exchange for a good grade.
02. Unwelcome Conduct (Hostile Environment)	Unwelcome sex-based conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies equal access to MLC's educational program or activity.	A student repeatedly sends sexually oriented jokes to a chat group, even when asked to stop. This causes a recipient to avoid the sender on campus and in the residence hall in which they both live.
03. Clery Act and Violence Against Women Act Crimes	Specific criminal acts defined by federal and state statutes, including sexual assault, domestic violence, dating violence, stalking, and hazing.	Sexual assault, physical or cyber-stalking, dating violence, domestic violence.
04. Sexual Exploitation	Taking non-consensual, abusive, or predatory sexual advantage of another person outside of standard harassment definitions.	Voyeurism, non-consensual recording/broadcasting of sexual activity, exposing genitals, deepfake pictures depicting intimate parts or sexual acts, or prostituting another student.

See [Appendix A](#) for definitions of prohibited sexual harassment behaviors.

B. Reporting Sexual Misconduct

MLC encourages individuals who have experienced any form of Sexual Misconduct to make a prompt report to the College. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment).

Reports may be made in person, by mail, or via telephone, online, or email, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the verbal or written report.

A report may be made at any time (including during non-business hours) via mail, telephone, online form, or email.

Students who wish to seek support after an incident of Sexual Misconduct, want to discuss options to address an incident of Sexual Misconduct, are considering filing a Formal Complaint, or have any questions about the Formal Complaint Resolution Process, should contact the Title IX Coordinator, who can also provide information regarding available Supportive Measures and other services, including health care, counseling, advocacy, and legal services.

The Title IX Coordinator may consult with or request assistance from the College official who has disciplinary authority over the Respondent when necessary to implement Supportive Measures, address interim concerns, impose disciplinary measures following a finding of responsibility, or otherwise carry out the requirements of this Policy. The disciplinary authority may provide information or assistance as appropriate, while maintaining the confidentiality of the Title IX process to the extent required by law and College Policy.

Reporting to the College

- [Online Reporting Form](https://mlc-wels-advocate.symplicity.com/public_report) (mlc-wels-advocate.symplicity.com/public_report)
Reports of Sexual Misconduct may be made via the online reporting form (see above). Individuals who file a report online can choose to remain anonymous. The individual making the report is encouraged to provide as much detailed information as possible to allow MLC to investigate the report and respond as appropriate. MLC is not obligated to investigate anonymous reports and will likely be limited in its ability to do so unless sufficient information is furnished to enable a meaningful investigation.
- Michelle Markgraf, Title IX Coordinator
Martin Luther College, 1995 Luther Court, New Ulm, MN 56073
WCC 133
Phone: (507) 233-9135
Email: policy@mlc-wels.edu
- Andrea Wendland, Director of Human Resources and Deputy Title IX Coordinator

Martin Luther College
HR Suite, Office WCC 158B
(507) 354-8221 x399
Email: wendlaae@mlc-wels.edu

- Faculty or staff
Note: [See D. Confidentiality](#) for information about faculty and staff reporting requirements.

Limited Immunity for Alcohol and Drug Violations

The College seeks to remove barriers to reporting incidents of Sexual Misconduct. An individual who has been drinking or using drugs at the time of an incident of Sexual Misconduct may be hesitant to make a report or participate in an investigation because of potential consequences for their own conduct. No student who, in good faith, reports an incident of Sexual Misconduct or participates in an investigation of Sexual Misconduct will be subject to disciplinary action for their own personal consumption of alcohol or other drugs related to that incident. MLC may recommend educational intervention, assessment, or counseling for alcohol or other drug use when appropriate.

Reporting to Law Enforcement

Some types of Sexual Misconduct prohibited by this Policy, such as Sexual Assault, are also crimes. Individuals who believe they may have been subjected to criminal Sexual Misconduct are encouraged to notify local law enforcement but are not required to. Individuals who would like to report Sexual Misconduct to law enforcement should contact the New Ulm Police Department by calling 911 or (507) 233-6750. This phone number is a direct call to the Police Department.

If you'd like assistance in notifying law enforcement, please contact the Title IX Coordinator. Individuals may file a criminal complaint and a Title IX complaint simultaneously. Reporting to law enforcement is not necessary for the College to proceed with a complaint resolution process. Minnesota law provides individuals who report crimes to law enforcement with certain rights. For further information, consult Crime Victim Rights, a publication of the Minnesota Department of Public Safety, or Minnesota Statutes Chapter 611A.

If a report is made to law enforcement, the College's process may proceed concurrently with a criminal investigation at the Complainant's request. The College will temporarily delay its investigation only when law enforcement requests it because proceeding would interfere with the criminal investigation. The College will resume its process when law enforcement determines that the delay is no longer necessary.

What Happens When a Report is Received

When a report of Sexual Misconduct is made to the College, the Reporting Party will be informed of how the report will be handled and of the options and resources available. Further details are available in the Grievance Process Procedure, which is available on MLC's Title IX webpage.

Who Receives Reports

Reports of Sexual Misconduct may be received by the Title IX Coordinator or other College officials designated to receive reports. The College will identify the individuals or offices authorized to receive reports and will provide current contact information for the Title IX Coordinator.

A person who receives a report but is not responsible for administering the College's Title IX process will direct or provide the report to the appropriate College official in accordance with applicable College Policy and law. Such a person may submit the report anonymously and without identifying the Complainant or Respondent.

Who May Access Information

Information related to a report will be shared only with individuals who have a legitimate need to know for the purpose of responding to the report, providing Supportive Measures, conducting an investigation or grievance process, implementing sanctions or remedies, or fulfilling legal or institutional obligations.

The College will take reasonable steps to protect the privacy of the individuals involved and the information provided during the process. Complete confidentiality cannot be guaranteed when information must be shared to respond to the report, comply with the law, or administer the College's policies and procedures.

How Information Will Be Used

Information provided in a report may be used to assess the nature of the report, provide Supportive Measures, determine whether further action is appropriate, conduct an investigation or grievance process when applicable, implement remedies or sanctions, address safety concerns, and comply with applicable legal requirements.

The College will explain to the Reporting Party, to the extent reasonably possible, how information provided in the report may be used and with whom it may be shared before the College takes action that requires additional disclosure of the information.

C. Immediate Action & Assistance

Anyone in immediate danger should call 911 for assistance. Further help may be obtained from campus security at (507) 276-4512. If possible, seek a safe location and wait for first responders to arrive. Obtain emergency medical care if needed.

