

Title IX Sex Discrimination and Sex-Based Harassment Policy - Arizona, Mayo Clinic Health System, Rochester

This Policy and accompanying [Procedure](#) apply to all locations except Florida, as determined in the discretion of MCCMS. For the Florida location(s), [Title IX Sexual Harassment Policy](#) and accompanying [Title IX Sexual Harassment Complaint Resolution Procedure](#) will apply.

Scope

Applies to the following individuals when, on or after August 1, 2024 and in all locations except Florida, Sex Discrimination, including Sex-Based Harassment, occurs within MCCMS's Education Programs or Activities:

- All Mayo Clinic Employees, including Consulting Staff, Administrative Voting Staff, Allied Health Employees, employed Research Temporary Professionals, faculty members, and other Employees;
- Applicants for employment or admission to educational programs;
- All Learners including recognized Learner or student organizations;
- Third parties (such as non-employee physician/scientists, patients, alumni, contractors, vendors, and visitors);
- Any other member of Mayo Clinic's community.

This Policy does not apply to Sex Discrimination that occurs outside the scope of MCCMS's Education Programs or Activities. Nevertheless, MCCMS will address a sex-based hostile environment under its Education Programs or Activities even when conduct alleged to be contributing to the hostile environment occurred outside MCCMS Education Programs or Activities or outside of the United States.

While this Policy is the exclusive policy governing Sex Discrimination that occurs within MCCMS's Education Programs or Activities, Reports and Complaints of Sex Discrimination may implicate conduct that violates other MCCMS policies and standards. For example, such Sex Discrimination may be prohibited by the [Learner Professional Conduct Policy](#) if committed by a Learner, the [Unacceptable Conduct Policy](#) if committed by a member of the Consulting/Voting Staff, or the [Mayo Clinic Code of Conduct](#) and other Mayo Clinic policies and standards if committed by any individual identified in the Scope. Additionally, Sex Discrimination that occurs outside the scope of this Policy is governed by the [Learner Professional Conduct Policy](#) if committed by a Learner, the [Unacceptable Conduct Policy](#) if committed by a member of the Consulting/Voting Staff, or the [Mayo Clinic Code of Conduct](#) and other Mayo Clinic policies and standards if committed by an individual identified in the Scope, including but not limited to the [Faculty Misconduct Policy](#).

Purpose

To reinforce that respect, including consideration and courtesy, is a Mayo Clinic Value and expected of everyone. MCCMS is committed to providing a learning and working environment that promotes mutual respect, including one free from harassment and

violence. This policy is intended to foster all of Mayo Clinic's Values, including personal responsibility, individual accountability, and civility toward others.

To communicate MCCMS's position on Sexual Harassment and expectations for appropriate behavior in Educational Programs and/or Activities; and to provide all members of the MCCMS community with a framework for addressing, resolving, and remediating Sexual Harassment that may arise in those contexts.

To comply with federal, state, and local laws related to Sexual Harassment in educational programs and activities, including:

- Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681;
- The Violence Against Women Act of 2013 (VAWA); and
- State and local laws concerning Sexual Harassment in educational settings.

Policy

- MCCMS does not discriminate on the basis of sex and prohibits Sex Discrimination in its Education Programs or Activities as required by Title IX of the Education Amendments of 1972 and its implementing regulations, Title VII of the Civil Rights Act of 1974, and other applicable state and local laws.
 - MCCMS's prohibition on Sex Discrimination extends to all aspects of its operations, including admissions and employment.
 - MCCMS prohibits various forms of Retaliation as provided by law.
 - Reports and Complaints of Sex Discrimination may be made to MCCMS's Title IX Coordinator, whose contact information is specified [below](#).
- MCCMS prohibits all forms of Sex Discrimination, including Adverse Treatment Sex Discrimination, Policy or Practice Sex Discrimination, and Sex-Based Harassment, which includes Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.
- Members of the MCCMS community who commit Sex Discrimination are subject to the full range of MCCMS discipline including but not limited to verbal warning; written warning; disciplinary hold on academic and/or financial records; performance improvement/management process; required counseling; required training or education; campus access restrictions; no trespass order (with respect to campus locations); no contact directive (with respect to an individual); loss of privileges; loss of oversight, teaching, or supervisory responsibility; probation; termination of contract (for contractors); demotion; loss of pay increase; transfer (employment); termination of contractual arrangements; revocation of offer (employment or admissions); disciplinary suspension; suspension with pay; suspension without pay; dismissal; degree revocation; termination of employment; and any combination of the same.
- MCCMS will provide persons who have experienced Sex Discrimination ongoing remedies as reasonably necessary to restore or preserve access to MCCMS's Education Programs or Activities.
- Consistent with Title IX, MCCMS provides certain supports and modifications for persons who are experiencing pregnancy or pregnancy related conditions. See [Lactation Policy](#) which governs the provision of such supports and modifications.

- MCCMS has designated a Title IX Coordinator to respond to questions about this Policy and the [Title IX Sex Discrimination and Sex-Based Harassment Complaint Resolution Procedure](#) (Procedure), Title IX and its implementing regulations; to receive Reports and Complaints of Sex Discrimination as further explained in this Policy, and to coordinate and oversee MCCMS's response to Sex Discrimination as dictated by the Policy, [Procedure](#), and applicable laws and regulations. The Title IX Coordinator's name and contact information is:

Amy Boyer

Title IX Coordinator

Office Phone: 507.284.4714

Cellular: 507.269.9873

Email: Boyer.Amy@mayo.edu

- The Title IX Coordinator may assign one or more designees to carry out some of MCCMS's responsibilities for compliance with Title IX and its implementing regulations, but the Title IX Coordinator retains ultimate oversight for those responsibilities.
- In addition to the Title IX Coordinator, questions about Title IX and its implementing regulations may be referred to the U.S. Department of Education's Office for Civil Rights ("OCR"). Contact information for OCR is available at <https://ocrcas.ed.gov/contact-ocr>.
- The Title IX Coordinator or a designee may deviate from the applicable procedure when deemed appropriate under the circumstances and when consistent with applicable law while still allowing MCCMS to fulfill its mission and maintain a safe, non-discriminatory learning environment.
- MCCMS retains full discretion to enforce its other policies and standards with respect to applicable conduct, whether prior to, at the same time as, or after allegations of Sex Discrimination have been resolved pursuant to this Policy.