Anyone who experiences sexual assault is encouraged to seek medical attention promptly, regardless of whether they intend to report. Treatment options available at the emergency room include:

- Treatment of injuries
- STI prevention
- Medical advice
- Forensic examination (sexual assault exam) to obtain evidence. This exam may be done without police involvement.

Preserving evidence immediately following the incident is important. It may be necessary for proof of the sexual assault or a VAWA crime, or in obtaining a protection order. Items that may be preserved include clothing, text messages, emails, social media, photographs, surveillance video, bedding, and medical records.

Confidential Resources are available for those who wish to maintain confidentiality. See [Section D, "Confidentiality and Privacy."](#)

Supportive measures are available regardless of whether a Formal Complaint is filed. See [Appendix C](#) for a list of Supportive Measures available at MLC. Supportive measures are offered free of charge. They are tailored to each person's needs and are non-disciplinary and non-punitive. They are used to restore or ensure equal access to educational resources for parties involved in the incident.

D. Confidentiality and Privacy

1. Confidential Resources

Individuals who have experienced or witnessed conduct that may be prohibited by this Policy may wish to speak with someone who can provide support while maintaining confidentiality. Confidential Resources are available to provide emotional support, discuss reporting options, and assist individuals in making informed decisions without automatically initiating a report to the College or a Title IX response, except as required by law.

Communications with Confidential Resources will generally not be shared with the Title IX Coordinator or other College officials without the individual's permission, unless disclosure is required by law or there is a significant threat to the individual's or others' health or safety.

Confidential Resources can:

- Provide emotional support and crisis intervention.
- Discuss available medical, counseling, and community resources.
- Explain reporting options, including reporting to the College and law enforcement.
- Assist individuals in understanding available Supportive Measures.
- Help individuals decide whether and when to make a report.

The following individuals serve as Confidential Resources for purposes of this Policy:

- Licensed professional counselors employed by or contracted with the College.
- Licensed health care providers providing medical services.
- Clergy or pastoral counselors acting within the scope of their confidential pastoral role, where applicable.
- MLC-appointed Confidential Resources: Tutors and Director of Women's Services

Speaking with a Confidential Resource does not constitute notice to the College or the Title IX Coordinator and generally will not trigger the College's Title IX response. MLC's on-campus Confidential Resource is the campus nurse, Director of Women's Services, and Tutors.

Kelsey Horn, RN
Main floor, LSC
(507) 441-1372
hornky@mlc-wels.edu

Angela Scharf
Augustana Hall 122
(507) 233-9127
scharfar@mlc-wels.edu

Rev. Gregory Heichelbech
Summit Hall 116
(507) 233-9104
heichegj@mlc-wels.edu

Rev. Malachi Mortensen
Concord Hall 102
(507) 233-9112
mortenmd@mlc-wels.edu

Off-campus Confidential Resources include:

- CADA (800) 477-0466 (*CADA is a non-profit victim services agency.*)
- Pastors from area churches
- RAINN (800) 656-HOPE (*RAINN is a national non-profit crisis line.*)

A person who speaks to a confidential resource should understand that if the person does not report the concern to MLC, then MLC will be unable to provide certain supportive/interim measures, conduct an investigation into the particular incident, or pursue disciplinary action. Individuals who first speak with a confidential resource may later decide to file a Formal Complaint with MLC or report the incident to local law enforcement.

Sexual Misconduct Screening: As part of an initial student health assessment and periodically thereafter, the MLC health service provider will ask students a brief, trauma-informed question regarding whether they have experienced Sexual Misconduct, sexual assault, dating violence, domestic violence, or stalking. Students who disclose an incident will receive information about available confidential and Non-Confidential Resources, counseling and mental health services, and options for reporting to the College or to law enforcement.

2. Other Employees

Most MLC employees are not Confidential Resources. They are encouraged, but not required, to promptly report the information to the Title IX Coordinator. This includes student employees.

All employees who learn of a Sexual Misconduct incident are encouraged to report it to the Title IX Coordinator, including all known information about the incident. If this is not possible, employees may make a report without identifying the Complainant. Employees should not promise confidentiality to the Complainant. They may need to disclose information to comply with federal and state laws.

3. Privacy

MLC will protect the privacy of individuals involved in reports of Sexual Misconduct to the greatest extent possible. Information will be shared only with individuals who have a legitimate need to know or as required by law.

At the start of any intake or interview, the Title IX Coordinator or designee will inform parties and witnesses about how their data will be used, who will have access to it, and their rights regarding information sharing.

- MLC generally will not share reports with law enforcement without the reporting individual's consent unless required by law, including mandatory child abuse reporting obligations or compliance with a subpoena or court order.
- MLC will collect, maintain, report, and publish Sexual Misconduct statistics as required by Minnesota Statute § 135A.15 and applicable federal law.
- Communications with designated on-campus counselors, health professionals, or victim advocates are legally confidential. Information shared with these resources will not be disclosed to Title IX Investigators or campus administrators without explicit written consent from the individual.

Requests for Privacy or No Action

An individual reporting Sexual Misconduct may request that MLC keep their identity private or decline to pursue a complaint resolution process. MLC will honor requests for privacy or for no action whenever possible. However, MLC may need to proceed with a complaint resolution process when necessary to provide a safe and nondiscriminatory educational environment or to meet its legal obligations.

The Title IX Coordinator will evaluate the request based upon several factors, including:

- The seriousness of the alleged misconduct;
- The respective ages and roles of the Complainant and Respondent;
- Whether there is a continuing threat to the Complainant or the campus community, including whether there are:
 - Prior complaints;
 - Prior findings;
 - Threats;
 - Multiple Respondents;
 - Weapons used; or
 - A pattern of behavior.

- Whether MLC possesses other means to obtain relevant evidence of the Sexual Misconduct (e.g., security footage, eyewitness, physical evidence);

If the Title IX Coordinator determines that it cannot maintain a Complainant's confidentiality or request for no action, the Title IX Coordinator will inform the Complainant prior to starting a complaint resolution process. In such cases, the Title IX Coordinator may, at the Complainant's request, communicate to the Respondent that the Complainant asked MLC not to investigate and that MLC determined it needed to do so.

A Complainant can choose not to participate in any complaint resolution process. In instances where the College proceeds with a complaint resolution process without the Complainant's participation, the Complainant will retain the same rights as provided under this Policy, even if the Complainant did not sign the Formal Complaint.

Mandatory Reporting Concerning Minors

Any College employee who becomes aware of the abuse (physical or sexual) or neglect of a child under the age of 18 on campus or in connection with any College event, program, or activity must report it immediately to the Title IX Coordinator.

- This may include online students who are under the age of 18

In addition, as a mandatory reporter under Minnesota law, such an individual must immediately report the abuse or neglect of a minor that occurred within the previous three years to the local welfare agency, the agency responsible for assessing or investigating the report, the police department, or the county sheriff. Minnesota law requires both a written and a verbal report.

- This includes students 18 and older who report abuse within the last three years, if they were under 18 at the time of the abuse.

E. Retaliation Prohibited

Retaliation is any act of intimidation, threat, coercion, discrimination, or any other adverse action (or threat thereof) against any participant in the complaint process. Such actions are retaliatory when they interfere with any right or privilege secured by Title IX, its regulations, or this Policy; or because the individual participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Encouraging or assisting others to engage in retaliation or to interfere with the process is also considered a violation of this Policy.

The College prohibits any form of retaliation, which includes, but is not limited to:

- Acts or comments intended to discourage a person from engaging in the activity protected under this Policy
- Acts or comments that are intended to influence whether someone participates in the complaint resolution process, including the live hearing;
- Acts or comments intended to embarrass the individual;
- Adverse changes in employment status or opportunities;

- Adverse academic action;
- Adverse changes to academic, educational, and extra-curricular opportunities.

Certain acts that do not constitute retaliation include:

- The exercise of rights protected under the First Amendment does not constitute retaliation.
- Charging an individual with a violation of the Code of Conduct for knowingly making a materially false statement in bad faith during a Title IX grievance proceeding does not constitute retaliation. However, a determination that a Respondent is not responsible, or that a Complainant's allegations are not substantiated, by itself is not sufficient to conclude that any party knowingly made a materially false statement or acted in bad faith.

Any individual who believes they have experienced retaliation should

- **Document everything:** Write down dates, times, names, and exactly what happened.
- **Save the evidence:** Keep copies of emails, text messages, social media posts, or bad grading rubrics.
- **Report it immediately:** Contact the Title IX Coordinator or Human Resources department.
- **Seek support:** Talk to a campus counselor, advocate, or a trusted mental health professional for emotional support.

MLC is committed to protecting the rights and safety of the Complainant, the Respondent, and any other parties involved in the complaint resolution process. The College will take immediate steps to investigate possible acts of retaliation and take appropriate action, up to and including expulsion/dismissal for students and termination/dismissal for faculty and staff.

F. Clery Act Reporting and Timely Warning

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 reported to the College, including the date, type of incident, Clery Act crime category (if known), and its general location (on or off-campus, in the surrounding area, but no addresses to be given). Clery reports may be made anonymously.

This information is published in the Annual Campus Security Report. This report provides the community with a clear picture of the extent and nature of campus crime, fostering greater community safety.

In addition, the Clery Act requires the College to issue a crime alert (timely warning) to the campus community about certain reported offenses that may represent a serious or continuing threat to students and employees. The timely warning may include that an incident has been reported, general information surrounding the incident, and how incidents of a similar nature

might be prevented in the future. The timely warning will not include any information that identifies the Complainant.

Minnesota law (Minnesota Statute 135A.15), requires institutions to collect statistics, without including any personally identifying information, on the number of reports of Sexual Assault received by an institution and the number of types of resolutions. Data collected for purposes of submitting annual reports containing those statistics to the Minnesota Office of Higher Education under Minn. Stat. 135A.15 shall only be disclosed to the Complainant, persons whose work assignments reasonably require access, and, at the Complainant's request, police conducting a criminal investigation. Nothing in this paragraph is intended to conflict with or limit the authority of the College to comply with other applicable state or federal laws.

G. Individual's Rights

MLC recognizes that Complainants and Respondents have rights throughout the Sexual Misconduct complaint resolution process. MLC will provide the parties with information about these rights, as outlined in the Minnesota Crime Victims Bill of Rights/Chapter 611A, and the procedures for exercising them.

Complainant (Reporting Party) Rights:

- Decide whether to report the matter to law enforcement, participate in a campus investigation, participate in an available informal resolution process, or decline to participate. A decision not to participate does not necessarily prevent MLC from proceeding with a complaint resolution process when permitted or required by applicable law or College Policy.
- Be treated with respect and in a manner that does not suggest that the Complainant is at fault for the alleged Sexual Misconduct or that the Complainant should have acted differently to avoid becoming a victim.
- Receive support in filing criminal charges with local law enforcement in sexual assault incidents, so long as it is the victim's decision to file charges.
- Be referred to fair and respectful health care and counseling services, as well as on- and off-campus community-based sexual assault advocacy and legal services.
- Decide when to repeat a description of an incident of Sexual Misconduct.
- Be informed of rights under the Minnesota [Crime Victim Bill of Rights](https://dps.mn.gov/divisions/ojp/crime-victims/crime-victim-rights)¹.
- Be informed of the availability of assistance from the Minnesota [Crime Victims Reparations Board & Commissioner of Public Safety](#).²

Rights of Responding Parties:

- Decide when to repeat a description of a defense to the allegations.
- Receive a written notice of allegations with sufficient detail to allow the Respondent to understand the allegations and prepare a meaningful response. It shall include the

¹ <https://dps.mn.gov/divisions/ojp/crime-victims/crime-victim-rights>

² Victim-Survivors must report to law enforcement to qualify for victim reparations.

identity of the Complainant, date, time, and location of the alleged misconduct, to the extent possible.

- Be presumed not responsible for the alleged conduct unless and until a determination of responsibility is made at the conclusion of the complaint resolution process. This presumption ensures that allegations are investigated and evaluated fairly and impartially based on the evidence gathered during the process.

Equal Procedural Rights:

- Be treated with respect, sensitivity, and dignity.
- Receive and have MLC coordinate appropriate academic and residential Supportive Measures, as needed and equitably, during the complaint resolution process.
- Supportive measures may include, but are not limited to, exam or assignment extensions, permitted class absences, changes in on-campus residence, and schedule changes.
- Receive privacy to the extent possible based on applicable law and College Policy.
- Parties may discuss the process with parents/legal guardians.
- Receive information about the applicable Policy and complaint resolution procedures;
- Receive written information about available support and resources and have an opportunity to discuss those resources.
- Request a hearing related to disciplinary action.
- Have an equal opportunity to question the credibility of the other party and witnesses, while the Decision-Maker will make the assessment of credibility, consistent with this Policy.
- Participate in a hearing without personally encountering the other party, including through video conference or closed-circuit television when applicable.
- Have any cross-examination conducted by the party's Advisor or the Decision-Maker, rather than personally by the party.
- Have an Advisor of their choice, who may be an attorney, present during meetings and campus disciplinary proceedings. MLC will provide an Advisor if needed.
- Be able to consult **an additional support person other than the Advisor**, if requested and deemed appropriate by the Title IX Coordinator or designee.
- Participate in or decline to participate in the complaint resolution process. A party's decision not to participate, either entirely or in part, does not necessarily prevent the process from proceeding based on the information available.
- Receive equitable procedures that provide both parties with a prompt, fair, and impartial complaint resolution process conducted by officials who receive annual training on issues related to sexual assault and VAWA crimes and on how to conduct an investigation and hearing process that protects the safety of the Complainant and promotes accountability.
- Receive notice of the allegations and defenses and have an opportunity to respond.
- Have an equal opportunity to identify relevant witnesses and other evidence and to suggest possible topics to be covered with witnesses during the Formal Complaint resolution process.