Reporting Sex Discrimination

- Any person may Report Sex Discrimination to the Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, anonymously, or by any other means that results in the Title IX Coordinator receiving the person's Report.
 - In-person Reports must be made during normal business hours, but Reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours. Individuals may report Sex Discrimination, including making anonymous reports through the Compliance Hotline at 888-721-5391, or by emailing [The Compliance Hotline](#).

- Reports can also be made through the following numbers:

Location	Contact
Arizona	(480) 342-0576
Florida	(904) 953-2323
Minnesota	
Albert Lea, MN	Emergency 27777 or (507) 377-4774 Non-emergency (507) 668-2100
Austin, MN	Emergency 29999 Non-emergency (507) 440-7786
Mankato, MN	(507) 385-4801 or ext. 44801
Rochester, MN	Downtown location (507) 284-2179 TTD Line (Hearing Impaired) (507) 266-0564 St Mary's location (507) 255-5108 TDD Line (Hearing Impaired) (507) 255-1512
Wisconsin	
Eau Claire, WI	(715) 838-3994
La Crosse, WI	(608) 392-3956 (Monday – Friday) (608) 498-1246 (All hours)

- All Mayo Clinic Employees involved in or supporting MCCMS programs and activities, who are not designated as [Confidential Employees](#), are required to promptly report potential Sex Discrimination in MCCMS's Education Programs or Activities to the Title IX Coordinator.
 - An Employee's duty to report is triggered when:
 - The Employee receives a report of potential Sex Discrimination from another person;
 - The Employee observes potential Sex Discrimination; or
 - The Employee learns about potential Sex Discrimination through some other means.
 - Employee reports may not be anonymous; they may not be anonymous reports through the Compliance Hotline.
- While [Confidential Employees](#) are not required to report potential Sex Discrimination to the Title IX Coordinator, Confidential Employees must:
 - Explain their confidential status to any person who informs the Confidential Employee about potential Sex Discrimination, including the circumstances in which the Confidential Employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute Sex Discrimination.
 - Provide such person with contact information for the Title IX Coordinator.

- Explain how the individual may make a complaint of Sex Discrimination directly to the Title IX Coordinator.
- Explain that the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.
- Notwithstanding the [above statement](#), a Confidential Employee must comply with any applicable state or local law that requires the Confidential Employee to report, in alignment with other Mayo Clinic policies, certain conduct to a state agency or local law enforcement, such as laws mandating the reporting of sexual abuse of minors, imminent threats of suicide or physical violence, or the abuse of the elderly or persons who are under a conservatorship.
- MCCMS may host public awareness events regarding Sex Discrimination, in person on campus or through an online platform. When potential Sex Discrimination is disclosed in the context of a public awareness, MCCMS will not act on the information solely because of the disclosure at the public awareness event, unless the information reveals an immediate and serious threat to the health or safety of any person. However, the Title IX Coordinator will use information disclosed during a public awareness event to inform efforts to prevent Sex Discrimination, including by providing tailored training and education.
- The Title IX Coordinator will monitor MCCMS's Education Programs or Activities for any barriers to reporting potential Sex Discrimination and take steps reasonably calculated to address any such barriers.

Special Advice for Individuals who have Experienced Sexual Assault, Domestic Violence, Dating Violence, or Stalking

- If you believe you are the victim of Sexual Assault, Domestic Violence, or Dating Violence, MCCMS recommends the following:
 - If the incident has just occurred, seek safety as quickly as possible.
 - Contact law enforcement by calling 911. MCCMS strongly encourages victims to report to law enforcement. However, the decision to notify law enforcement will, in almost all cases, be left to the victim.
 - Seek medical attention, including a SANE examination.
 - Preserve all forms of electronic communication that occurred before, during, or after the assault.
 - Contact a trusted person, such as a friend or family member for support.
 - Talk with a professional licensed counselor, chaplain, or health care provider who can help explain options, give information, and provide emotional support.
 - Make a report to the Title IX Coordinator.
- Once a report of Sexual Assault, Domestic Violence, Dating Violence, or Stalking is made, the victim has several options such as, but not limited to:
 - Receiving assistance with accessing fair and respectful health care and counseling services.
 - Obtaining [Supportive Measures](#).
 - Contacting parents or a relative.

- Seeking legal advice.
- Seeking personal counseling.
- Pursuing criminal or civil legal action against the perpetrator.
- Submitting a Complaint to the Title IX Coordinator.
- Requesting that no further action be taken.
- Requesting further information about MCCMS policies and procedures for addressing Sex Discrimination.
- Requesting further information about available resources.
- Mayo Clinic can assist individuals in providing information on how to obtain a personal protection order (PPO) through civil courts. If a victim elects to report an incident to law enforcement, at the request of the victim, MCCMS personnel, as designated by the Title IX Coordinator, will assist in notifying the appropriate law enforcement officials.

Supportive Measures

Availability of Supportive Measures

- If a Report is not closed after a preliminary assessment (see [Procedure](#)), the Title IX Coordinator will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to make a Complaint.
- MCCMS offers and makes available Supportive Measures to Respondents in the same manner in which it offers and makes them available to the Complainant.
- Supportive Measures that unreasonably burden a Respondent will only be imposed after a Complaint is made and will be terminated at the conclusion of the investigation and adjudication process. Supportive Measures will not be imposed for punitive or disciplinary reasons.
- For Supportive Measures, other than those that burden a Respondent, MCCMS may, as appropriate, modify or terminate such Supportive Measures at the conclusion of the investigation and adjudication process or at the conclusion of any informal resolution process, or MCCMS may continue them beyond that point if determined necessary.
- Either party may request that the Title IX Coordinator modify, augment, or terminate Supportive Measures, after their imposition, if circumstances have changed materially.
- If a party affected by Supportive Measures qualifies as a person with a disability under applicable law, the Title IX Coordinator may consult, as appropriate, with the individual or office at MCCMS designated to provide support to persons with disabilities to ensure that MCCMS complies with relevant disability law in the implementation of Supportive Measures.
- Supportive Measures are confidential and will not be disclosed to persons other than the party to whom the Supportive Measure pertains unless wider disclosure is necessary to provide the Supportive Measure. MCCMS may inform a party of Supportive Measures provided to or imposed on the other party only if necessary to restore or preserve that party's access to MCCMS's Education Programs or Activities.