- Present and review relevant testimony.
- Receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings at which the party's participation is invited or expected, with sufficient time to prepare to participate.
- Receive timely notice of meetings that are part of the complaint resolution process at which the Complainant or Respondent may be present. See **Notice of Meetings** in [Section J](#).
- Be free from retaliation, as defined in this Policy.
- Appeal a decision or dismissal of a Formal Complaint when permitted under this Policy.
- Receive simultaneous written notification of the resolution, including the outcome of any appeal.
- Receive the assistance of campus personnel, during and after the complaint resolution process, in cooperation with appropriate law enforcement authorities, in shielding the Complainant or Respondent, at the party's request, from unwanted contact with the other party. Such assistance may include, but is not limited to, a College-issued no-contact directive, transfer to alternative classes or alternative MLC-owned housing when available and feasible, a change in work location or schedule, or reassignment when available and feasible.
- Receive assistance with academic issues related to the complaint resolution process.
- Receive the complete and prompt assistance of campus authorities, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with a Sexual Assault incident.
- Receive the assistance of campus authorities in preserving materials relevant to a campus complaint proceeding.
- Be provided access to their description of the incident as it was reported to MLC, including when the individual transfers to another post-secondary institution, subject to compliance with Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX, and other applicable federal or state law. Requests for an individual's description of the incident should be made to the Title IX Coordinator.
- Discuss information concerning a Sexual Misconduct complaint, investigation, or hearing without being required to enter into a nondisclosure agreement or other contract restricting the party's ability to discuss such information as a condition of exercising rights under this Policy, receiving financial aid, or receiving remedial action, except as otherwise permitted by law.
- Have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint.
- Receive the investigation report in electronic format or hard copy for review and written response.
- Access to financial aid or Supportive Measures will not be contingent on signing a nondisclosure agreement.
- Right to assistance, if requested, in securing victim services at a new institution or community when transferring to another institution.

H. Immediate and Ongoing Assistance Following an Incident of Sexual Misconduct
MLC will support any person adversely impacted by Sexual Misconduct. Both MLC and the surrounding community provide a variety of resources to assist and support individuals who have experienced Sexual Misconduct or are affected by allegations of Sexual Misconduct.

These resources, both immediate and ongoing, are available to all persons, regardless of whether they report to MLC or to law enforcement. Support services that may be available include, but are not limited to, connecting the individual with appropriate, fair and respectful counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and support services; making changes to academic, living, transportation, and/or working arrangements; assistance in filing a criminal complaint; and providing information about restraining orders and other available protections and services.

To receive information about obtaining support services, individuals should contact the Title IX Coordinator or a confidential resource. MLC will provide written notification to affected individuals about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within MLC and in the community. MLC's and the community's resources, both confidential and nonconfidential, are provided in [Appendix B](#) of this Policy and on MLC's website. Individuals who believe they have been subjected to any form of Sexual Misconduct are encouraged to seek support from these resources.

I. Right to Recourse

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 Amendments of 1972 and is enforced by OCR. A complaint of discrimination can be filed by **anyone who believes that an educational 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 U.S. Department of Education 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: 1-800-877-8339
Email: OCR.Chicago@ed.gov

J. Other Important Information

Notice of Meeting

During the Title IX proceedings, the College will provide written notice to all meetings. Notice of meetings will include:

- Date and Time
- Location
- Participants
- Purpose of the meeting

For all hearings, investigative interviews, or other meetings with a party, sufficient time will be given for the party to prepare to participate.

The other party will also receive notice of meetings that are part of the disciplinary process, in accordance with VAWA regulations.

Evidence and Relevance

The Decision-Maker will determine whether evidence is relevant and appropriate for consideration in the grievance process. Evidence concerning a party's character or sexual behavior may be considered when the Decision-Maker determines that the evidence is relevant and that it substantiates that the alleged Sexual Misconduct may have occurred.

Questions and evidence concerning the Complainant's sexual predisposition or prior sexual behavior are not considered relevant unless they are offered to establish that someone other than the Respondent committed the alleged conduct or concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to establish consent.

Mental Health and Medical Information

Mental health and medical information concerning the Complainant may be considered in the grievance process only if the Complainant has signed a release permitting the information to be considered, and non-relevant information has been redacted.

If the Respondent is found responsible for a Policy violation, relevant mental health or medical information concerning the Complainant may also be considered for purposes of determining appropriate sanctions.

Standard of Evidence

The standard for determining whether this Policy has been violated is whether it is more likely than not that the Respondent violated it. This is often referred to as the "Preponderance of Evidence" standard.

Timing

The College will seek to resolve Formal Complaints in a reasonably prompt manner, consistent with the need to conduct a fair, thorough, and impartial process. Although each matter is unique, the College generally strives to complete the formal resolution process within **90 to 120 calendar days** from the issuance of the Notice of Allegations through the issuance of the written determination, excluding any appeal.

The College may extend this timeframe for good cause, including but not limited to the complexity of the allegations, the number of parties or witnesses, the availability of participants, law enforcement activity, academic breaks, or other circumstances that may affect the investigation or adjudication. Any extension, along with the reason for it, will be communicated in writing to the parties.

Consolidation of Complaints

Complaints may be consolidated if there are multiple parties with complaints and/or there are cross claims of the same allegation.

Conflicts of Interest

Proceedings will be conducted by officials who do not have a conflict of interest or bias

- For or against Complainants or Respondents generally
- For or against an individual Complainant or Respondent

An adverse procedural ruling, participation in prior stages of the process as permitted by this Policy, or disagreement with a decision does not, in and of itself, establish bias or a conflict of interest. A conflict of interest or bias exists when a reasonable person would conclude that the individual's personal, professional, or financial interests, relationships, or demonstrated prejudice would materially impair the individual's ability to act impartially.