Right to Challenge Supportive Measures

- If a party is affected by the Title IX Coordinator's decision relating to Supportive Measures and wishes to seek a modification or reversal of the decision, the party may appeal the matter to the Operations Administrator (OA) responsible for each School within MCCMS.
 - Such an appeal must be made in writing and generally must be made within seven days of the date the party is notified of the decision that they wish to appeal, provided, however, that the designated OA may hear appeals made outside the seven-day window for good cause shown, after considering all the facts and circumstances.
 - If the Supportive Measures at issue in an appeal are ones that may affect the other party, the designated OA will notify the potentially affected party and allow that party to submit a written response, prior to deciding the appeal. The decision of the designated OA is final and not subject to further review.
- If a Supportive Measure burdens the Respondent, the Respondent will be given an opportunity to appeal the imposition of the Supportive Measure prior to the Supportive Measure taking effect unless such pre-imposition appeal is impractical, in which case the Respondent will be given an opportunity to appeal as soon as possible after the Supportive Measure has taken effect.

Treatment with Dignity

- Mayo Clinic prohibits members of the MCCMS community from suggesting that a Complainant is at fault for the reported Sex Discrimination or that the Complainant should have acted in a different manner to avoid being a victim of Sex Discrimination.
- In line with Mayo Clinic Values, specifically of Respect, all members of the MCCMS community are expected to treat Complainants, Respondents, witnesses, and others involved in a Sex Discrimination matter with dignity, while also supporting the impartial investigation and personal accountability for any violations of this Policy.
- To the extent it does not otherwise conflict with the requirements of other sections of this Policy and [Procedure](#), Complainants and Respondents have the right to decide when and whether to repeat a description of an alleged incident of Sex Discrimination.

Interim Removal

- At any time after receiving a report of Sex Discrimination, the Title IX Coordinator may remove a Learner Respondent from one or more of MCCMS's Education Programs or Activities on a temporary basis if an individualized risk and threat analysis determines that an immediate threat to the health or safety of any Learner or other individual arising from the allegations of Sex Discrimination justifies removal. In the event the Title IX Coordinator imposes an interim removal, the interim removal is subject to [appeal](#).
- In the case of a Respondent who is non-learner MCCMS personnel (e.g., administrator, faculty, or staff), and in its discretion, MCCMS may place the Respondent on full or partial administrative leave at any time after receiving a

report of Sex Discrimination, including during the [investigation](#) and [adjudication](#) process (see also [Procedure](#)).

- For all other members of the Mayo Clinic community, MCCMS retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sex Discrimination or otherwise.

Making a Complaint

- A person may make a Complaint with the Title IX Coordinator requesting that MCCMS investigate and adjudicate Sex Discrimination in accordance with the statements in the [Investigation](#) and [Adjudication](#) sections and the [Procedure](#).
 - The person must:
 - Meet the definition of [Complainant](#);
 - Be a person who has the legal right to act on a Complainant's behalf;
 - Be the Title IX Coordinator; or
 - With respect to Complaints of Sex Discrimination other than Sex-Based Harassment, be a third-party who is participating or attempting to participate in MCCMS's Education Programs or Activities when the alleged Sex Discrimination occurred.
- Complaints may be made to the Title IX Coordinator in person, by regular mail, or by email using the [contact information specified above](#).
- In deference to the agency of alleged victims of Sex Discrimination, the Title IX Coordinator will exercise the authority to make a Complaint only after careful consideration of multiple factors suggests there is an immediate and serious threat to the health or safety of the Complainant or other person or where not making a Complaint would prevent MCCMS from maintaining a non-discriminatory environment.
 - Factors to be considered include:
 - The Complainant's request not to proceed with initiation of a Complaint;
 - The Complainant's reasonable safety concerns regarding initiation of a Complaint;
 - The risk of additional Sex Discrimination;
 - The severity of the alleged Sex Discrimination, including whether the discrimination, if established, would require the removal of the Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
 - The age and relationship of the parties involved;
 - Whether the alleged perpetrator is personnel;
 - The scope of the alleged Sex Discrimination, including information suggesting a pattern, ongoing Sex Discrimination, or Sex Discrimination alleged to have impacted multiple individuals;
 - The availability of evidence; and

- Whether MCCMS could end the alleged Sex Discrimination and prevent its recurrence without initiating the investigation and adjudication procedures.
- If the Complainant or the Title IX Coordinator makes a Complaint, MCCMS will commence an [investigation](#) and proceed to [adjudicate](#). (See also [Procedure](#).) In all cases where a Complaint is made, the Complainant will be treated as a party, irrespective of the party's level of participation.
- In a case where the Title IX Coordinator makes a Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.
- If the Title IX Coordinator elects not to make a Complaint, and no other person makes a Complaint, the Title IX Coordinator will still evaluate the need for and, if appropriate, implement other prompt and effective steps to ensure that Sex Discrimination does not continue or recur in MCCMS's Education Programs or Activities and to remedy its effects, if any.

Consolidation of Complaints

- MCCMS may consolidate Complaints as to allegations of Sex Discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sex Discrimination arise out of the same facts or circumstances.
 - Where the investigation and adjudication processes involve more than one Complainant or more than one Respondent, references in this Policy or [Procedure](#) to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. A Complaint of Retaliation may be consolidated with a Complaint of Sex Discrimination.

Dismissal of Complaint

- Any time after a Complaint is made, the Title IX Coordinator may dismiss it for any of the following reasons:
 - MCCMS is unable to identify the Respondent after taking reasonable steps to do so.
 - The Respondent is not participating in or involved in MCCMS's Education Programs or Activities.
 - The Complainant voluntarily withdraws any or all of the allegations in the Complaint, in writing, and the Title IX Coordinator determines that without the withdrawn allegations, the conduct that remains part of the Complaint, if any, would not constitute Sex Discrimination even if proven.
 - After first taking reasonable efforts to clarify the allegations, the Title IX Coordinator determines that the conduct alleged in the Complaint, even if proven, would not constitute Sex Discrimination.
- Even if a Complaint is dismissed, the Complainant and, as applicable, the Respondent, are still eligible for [Supportive Measures](#), and the Title IX Coordinator will evaluate whether to take other prompt and effective steps to ensure that Sex Discrimination does not continue in MCCMS's Education Programs or Activities.

Investigation

Commencement and Timing

- After the written notice of a Complaint is transmitted to the parties, the Title IX Coordinator, or their designated investigator, will undertake an investigation to gather evidence relevant to the alleged Sex Discrimination, including inculpatory and exculpatory evidence.
 - The burden of gathering evidence sufficient to reach a determination in the adjudication lies with MCCMS and not with the parties.
- Although the length of each investigation may vary depending on the totality of the circumstances, MCCMS strives to complete each investigation within 60 days of the transmittal of the written notice of the Complaint.

Fair Notice and Equal Opportunity

- During the investigation, the investigator will provide advance written notice to a party of the date, time, location, participants, and purpose of all meetings and investigative interviews pertaining to that party, with sufficient time for the party to prepare to participate. The investigator will provide an equal opportunity for the parties to be interviewed, to identify witnesses (including fact and, at the discretion of the Title IX Coordinator), and to present other inculpatory and exculpatory evidence.
- The investigator retains discretion to limit the number of witness interviews conducted if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically [inadmissible](#). The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.
- The investigation is a party's opportunity to present testimonial and other evidence that the party believes is Relevant to the allegations in the Complaint. A party who is aware of and has a reasonable opportunity to present evidence and/or identify witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

Respondent Acceptance of Responsibility

- The Respondent may, at any time prior to the issuance of a written investigation report, accept responsibility for the conduct underlying the Complaint.
- If the Respondent accepts responsibility prior to the issuance of a written investigation report, the Title IX Coordinator/Designee will refer the case to the appropriate sanctioning official for imposition of any appropriate disciplinary or remedial action. In such cases, the sanctioning official will issue a written decision, including the sanctions imposed; whether the Complainant will receive any ongoing supportive measures or other remedies as determined by the Title IX Coordinator; and a description of the process and grounds for Appeal.

Documentation of Investigation

- The Title IX investigator will take reasonable steps to ensure the investigation is documented. The method utilized to memorialize the interviews of parties and

witnesses will be determined by the investigator in the investigator's sole discretion and will be used consistently throughout the investigation, to the extent possible.

Adjudication

- MCCMS conducts separate adjudication procedures based on whether the Complaint is based on Sex Discrimination, or Sex-Based Harassment with a Learner Complainant or Learner Respondent. See [Procedure](#) for both adjudication procedures.
- If the adjudicator conducts separate conferences or meetings with each party and their advisor or with witnesses, an audio or audiovisual recording or transcript of the conference or meeting will be prepared and maintained in the record. The adjudicator will provide copies of the recordings, or transcripts of the recordings, to the parties.
- Regarding resolution processes held in matters of Sex-Based Harassment with a Learner Complainant or Learner Respondent:
 - After the pre-submission conference, the adjudicator will convene and conduct a resolution process pursuant to this Policy.
 - At the adjudicator's discretion, the resolution process may be conducted with the adjudicator, the parties, the advisors, witnesses, and other necessary MCCMS personnel together in the same physical location.
 - While this Policy and rulings from the adjudicator will govern the particulars of the resolution process, the resolution process will include, at a minimum:
 - Opportunity for each party to address the adjudicator directly and to respond to questions posed by the adjudicator.
 - Opportunity for each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the adjudicator during one or more individual meetings, including follow-up meetings, with a party or witness, including questions that support or challenge credibility.
 - Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect.
 - Except as otherwise permitted by the adjudicator, the resolution process will be closed to all persons except the parties, their advisors, the investigator, the adjudicator, the Title IX Coordinator, and other necessary MCCMS personnel.
 - While a party has the right to attend and participate in the resolution process with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the resolution process in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the adjudicator.
 - Subject to the minimum requirements specified in this Policy, the adjudicator will have sole discretion to determine the manner and

particulars of any given resolution process and questions of admissibility. The adjudicator will independently screen questions to ensure they are clear, relevant, and not harassing, and will exclude questions and evidence that are [inadmissible](#). The adjudicator will give a party's advisor an opportunity to clarify or revise a question that the adjudicator has determined is unclear or harassing and, if sufficiently clarified or revised, the question will be permitted. The adjudicator will resolve any other objections raised by the parties and will explain the rationale for any evidentiary rulings, including any decision that a question or evidence is not relevant.

- The resolution process is not a formal judicial proceeding and strict rules of evidence do not apply. The adjudicator will have discretion to modify the [Procedure](#), when good cause exists to do so, and provided the minimal requirements specified in this Policy are met.
- In the event a party or witness who was interviewed during the investigation declines involvement in the resolution process, or does not respond to questions that have been deemed relevant and not impermissible, the adjudicator may consider the individual's statements, although the adjudicator must consider whether the individual's failure to respond to questions about their credibility should affect the weight to be given to such statement. The adjudicator may choose to place less or no weight upon the individual's prior statements, provided that the adjudicator may not draw an inference about whether Sex-Based Harassment occurred based solely on a party's or witness' refusal to respond to questions.

Sanctions

- See relevant sanctioning policy/procedures for Respondents:
 - For Learners:
 - [Warning, Probation, Dismissal, and Appeal Policy](#)
 - [Warning, Probation, Dismissal, and Appeal Procedure](#)
 - For Mayo Clinic Employees and other individuals as identified in the Scope, as applicable:
 - [Appeals Procedure – Arizona, Florida, Rochester](#) (Consulting/Voting Staff)
 - [Appeals Procedure](#) (Allied Health)
 - [Faculty Misconduct Policy](#)
 - [Faculty Misconduct Investigation and Appeal Procedure](#)
 - Third parties (such as nonemployee physician/scientists, patients, alumni, contractors, vendors, and visitors)
- The investigatory provisions of the above policies and procedures do not apply to investigations under this Policy. The appropriate Sanctioning Official will communicate decisions regarding sanctions to the adjudicator, and they will be included in the adjudicator's written decision. The determination of sanctions is final, subject only to the right of Appeal provided in this Policy.

Appeal

- Either party may appeal the written decision of an adjudication, or a dismissal of a Complaint, on one or more of the following grounds:
 - A procedural irregularity that would change the determination of whether a Policy violation occurred.
 - There is new evidence that would change the outcome of the matter and that was not reasonably available at the time the determination of whether the Policy was violated occurred or dismissal was made.
 - The Title IX Coordinator, investigator, or adjudicator had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that would change the outcome.
- No other grounds for appeal are permitted.
- Based on the Respondent's status (Learner, Employee, third party), the relevant Appeal procedures are found in corresponding policies/procedures identified below:
 - For Learners:
 - [Warning, Probation, Dismissal, and Appeal Policy](#)
 - [Warning, Probation, Dismissal, and Appeal Procedure](#)
 - For Mayo Clinic Employees and other individuals as identified in the Scope, as applicable:
 - [Appeals Procedure - Arizona, Florida, Rochester](#) (Consulting/Voting Staff)
 - [Appeals Procedure](#) (Allied Health)
 - [Faculty Misconduct Policy](#)
 - [Faculty Misconduct Investigation and Appeal Procedure](#)
 - Third parties (such as nonemployee physician/scientists, patients, alumni, contractors, vendors, and visitors)
- The determination of a Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal committee has resolved all appeals, either by dismissal or by transmittal of a written decision.
- No further review beyond the appeal is permitted.