If the College determines that no qualified internal individual is available to serve free from an actual or apparent conflict of interest or bias, the College may appoint an appropriately trained external Investigator, Decision-Maker, or appeal Decision-Maker.

Reporting a conflict of interest or bias

A party who believes that the Title IX Coordinator, Investigator, Decision-Maker, appeal Decision-Maker, or other individual involved in the grievance process has a conflict of interest or bias that could affect the fairness of the proceedings may submit a written request for

review to the Title IX Coordinator. If the request concerns the Title IX Coordinator, the request shall be submitted to the President or the President's designee.

The request should be submitted as soon as the party becomes aware of the facts giving rise to the alleged conflict or bias and should identify the individual involved, describe the specific facts supporting the request, and explain how the alleged conflict or bias may affect the impartiality of the process.

Upon receipt of the request, the appropriate reviewing official will evaluate the information presented and may consult with the challenged individual or others as necessary. The reviewing official may request additional information from the requesting party before making a determination.

If the reviewing official determines that an actual conflict of interest or disqualifying bias exists, the challenged individual will be removed from the matter and replaced with another qualified individual. If no actual conflict of interest or disqualifying bias is found, the request will be denied, and the grievance process will continue.

Requests alleging a conflict of interest or bias should be made promptly after the party becomes aware of the relevant facts. Untimely requests may be denied unless the delay was reasonably justified.

Submission of a request for removal does not automatically suspend or delay the grievance process. The reviewing official may temporarily pause the process if necessary to ensure a fair and impartial resolution.

K. Written Determination

Following the Decision-Maker's determination, the College will provide the parties with written notice of the outcome in accordance with applicable law and this Policy.

Written Determination Release

The College will provide the parties with at least 24 hours' advance notice of the date and anticipated time of release of the written determination, unless circumstances require a shorter notice period. The notice will identify when and how the parties can expect to receive the written determination.

Timing of Written Determination Release

The College will make reasonable efforts to deliver the written determination during regular business hours. The College will not intentionally release an outcome at the end of a business day, on a weekend, or on a College holiday when doing so would prevent a party from reasonably accessing College personnel or resources to understand or respond to the outcome.

If circumstances require the College to release an outcome outside regular business hours, the College will provide information about available resources and the party's available rights and options.

Support and Resources

When the written determination is delivered, the College will provide information about available Supportive Measures and appropriate on-campus resources. The College will offer the parties an opportunity to identify questions about the outcome, applicable sanctions or remedies, and available appeal rights.

L. Appeals

Either party may appeal a dismissal of the allegation or a final determination of violation/no violation within five (5) calendar days. Appeals may be made solely upon the following grounds:

- A procedural error in the formal grievance process
- New evidence that was not previously available
- Conflict or bias of Martin Luther College officials involved in the grievance process that impacted the outcome

Both parties have the right to submit a written statement in support of, or challenging the appeal or its outcome.

Appeals are heard by the MLC-designated Appellate, who has not been part of any of the Complaint proceedings.

M. Training

The College is committed to ensuring that individuals involved in responding to reports and complaints of sexual harassment receive appropriate training to fulfill their responsibilities in a fair, effective, and consistent manner.

The College will provide training to Title IX Coordinators, Investigators, Decision-Makers, Appellate Decision-Makers, informal resolution facilitators, and Advisors who participate in the Title IX grievance process. Training will occur before an individual participates in the Title IX process and at least annually thereafter, as appropriate.

Training will address applicable requirements of Title IX, including the definition of sexual harassment, the scope of the College's education program or activity, the Title IX grievance process, informal resolution procedures, relevance of evidence, preparation of investigative reports, conducting hearings and appeals, and the obligation to serve impartially and avoid conflicts of interest or bias.

Individuals involved in the Title IX process will receive training regarding their specific responsibilities, including:

- conducting fair and impartial investigations;
- evaluating evidence objectively;
- making determinations based on the applicable standard of evidence;
- applying relevance standards during hearings and questioning; and
- protecting the rights of all parties throughout the process.

The College will maintain records documenting Title IX training, including the training dates, attendees, trainers, and training materials.

Training materials used to train Title IX personnel will be made publicly available on the College's Title IX webpage in accordance with applicable federal requirements.

N. Education and Prevention

MLC is committed to preventing and reducing the prevalence of Sexual Misconduct through education, training, and prevention programs. MLC will provide Sexual Misconduct education and training to students and employees as required by applicable federal and Minnesota law.

MLC's training programs will be culturally responsive and address the unique experiences and challenges faced by students based on characteristics identified in applicable Minnesota law.

Students

Student training will address, at a minimum,

- definitions of Sexual Misconduct;
- the definition of 'consent' as defined in 609.341 subdivision 4;
- procedures for reporting Sexual Misconduct;
- on- and off-campus resources, including organizations that support victims of Sexual Misconduct;
- prevention and reduction of the prevalence of Sexual Misconduct.

Students required to complete Sexual Misconduct training must complete the training within the timeframe required by Minnesota law. MLC will document completion of required training and will provide verification of completion to a student upon request.

Individuals responsible for responding to reports of sexual assault

MLC will provide comprehensive training to campus administrators responsible for investigating or adjudicating Sexual Misconduct complaints. MLC will also provide annual training to individuals responsible for responding to reports of Sexual Misconduct. Training will address topics required by applicable law, including prevention, responding to Sexual Misconduct, the dynamics of sexual assault, trauma-informed responses, investigation and adjudication procedures, applicable state and federal requirements, and the disciplinary process.

MLC may provide additional education and prevention programs for students and employees throughout the academic year.

O. Recordkeeping and Data Retention

The Title IX Coordinator is responsible for the secure maintenance and storage of all records related to Sexual Misconduct allegations.

Retention Period: All records must be retained in a secure, confidential file system for a minimum of seven (7) years from the date the case is closed.

Required Documentation: Retained records must include, but are not limited to:

- The initial report and any Formal Complaint filings.
- All evidence gathered, witness statements, and interview recordings.
- The written investigation report and all decision-making outcome documents.
- Documentation of any appeals and their resolutions.
- Records of any disciplinary actions or remedies implemented.

Supportive Measures Log: The institution will document every supportive measure offered, implemented, or declined (e.g., housing adjustments, academic extensions, or mutual no-contact directives). The institution must keep these records regardless of whether a Formal Complaint was ever filed.

VI. Related Procedures

- **Grievance Process Procedures:** Allegations subject to this Policy will be resolved in accordance with the College's Grievance Process Procedures, which are incorporated into this Policy by reference and made available to all parties upon commencement of the grievance process and on the College's website.