Advisor of Choice

- From the point a Complaint is made that involves Sex-Based Harassment and a Learner Complainant or Learner Respondent, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent in such a case will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and resolution processes that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney. The right to be accompanied by an advisor does not apply with regard to other Complaints of Sex Discrimination unless required under separate policy or agreement.

- Except for the questioning of witnesses during the resolution process the advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with MCCMS about the matter without the party being included in the communication. If a party's advisor of choice engages in material violation of the parameters specified in this section and [resolution process](#), MCCMS may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.
- If a party is not able to secure an advisor to attend any part of the resolution process, MCCMS will provide the party an advisor, without fee or charge, who will conduct questioning on behalf of the party during the resolution process. MCCMS will have sole discretion to select the advisor it provides. The advisor MCCMS provides may be, but is not required to be, an attorney.
- MCCMS is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the resolution process, and one is provided to conduct questioning on behalf of the party. For this reason, MCCMS may prohibit its employees from serving as advisors where such service would interfere with the employee's work or other obligations to MCCMS or where such employee's service would create a conflict of interest.
- As a general matter, the advisor described in this section is the only person who may accompany a party to meetings, interviews, or any other parts of the resolution process. To the extent MCCMS deviates from this rule and allows a party to be accompanied by one or more persons in addition to an advisor, the same right must be extended to the other party.

Inadmissible Evidence and Impermissible Questioning

- During the investigation and adjudication processes, questioning and evidence of the following subject matters are inadmissible and impermissible:
 - Evidence that is protected under a privilege as recognized by federal, state, or local law, or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
 - A party's records that are maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party, unless MCCMS obtains that party's voluntary, written consent for use in MCCMS's investigation and adjudication process.
 - The Complainant's sexual interests or prior sexual conduct unless such questions and/or evidence is offered to prove that someone other than the Respondent committed the alleged conduct or is offered to prove consent with evidence concerning specific incidents of the Complainant's prior sexual conduct with the Respondent. The fact of prior consensual sexual conduct between the Complainant and Respondent does not demonstrate or imply the Complainant's consent to the alleged Sex Discrimination or preclude a determination that Sex Discrimination occurred.

Informal Resolution

- At any time after the parties are provided written notice of the Complaint as specified in the [Procedure](#), and before the completion of any [appeal](#), the parties

may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution, the goal of which is to enter into a final resolution resolving the allegations raised in the Complaint by agreement of the parties. The Title IX Coordinator may reject the use of informal resolution in a specific case despite one or more of the parties' wishes. Informal resolution will not be permitted in any case where informal resolution would otherwise conflict with federal, state, or local law.

- During the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.
- A written and signed resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by MCCMS, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to MCCMS.
- A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.
- Absent extension by the Title IX Coordinator, any informal resolution process must be completed within 21 days of agreement by the parties. If an informal resolution process does not result in a resolution within 21 days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.
- Nothing in this section diminishes the Title IX Coordinator's obligation to take prompt and effective steps when necessary to ensure that Sex Discrimination does not continue or recur within MCCMS's Education Programs or Activities.

Presumption of Non-responsibility

- From the time a Report or Complaint is made, a Respondent is presumed not responsible for the alleged Sex Discrimination until an adjudication of responsibility is made final.

Resources

- Any individual affected by or accused of Sex Discrimination will have equal access to support and counseling services offered through MCCMS. MCCMS encourages any individual who has questions or concerns to seek support of MCCMS identified resources. MCCMS, as well as outside organizations, will provide resources to support those who have experienced Sex Discrimination. A [list of MCCMS identified resources](#) is located below in Policy Notes.
- Victims of criminal conduct have rights under the Crime Victims Bill of Rights in Minnesota, including but not limited to, the right to assistance from the Crime Victims Reimbursement Board and the Commissioner of Public Safety.

- MCCMS will, at the request of a Complainant choosing to transfer to another postsecondary institution, provide information about resources for victims of Sex Discrimination at the institution to which the Complainant is transferring.

Conflicts of Interest, Bias, and Procedural Complaints

- The Title IX Coordinator, investigator, adjudicator, appeals officer, informal resolution facilitator, and other officials implementing this Policy will be free of any material conflicts of interest or material bias. Any party who believes one or more of these MCCMS officials has a material conflict of interest or material bias must raise the concern promptly so that MCCMS may evaluate the concern and find a substitute, if appropriate. The failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any [appeal](#), or otherwise.

Objections Generally

- Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that MCCMS may evaluate the matter and address it, if appropriate.

Constitutional Rights and Academic Freedom

- MCCMS will construe and apply this Policy and [Procedure](#) consistent with the U.S. Constitution and MCCMS's principles of academic freedom. In no case will a Respondent be found to have violated this Policy based on conduct that is protected by the U.S. Constitution and/or principles of academic freedom.

Relationship with Criminal Process

- This Policy and [Procedure](#) set forth MCCMS's processes for responding to Reports and Complaints of Sex Discrimination. MCCMS's processes are separate, distinct, and independent of any criminal processes. While MCCMS may temporarily delay its processes under this Policy and [Procedure](#) to avoid interfering with law enforcement efforts if requested by law enforcement, MCCMS will otherwise apply this Policy and [Procedure](#) without regard to the status or outcome of any criminal process.

Relationship with Other Legal Process

- In some cases, allegations of Sex Discrimination under this Policy may be the subject of parallel civil lawsuits, administrative complaints, or regulatory processes under federal, state, or local law. The pendency of such parallel litigation may necessitate a delay or modification of the processes set forth in this Policy and Procedure, especially where they may interfere with the authority of a court or regulatory body with jurisdiction over such parallel litigation, violate rules or orders governing such parallel litigation, violate the rights of a party in such parallel litigation, or create a conflict of interest for MCCMS itself. In such instances, MCCMS retains discretion to pause, modify, or terminate proceedings under this Policy and [Procedure](#).

Recordings

- Wherever this Policy specifies that an audio or video recording will be made, the recording will be made only by MCCMS and is considered property of MCCMS, subject to any right of access that a party may have under this Policy, FERPA, and other applicable federal, state, or local laws. The surreptitious recording of

any meeting, interview, or other interaction contemplated under this Policy is strictly prohibited.

Volunteers, Vendors, Contractors and Third Parties

- MCCMS does business with various volunteers, vendors, contractors, and other third-parties who are not Learners or Employees of MCCMS. Notwithstanding any rights that a given volunteer, vendor, contractor, or third-party Respondent may have under this Policy, MCCMS retains its right to limit any person identified in the Scope or broader community's access to campus for any reason. MCCMS retains all rights it enjoys by contract or law to terminate its relationship with any member of the Mayo Clinic community irrespective of any process or outcome under this Policy.

Bad Faith Complaints and False Information

- It is a violation of this Policy for any person to submit, or to aid or abet another to submit, a Report or Complaint that the person knows, at the time the Report or Complaint is submitted, to be false or frivolous.
- It is a violation of this Policy for any person to knowingly make, or to aid or abet another to make, a materially false statement during the course of an investigation, adjudication, or appeal under this Policy, although a party, witness, or other person who knowingly makes a materially false statement will not be punished based solely on MCCMS's determination of whether Sex Discrimination occurred.
- Violations of this section are not subject to the investigation and adjudication processes in this Policy and [Procedure](#); instead, they will be addressed under the Learner Code of Conduct in the case of learners and other MCCMS policies and standards, as applicable, for other persons.

Retaliation

- It is a violation of this policy to engage in Retaliation. Reports and Complaints of Retaliation may be made in the manner specified above in [Reporting Sex Discrimination](#), and [Making a Complaint](#) and in the [Procedure](#). Any Report or Complaint of Retaliation will be processed under this Policy and [Procedure](#) in the same manner as a Report or Complaint of Sex Discrimination. MCCMS retains discretion to consolidate a Complaint of Retaliation with a Complaint of Sex Discrimination for investigation and/or adjudication purposes.

Confidentiality

- MCCMS will keep confidential the identity of any individual who has made a Report or Complaint of Sex Discrimination or Retaliation including any Complainant, the identity of any individual who has been reported to be a perpetrator of Sex Discrimination or Retaliation including any Respondent, and the identity of any witness or other participant in MCCMS's investigation and adjudication processes except:
 - When the individual has provided prior written consent to disclose their identity;
 - When disclosure is permitted by FERPA or its implementing regulations;
 - As otherwise required by applicable federal, state, or local law;

- As required by Federal regulations or the terms and conditions of a Federal award, including a grant award or other funding agreement; or
- As necessary to carry out the purposes of Title IX and its implementing regulations, including the requirement to take action to address potential Sex Discrimination under MCCMS's Education Programs or Activities.
- MCCMS will maintain the confidentiality of its various records generated in response to Reports and Complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records. Notwithstanding the foregoing, MCCMS may disclose any record if permitted by FERPA or its implementing regulations as otherwise required by applicable federal, state, or local law, or as necessary to carry out the purposes of Title IX and its implementing regulations, including the requirement to address potential Sex Discrimination under MCCMS's Education Programs or Activities.
- MCCMS will advise the parties, advisors, support people, witnesses, and employees involved in investigations and Complaint resolution of the need to protect privacy and the need to exercise ethical behavior in discussing incidents of Sex Discrimination.
- To the extent information relevant to a Complaint, investigation, or Title IX matter may implicate potential coverage by the Health Insurance Portability and Accountability Act (HIPAA), individuals possessing such information must notify the Title IX Coordinator, who will consult with appropriate institutional officials to ensure MCCMS appropriately handles such information.
- Notwithstanding MCCMS's general obligation to maintain confidentiality as specified herein, the parties to a Complaint will be given access to investigation and adjudication materials in the circumstances specified in this Policy and [Procedure](#). Such investigation and adjudication materials, including the investigation report and appended evidence, and the written decision, are for the sole use of the party (and, if the party is entitled to one, an advisor) in the proceedings contemplated by this Policy and [Procedure](#); such materials may not be disseminated to third parties or otherwise published. If a party violates the confidentiality rules governing investigation and adjudication materials, the party is subject to disciplinary action under applicable MCCMS and/or Mayo Clinic conduct and confidentiality policies and standards.
- While MCCMS will maintain confidentiality specified in this section, MCCMS will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the way they communicate about, or discuss a particular case, may constitute Sex Discrimination or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in this Policy and [Procedure](#).
- Certain types of Sex Discrimination are considered crimes for which MCCMS must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifiable information.

Other Violations of this Policy

- Alleged violations of this Policy, other than violations of the prohibitions on Sex Discrimination and Retaliation, will be subject to review and resolution under

applicable MCCMS and/or Mayo Clinic conduct and confidentiality policies and standards.

Amnesty

- To encourage reporting and the gathering of information, MCCMS will not sanction a party or witness participating in a good faith Sex-Based Harassment complaint or investigation for drug or alcohol use related to the incident, provided that the drug or alcohol violations did not and do not place the health or safety of any other person at risk. MCCMS may require the individual to attend a course or pursue other educational interventions related to alcohol and drugs. MCCMS's commitment to amnesty in these situations does not prevent action by police or other legal authorities against an individual who has illegally consumed alcohol or drugs. Amnesty does not extend to violations of alcohol or drug policies that pertain to illegal distribution of alcohol or drugs to other persons.

Signatures and Form of Consent

- For purposes of this Policy and [Procedure](#), either a physical signature or digital signature will be sufficient to satisfy any obligation that a document be signed. Where this Policy and [Procedure](#) provides that written consent must be provided, consent in either physical or electronic form, containing a physical or digital signature, will suffice.

Deadlines, Time, Notices, and Methods of Transmittal

- Where this Policy and [Procedure](#) specifies a period of days by which some act must be performed, the following method of calculation applies:
 - Exclude the day of the event that triggers the period.
 - Count every day, including intermediate Saturdays, Sundays, and legal holidays recognized by the federal government.
 - Include the last day of the period until 5:00 p.m. central time, but if the last day is a Saturday, Sunday, or legal holiday recognized by the federal government, the period continues to run until 5:00 p.m. central time on the next day that is not a Saturday, Sunday, or legal holiday recognized by the federal government.
- All deadlines and other time periods specified in this Policy and [Procedure](#) are subject to modification by MCCMS where, in MCCMS's sole discretion, good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the investigator, adjudicator, or the parties; the need to consult with MCCMS's legal counsel; unforeseen weather events; and the like.
- Any party who wishes to seek an extension of any deadline or other time period may do so by filing a request with the investigator, adjudicator, appeals officer, or Title IX Coordinator, depending on the phase of the process. Such request must state the extension sought and explain what good cause exists for the requested extension. The MCCMS officer resolving the request for extension may, but is not required to, give the other party an opportunity to object. Whether to grant such a requested extension will be in the sole discretion of MCCMS.
- The parties will be provided written notice of the modification of any deadline or time period specified in this Policy and [Procedure](#), along with the reasons for the modification.