VII. Related Documents and Forms

- MLC-7202 Pregnancy and Related Conditions Policy
- MLC-7201 P-1 Title IX Grievance Procedures
- MLC-7201 P-2 Athletic Protocol
- MLC-7201 G-1 Title IX Supportive Measures
- MLC-7201 G-2 Annual Training Document

VIII. Enforcement

Martin Luther College will respond appropriately to all alleged violations of this Policy about which the College has Actual Knowledge. MLC'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

1. Whether the Complainant is willing to file a Formal Complaint and give consent to an investigation;
2. The location where the alleged or suspected conduct occurred; and
3. MLC's access to information relevant to the alleged or suspected violation of this Policy.

MLC is nonetheless committed to investigating all alleged and suspected violations of this Policy of which it has Actual Knowledge to the fullest extent possible under the circumstances. **Use of drugs or alcohol by the Respondent is not a defense against allegations of Sexual Misconduct.**

IX. Related Information

- [Minnesota Campus Sexual Misconduct Policy](#)
- [Federal Title IX Information](#)

X. Policy Locations

1. MLC Website: <https://mlc-wels.edu/student-life/title-ix-policy/>

XI. Policy History

Version	Date	Action	Description	Approved by
1.0		Initial Approval	New policy established.	VP Jeff Schone
2.0		Comprehensive Revision	Updated with revised law information; removed Grievance procedure; Changed flow of content.	Pres. Rich Gurgel

APPENDIX A: Prohibited Behaviors

See the end of Appendix A for a glossary of terms found in this section.

Dating Violence

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party's statement, with consideration of the length, type, and frequency of interaction between the persons involved.

Dating violence includes, but is not limited to, physical, verbal, emotional, psychological, or technical behaviors, or a pattern of any other coercive behavior, committed, enabled, or solicited to gain or maintain power and control over a victim.

For the purposes of complying with the requirements of this section and applicable Minnesota law, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. Minnesota statutes treat dating violence under the heading of Domestic Abuse and Violence.

Spiritual abuse, such as causing someone to doubt God or their faith, is strictly prohibited.

Domestic Violence

Domestic violence includes felony or misdemeanor crimes of violence committed by

- a. A current or former spouse or intimate partner of the victim;
- b. A person with whom the victim shares a child in common;
- c. A person who is cohabiting with or has cohabitated with the victim as a spouse or intimate partner;
- d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- e. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Domestic violence is prohibited by [Minnesota State Statute Section 518B.01:609.2242](#). While not exhaustive, the following are examples of conduct that can constitute domestic violence involving one of the persons listed above:

- a. Physical harm, bodily injury or assault;
- b. Infliction of fear of imminent physical harm, bodily injury, or assault; or
- c. Terroristic threats, criminal sexual conduct, or interference with an emergency call.

For the purposes of complying with the requirements of this section and Minnesota Statute section 518B.01, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Non-Consensual Sexual Contact

Sexual contact includes: intentional contact with the breasts, buttocks, 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.

Sexual Assault

Sexual assault is a forcible or nonforcible sex offense under the Uniform Crime Reporting System of the Federal Bureau of Investigation (FBI). Sexual assault includes:

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the person's consent, including instances in which the person is incapable of giving consent because of age or because of temporary or permanent mental incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. The age of consent in Minnesota is 16.

Sexual Exploitation

Sexual exploitation occurs when an individual takes sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, without consent. Sexual exploitation may include, but is not limited to:

- Intentional and repeated invasion of sexual privacy without consent (e.g., walking into the other person's room or private space without consent);
- Prostituting another person or sex trafficking, as defined by Minnesota Statute § 609.321, subd. 7a;
- Taking or distributing photographs/images, video or audio-recording, or electronically broadcasting (e.g., with a webcam) a sexual activity without consent, including nonconsensual dissemination of an image or recording that has been convincingly altered and manipulated to misrepresent the depiction of a person's intimate parts or sexual acts;
- Intentional removal or attempted removal of clothing covering an individual's intimate parts without consent;
- Intentionally allowing others to view/hear a sexual encounter (such as letting individuals hide in the closet or watch consensual sex) without consent;
- Engaging in voyeurism without consent;
- Ejaculating on another person without consent;

- Viewing or permitting someone else to view another's sexual activity or intimate body parts, in a place where that person would have a reasonable expectation of privacy, without consent;
- Knowingly transmitting an STI (sexually transmitted infection) or HIV to another person without that person's knowledge and consent;
- Exposing one's genitals or breasts in non-consensual circumstances;
- Inducing another person to expose his/her genitals or breasts in non-consensual circumstances;
- Distributing or displaying pornography to another in nonconsensual or unwelcome circumstances;
- Sexual extortion, as defined by Minnesota Statute § 609.3458.

Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others, or suffer substantial emotional distress.

Stalking behavior may include, but is not limited to:

- Repeated, unwanted, and intrusive communications by phone, mail, text message, email, and/or other electronic communications, including social media;
- Repeatedly leaving or sending the victim unwanted items, presents, or flowers;
- Following or lying in wait for the victim at places such as home, school, work, or recreational facilities;
- Making direct or indirect threats to harm the victim or the victim's children, relatives, friends, or pets;
- Damaging or threatening to damage the victim's property;
- Repeated posting of information or spreading rumors about the victim on the internet, in a public place, or by word of mouth that would cause a person to feel threatened or intimidated;
- Unreasonably obtaining personal information about the victim.

Stalking is also prohibited by [Minnesota Statutes Section 609.749](#). As defined by Minnesota law, stalking means "to engage in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim."

Sexual Misconduct Definitions

Coercion

Coercion or coercive behavior is conduct or intimidation that would compel an individual to do something against their will by (1) the use of physical force, (2) threats of severely damaging consequences, or (3) pressure that would cause a reasonable person to fear severely damaging consequences. Coercion or coercive behavior is more than an effort to persuade or

attract another person to engage in sexual activity. Coercion or coercive behavior differs from seductive behavior based on the degree and type of pressure someone uses to obtain consent from another.

Consent

Consent means words or actions given by a person in advance that clearly communicate a freely given, present agreement to participate in a particular sexual contact or activity. Words or overt actions clearly communicate consent when a reasonable person in the circumstances would believe those words or actions indicate a willingness to participate in a mutually agreed-upon sexual contact or activity. Although consent does not need to be verbal, verbal communication is the most reliable way to request and obtain consent. It is the responsibility of the person initiating the specific sexual contact or activity to obtain consent for that contact or activity.