- Where this Policy and [Procedure](#) refers to notice being given to parties “simultaneously,” notice will be deemed simultaneous if it is provided in relative proximity on the same day. It is not necessary that notice be provided at exactly the same hour and minute.
- Unless otherwise specified in this Policy and [Procedure](#), the default method of transmission for all notices, reports, responses, and other forms of communication specified in this Policy and [Procedure](#) will be email using MCCMS email addresses. If a party does not have an MCCMS email address, the party will be required to provide an email address to the Title IX Coordinator at the inception of a matter. A party may not insist or demand that MCCMS communicate only through a party’s representative, including an attorney.
- A party is deemed to have received notice upon transmittal of an email to their MCCMS email address or, if they do not have a MCCMS email address, the email address they supply to the Title IX Coordinator at the inception of a matter.
- If unforeseen circumstances necessitate notice be provided by U.S. mail, a party will be deemed to have received notice three days after the notice in question is postmarked.
- Any notice inviting or requiring a party or witness to attend a meeting, interview, or any part of the resolution process will be provided with sufficient time for the party to prepare and will include relevant details such as the date, time, location, purpose, and participants. Unless a specific number of days is specified elsewhere in this Policy or [Procedure](#), the sufficient time to be provided will be determined in the sole discretion of MCCMS, considering all the facts and circumstances, including, but not limited to, the nature of the meeting, interview, or any part of the resolution process; the nature and complexity of the allegations at issue; the schedules of relevant MCCMS officials; approaching holidays or closures; and the number and length of extensions already granted.

Other Forms of Discrimination

- This Policy and [Procedure](#) applies only to Sex Discrimination. Complaints of other forms of protected-status discrimination, such as discrimination based on race, national origin, ethnicity, age, and disability, are governed by other applicable policies.

Facts and Determinations Binding

- If a Complaint is dismissed or proceeds to a written decision of adjudication, and after any such dismissal or written decision is final, the facts and determinations made by MCCMS are binding on the parties and may not be relitigated, challenged, or otherwise collaterally attacked by the parties in any other MCCMS process or procedure.
- A Complainant may not file successive Complaints under this Policy about the same incident or course of conduct, even if the Complainant alleges a new theory of Sex Discrimination arising from the same incident or course of conduct that was the subject of a prior written decision.
- To the extent a complaint of Policy and Practice Discrimination has proceeded to a written decision, such written decision is binding on different Complainants with respect to the same Policy and Practice Discrimination, unless such different

Complainant alleges materially different facts that could result in a different outcome.

Outside Appointments, Dual Appointments, and Delegations

- MCCMS retains discretion to retain and appoint suitably qualified persons who are not MCCMS employees to fulfill any function of MCCMS under this Policy and [Procedure](#), including, but not limited to, the Title IX Coordinator, investigator, adjudicator, informal resolution facilitator, and/or appeals committee.
- MCCMS retains discretion to appoint two or more persons to jointly fulfill the role of investigator, adjudicator, informal resolution facilitator, and/or appeals officer.
- The functions assigned to a given MCCMS official under this Policy and [Procedure](#), including but not limited to the functions assigned to the Title IX Coordinator, investigator, adjudicator, informal resolution facilitator, and appeals committee, may, in MCCMS's discretion, be delegated by such MCCMS official to any suitably qualified individual and such delegation may be recalled by MCCMS at any time.

Dual Status Persons

- Where an individual is both a Learner and an Employee, and to the extent the distinction between Learner or Employee status is material for any standard, obligation, right, or process set forth in this Policy and [Procedure](#), the Title IX Coordinator will determine the individual's status for purposes of this Policy and [Procedure](#). Such determination is made after a fact-specific inquiry that includes consideration of relevant circumstances, including whether the individual's primary relationship to MCCMS is to receive an education or to work, and in what capacity the person was acting (or failing to act) regarding the events in question.

Exercise of Rights

- The rights afforded to Complainants and Respondents throughout this Policy and [Procedure](#) are personal to Complainants and Respondents and may not be exercised by a third-party unless the third-party has the legal right to act on the party's behalf.
- As a general rule, parents do not have the right to act on behalf of adult learners and are not entitled to participate in the investigation and adjudication processes in this Policy and [Procedure](#) unless they are acting in the role of an [advisor](#). If a Complaint alleges Policy and Practice Discrimination against MCCMS itself, such that no individual person is a Respondent, the relevant department or unit whose policy or practice is at issue may appoint an individual to represent the department or unit's interest and to act as a nominal Respondent in such individual's official capacity on behalf of the department or unit at issue.

Training

- MCCMS will ensure that all individuals involved in MCCMS programs and activities will receive training in compliance with Title IX and its implementing regulations and any other applicable federal, state, or local laws.

Recordkeeping

- MCCMS will retain those records specified in 34 C.F.R. § 106.8(f) for a period of seven years after which point in time they may be destroyed, or continue to be retained, in MCCMS's sole discretion. Such materials will be made available for

inspection and review only to the extent required by Title IX and its implementing regulations and/or other applicable federal, state, and/or local laws.

Changes in the Law

- If a change in controlling law conflicts with some provision of this Policy or [Procedure](#), necessitates the modification of some provision of this Policy or [Procedure](#), or mandates the inclusion of new provisions not included, MCCMS may immediately apply the Policy and [Procedure](#) in a manner consistent with such controlling law, after providing written notice to the parties of the change in controlling law, even if the Policy or [Procedure](#) has yet to be formally amended to address the change in controlling law.

Discretion in Application

- MCCMS retains discretion to interpret and apply this Policy and [Procedure](#) in a manner that is not clearly unreasonable, even if MCCMS's interpretation or application differs from the interpretation of the parties.
- Despite MCCMS's reasonable efforts to anticipate all eventualities in drafting this Policy and [Procedure](#), it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express language, in which case MCCMS retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.
- The provisions of this Policy and the Procedure are not contractual in nature, whether in their own right, or as part of any other express or implied contract.

Policy Notes

- Capitalized terms have the meaning described in Definitions section.