The definition of consent is subject to the following:

- Consent is active, not passive. Silence or the absence of resistance or saying “no,” in and of themselves, cannot be interpreted as consent.
- Previous relationships or prior consent do not, by themselves, constitute consent to future sexual contact or activity. In cases involving prior relationships, the manner and nature of prior communications between the parties, as well as the context of the relationship, may be factors in determining whether consent was given.
- An existing sexual, romantic, or marital relationship does not, by itself, constitute consent.
- Consent to any one form of sexual contact or activity does not, by itself, constitute consent to any other form of sexual contact or activity.
- Consent can be withdrawn at any time. When consent is withdrawn, the sexual contact or activity for which consent was initially provided must stop.
- MLC places limitations on romantic or sexual relationships between faculty, staff, and students, even when it may appear that consent is present.
- Whether an individual actively and willingly participates in conduct may be a factor in determining whether there was consent.
- An individual known to be—or who should be known to be—incapacitated, as defined below, cannot consent to sexual contact or activity initiated by another individual.
- Use of alcohol or other drugs will never function to excuse behavior that violates this Policy.
- Consent can only be given by one who is of legal age. In Minnesota, the legal age of consent is 16.

Course of Conduct

Course of conduct includes two or more acts. This includes situations where a stalker—directly, indirectly, or through third parties—follows, monitors, observes, surveils, threatens, or communicates with or about a person, or interferes with their property.

Force

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 overcomes resistance or produces consent.

Incapacitation

Incapacitation is the physical and/or mental inability to understand the fact, nature, or extent of the sexual situation. Incapacitation may result from mental or physical disability, sleep, unconsciousness, involuntary physical restraint, or the influence of drugs or alcohol.

With respect to incapacitation due to the influence of drugs or alcohol, incapacitation requires more than being under the influence of drugs or alcohol; a person is not incapacitated just because they have been drinking or using drugs. Where drugs and/or alcohol are involved, incapacitation is determined based on the facts and circumstances of the particular situation looking at whether the individual was able to understand the fact, nature, or extent of the sexual situation, whether the individual was able to communicate decisions regarding consent, non-consent, or the withdrawal of consent, and whether such condition was known or reasonably known to the Respondent or a reasonable sober person in Respondent's position.

Regardless of their own level of intoxication, individuals who are initiating sexual contact are always responsible for obtaining consent before proceeding with sexual activity.

Reasonable Person

A person under similar circumstances and with similar identities to the victim.

Substantial Emotional Distress

Significant mental suffering or anguish, whether or not it requires professional treatment or counseling.

APPENDIX B: Resources

2026-2027 Title IX Team

Title IX Coordinator	Michelle Markgraf	policy@mlc-wels.edu	507.233.9135
Deputy Title IX Coordinator	Andrea Wendland	wendlaae@mlc-wels.edu	x399
Investigator	Rebecca Kvam	kvamrl@mlc-wels.edu	x226
Investigator	Rachel Youngblom	youngbrl@mlc-wels.edu	x314
Investigator	Sam Hunter		
Decision-Maker	Jackie Dalueg	daluegjl@mlc-wels.edu	x217
Decision-Maker	Linda Kramer	kramerlm@mlc-wels.edu	x296
Advisor	Sarah Gieseke	gieseksm@mlc-wels.edu	x401
Informal Resolution Facilitator	Jeff Schone	schonejl@mlc-wels.edu	x289
Appellate Decision-Maker			

MLC Confidential Resources

A person who speaks to a confidential resource should understand that if the person does not report the concern to the College, the College will be unable to provide certain interim actions or protective measures, conduct an investigation into the particular incident, or pursue disciplinary action. Individuals who first speak with a confidential resource and do not report the concern to the College may later decide to file a complaint with the College or report the incident to local law enforcement.

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Concord Hall 102
(507) 233-9112
mortenmd@mlc-wels.edu

Mental Health Counseling. Trained and experienced WELS/ELS counselors who can provide clinical counseling services to our College students meet with students on our campus. Online sessions are also available. MLC does not want financial constraints to prevent students from benefiting from counseling services. For this reason, the College can assist students with counseling costs. Those who would like to use these benefits need a referral from Ms. Angela Scharf or Rev. Jeff Schone.

Community Resources

Emergencies:

- Dial 911 | New Ulm PD non-emergency line: (507) 233-6750

Off-Campus Confidential Resources, Counseling, and Support

Victim Services

- CADA: Brown County Office (506 1st Street N, New Ulm)
 - 24-hour crisis line: 1-800-477-0466
 - Text an advocate: (507) 223-4200
 - Office: (507) 233-6663
- RAINN (*Rape, Assault, and Incest National Network*)
 - 1-800-656 HOPE (24-hour free and confidential hotline)
- SAFELINE (*National Resource Center on Domestic Violence*)
 - 1-800-630-1425

Counseling

- Christian Family Solutions (44 Good Counsel Dr, Mankato)
 - 1-800-438-1772
- Minnesota Crisis Connection
 - 1-866-379-6363

Health Care Options

- New Ulm Medical Center (Emergency Room)
1324 Fifth Street North, New Ulm
(507) 217-5000
- New Ulm Medical Center Clinic
1324 Fifth Street North, New Ulm
(507) 217-5011
Monday – Friday: 7:30 am to 5:00 pm
Saturday – Sunday: Closed
- Madelia Health – New Ulm Clinic
2700 S Broadway Street, Suite 2, New Ulm
(507) 441-7600
Monday – Friday: 8 am to 5 pm
Saturday – Sunday: Closed

Visa and Immigration Assistance

On Campus: MLC Cultural Engagement Center
Office: Megan Kassulke, LSC 114C
(507) 354-8221 x275
kassuemr@mlc-wels.edu

Off Campus:
US Citizenship and Immigration Services
2901 Metro Drive, Suite 100
Bloomington, MN 55425

Student Financial Aid (On Campus)

Director of Financial Aid

Annette Schultz

WCC 103

(507) 354-8221 x 221

financialaid@mlc-wels.edu

APPENDIX C: Supportive Measures

Supportive measures are available regardless of whether an individual files a Formal Complaint, participates in a grievance process, or reports the matter to law enforcement.

The College is required to comply with an individual's reasonable request for a living and/or academic situation change following an alleged incident of Sexual Misconduct. The Title IX Coordinator is responsible for coordinating the implementation of Supportive Measures and will work with appropriate College offices to identify and implement reasonable measures.

Supportive measures include, but are not limited to:

Academic Support

- Excused absences related to the incident or participation in the Title IX process
- Extensions for assignments, exams, or academic requirements
- Academic tutoring or assistance
- Assistance with course withdrawal or incomplete grades
- Schedule adjustments
- Changes in class sections, instructors, or academic arrangements when reasonably available
- Assistance with academic planning to minimize disruption

Housing and Residential Life Support

- Room change (including expedited room changes)
- Change in residence hall assignment
- Temporary housing arrangements
- Adjustments to roommate assignments
- Assistance navigating residence hall concerns
- Increased residential staff check-ins

Work or Student Employment Support

- Adjustments to work schedules or locations
- Changes in work assignments
- Assistance addressing workplace interactions
- Temporary modifications to student employment arrangements

No-Contact and Communication Measures

- Mutual no-contact directives
- Restrictions on communication between parties
- Adjustments to shared activities, meetings, or events
- Assistance in managing unavoidable contact

Counseling and Emotional Support

- Access to counseling services
- Referrals to off-campus counseling providers
- Mental health resources
- Support groups or pastoral care resources (if applicable)
- Crisis support resources
- Spiritual care, either on- or off-campus

Safety Measures

- Safety planning
- Assistance in contacting campus security or local law enforcement (if requested)
- Escort services
- Increased monitoring of specific locations when appropriate
- Transportation assistance

Campus Access and Participation

- Adjustments to participation in athletics, clubs, organizations, or campus activities
- Alternative arrangements for internships, field experiences, or other placements
- Changes to dining arrangements
- Access to campus resources in different ways

Accessibility Measures

If an individual has a disability or health-related need:

- Coordination with disability services
- Reasonable accommodations
- Adjustments to participation in the process

The Title IX Coordinator determines which measures are appropriate for a particular individual on a case-by-case basis. Such measures will vary based on the particular facts and circumstances, including but not limited to the specific need expressed by the individual, the age of the individuals involved, the severity or pervasiveness of the allegations, any continuing effects on the individual, whether the Complainant and Respondent share the same residence hall, dining hall, class, transportation, or job location, and whether other judicial measures have been taken to protect the individual.

To request supportive/interim measures, individuals should contact the Title IX Coordinator. The College will maintain the confidentiality of any Supportive Measures provided to an individual, to the extent that maintaining such confidentiality would not impair the College's ability to provide them. The College will disclose only the information necessary to provide Supportive Measures in a timely manner to individuals who need to know it to effectively provide those Supportive Measures.

The Title IX Coordinator will determine what information about an individual should be disclosed and to whom, based on the facts and circumstances of the specific situation and the accommodation to be provided. The College will inform the individual before sharing personally identifying information that the College believes is necessary to provide an accommodation or supportive measure. The College will tell the individual which information will be shared, with whom, and why.

Additional services are available on campus and/or in the community, as described in [Appendix B](#). Any concern about a violation of a supportive measure should be reported to the Title IX Coordinator promptly.

APPENDIX D: Title IX Sanctions

Range of Sanctions and Remedies

Faculty and staff who are found to have violated this Policy will be subject to disciplinary action up to and including discharge or termination.

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 Martin Luther College property and termination of any contractual or other arrangements.

When the College is unable to offer a resolution to an alleged violation of this Policy because a Complainant insists on confidentiality or for some other reason, the College will nonetheless take steps to limit the effects of any actions that violate this Policy and will work to prevent any recurrence of violation.

The sanctions/remedies that may be used by the Decision-Makers are:

- Verbal or written warnings
- Probationary status
- Required compliance with sanctions
- Restriction of privileges
- Housing suspension or expulsion
- Residence reassignment
- Suspension ranging from five days to five years, with reinstatement requirements that may include behavioral contracts, required assessment or education, demonstrated rehabilitation, conditions upon the individual's presence on campus or at College events, and any other potential conditions on reinstatement
- Restricted or limited participation in athletics, clubs, leadership positions, study abroad, or other similar activities
- Expulsion
- Withholding of diploma or degree for a defined period of time or until the completion of assigned sanctions
- Temporary or permanent revocation of degree
- Revocation of admission to the College
- Mandatory assessment, counseling, education, or training
- Behavioral contracts
- Community service hours
- Restriction of privileges
- Temporary or permanent restricted access to areas of campus, and campus events, activities, organizations, or courses
- Conditions when present on campus or at College events
- No trespass or no contact orders
- Reassignment or removal from an elected or appointed position
- Loss of salary or benefit, such as sabbatical, research, or travel funding

- Transfer or change of job or responsibilities
- Rescind a Call
- Formal censure
- Demotion
- Suspension (with or without pay)
- Non-renewal of contract
- Termination

Emergency removal from the education program or activity

The College may remove a Respondent from the education program or activity on an emergency basis, only after:

- Undertaking an individualized safety and risk analysis; and
- Determining if an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
- Providing the Respondent with notice and an opportunity to challenge the decision immediately following the removal while respecting all rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, as applicable.

Non-student employees may be placed on administrative leave during the grievance process.

Student employees:

Student employees serve in dual roles as both students and employees. The College may implement employment-related actions under this section while separately considering any educational restrictions under the Emergency Removal provisions of this Policy.

A Respondent who is employed by the College as a student employee may be placed on administrative leave from their employment during the pendency of a Title IX grievance process when appropriate. Administrative leave may include temporary reassignment, modification of work duties, suspension from employment, or other employment-related actions.

Any administrative leave decision will be based on an individualized assessment of the circumstances and will consider the safety and well-being of the parties, the College's operational needs, and applicable employment policies.

Administrative leave under this section applies only to the Respondent's employment. It does not, by itself, restrict the Respondent's participation in the College's educational programs or activities. Any restriction on a student Respondent's participation in educational programs or activities may occur only through the College's Emergency Removal procedures or other applicable provisions of this Policy.

APPENDIX E: Training

All Title IX team members (Coordinators, Investigators, Decision-Makers, Advisors, Facilitators) receive training on:

- The definition of sexual harassment in § 106.30
- The scope of the education program or activity
- How to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes
- How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- The obligation to treat parties equitably
- Confidentiality and privacy expectations
- The prohibition against retaliation
- Any technology to be used at a live hearing

Investigator training includes:

- Relevant evidence gathering
- Interviewing techniques
- Preparing investigative reports
- Assessing credibility without relying on stereotypes

Decision-Maker training includes:

- Issues of relevance
- Applying the standard of evidence
- Evaluating evidence objectively
- Making written determinations

Advisors conducting questioning training includes:

- Conducting cross-examination in a manner consistent with Title IX requirements
- Determining relevance of questions
- Rules regarding evidence and questioning

Informal Resolution Facilitators training includes:

- Informal resolution processes
- Voluntariness requirements
- Appropriate resolution methods and limitations

See the College's Title IX webpage for full training details.