Care and Support Resources

Location	Type of Service	Contact
Austin, MN	Crime Victims Resources	Crime Victims Resource Center 101 14th St. NW, #5 Austin, MN 55912 507-437-6680
Cannon Falls, Lake City, and Red Wing, MN	Sexual Assault and Relationship Violence Assistance	Hope Coalition 1407 W. 4th St. Red Wing, MN 55066 1-800-519-6690
Eau Claire, WI	Medical Attention	Emergency Department Mayo Clinic Health System - Eau Claire 1221 Whipple Street Eau Claire, WI 54701 715-838-3212

Location	Type of Service	Contact
	Sexual Assault Assistance	Family Support Center Sexual Assault Outreach 21 S. Barstow St., Ste. 7, 2nd Floor Eau Claire, WI 54701 Crisis Hotline: 715-830-0188 eauclairesavs@fscf.org
	Sexual Assault Assistance	Center for Awareness of Sexual Assault 105 Garfield Avenue Eau Claire, WI 54702 Crisis Hotline: 715-836-4357 casa@uwec.edu
Fairbault, MN	Sexual Assault and Relationship Violence Assistance	Hope Center 1003 7th St NW Fairbault, MN 55021 1-800-607-2330
Jacksonville, FL	Medical Attention	Emergency Department – Mayo Clinic 4500 San Pablo Rd S Jacksonville, FL 32224 904-953-2000
	Relationship violence assistance	Hubbard House, Inc. Jacksonville, FL 32201 Crisis Hotline: 904-354-3114
	Relationship violence assistance	Quigley House, Inc. Orange Park, FL 32073 Local Hotline: 904-284-0061 Toll-free Hotline: 1-800-339-5017
	Sexual assault assistance; counseling	Women's Center of Jacksonville 5644 Colcord Jacksonville, FL 32211 Phone: 904-722-3000 24 Hour Rape Crisis Hotline: 904-721-7273 Rape Recovery Team - On-call pager: 904-617-7888 mail@womenscenterofjax.org
La Crosse, WI	Medical assistance	Emergency Department: Mayo Clinic Health System - Franciscan Healthcare 700 West Avenue South

Location	Type of Service	Contact
		La Crosse, WI 608-392-7000
	Sexual assault and relationship violence	Mayo Clinic Health System Safe Path Program. 700 West Ave S La Crosse, WI 56401 608-392-7804
	Relationship violence	New Horizons Shelter and Outreach Centers 1223 Main St La Crosse, WI 54601 Crisis hotline: 608-791-2600 or 1-888-231-0066
	Sexual assault and relationship violence	Gundersen Health System Domestic Abuse and Sexual Assault Program 1900 South Ave La Crosse, WI 608-775-3454 or 1-800-362-9567 x53454
	Sexual assault and relationship violence	University of La Crosse Violence Prevention Program 1725 State St, 149 Graff Main Hall La Crosse, WI 54601 608-785-5126
London	Sexual Assault and relationship violence	Victim and Witness Support 0808 168 9291
Mankato, MN	Relationship violence	Committee Against Domestic Abuse 100 Stadium Ct Mankato, MN 56001 CADA 24 hours Crisis Line 1-800-477-0466 or 507- 625-3966
Rochester, MN	Medical assistance	Patient Receiving Unit Rochester Methodist Hospital Staff can help victims contact the Sexual Assault Program for additional assistance and counseling.
	Employee assistance, sexual assault, counseling	Employee Assistance Coordinators provide confidential assessments, counseling and triage services. Call: Mayo Clinic, 507-284-3352

Location	Type of Service	Contact
		Mayo Clinic Hospital, Saint Mary's Location 507-255-4776 Mayo Clinic Hospital, Methodist Location 507-266-1080 Sexual Assault Program 24-hour assistance daily 507-289-0636 Rochester Area Family Y 507-287-2265
Scottsdale, AZ	Medical attention	Mayo Clinic Hospital Emergency Department 480-342-1776
	Crime victim support resources	The state of Arizona - Crime Victims Support website lists all community resources in Arizona for sexual assault victims at http://www.azdps.gov/services/enforcement/crime-victims
National	Relationship violence	The National Domestic Violence Hotline 800-799-7233 TTY: 800-787-3224
	Sexual assault	The National Sexual Assault Hotline (RAINN) 800-656-4673

Law Enforcement Contacts

Location	Contact	Phone Number
Albert Lea, MN	Albert Lea Police Department	507-377-5215
Cannon Falls, MN	Cannon Falls Police Department	507-263-2626
Eau Claire, WI	Eau Claire Police Department	715-839-4972
Faribault, MN	Faribault Police Department	507-334-4305
Jacksonville, FL	Jacksonville Police Department	904-630-7600
La Crosse, WI	La Crosse Police Department	608-789-7200
Lake City, MN	Lake City Police Department	651-345-3344
London, England	Metropolitan Police Department	0800 555 111
Mankato, MN	Mankato Public Safety Center	507-387-8700
Phoenix, AZ	Phoenix Police Department	602-262-7626
Red Wing, MN	Red Wing Police Department	651-385-3155
Rochester, MN	Rochester Police Department	507-328-6800
Scottsdale, AZ	Scottsdale Police Department	480-312-5000

Related Procedures

[Appeals Procedure - Arizona, Florida, Rochester](#) (Consulting Staff)

[Appeals Procedure](#) (Allied Health)

[Faculty Misconduct Investigation and Appeal Procedure](#)

[Records Management and Retention Procedure](#)

[Title IX Sex Discrimination and Sex-Based Harassment Procedure](#)

Related Documents

[Faculty Misconduct Policy](#)

[Freedom of Expression and Academic Freedom Policy](#)

[Management, Retention, Deletion, and Destruction of Records Management and Mayo Clinic Data Policy](#)

Student Resource for Addressing Sexual Misconduct

Definitions

Adverse Treatment Sex Discrimination: Material, adverse action taken against a person where the motivating factor for the action is Sex-Based except where such action is permitted by law. The adverse action need not be sexual in nature to constitute Adverse Treatment Sex Discrimination.

Coercion: Direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise would not have been performed or acquiesce in an act to which one would otherwise not have submitted. Coercion can include unreasonable and sustained pressure for sexual activity.

Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. A person's words or conduct cannot amount to Coercion for purposes of this policy unless they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity.

Complainant:

- A Learner or Employee who is alleged to have been subjected to conduct that could be prohibited by this Policy; or
- A person other than a Learner or Employee who is alleged to have been subjected to conduct that could be prohibited by this Policy and who was participating or attempting to participate in MCCMS's Education Programs or Activities when the alleged conduct occurred.

Complaint: An oral or written request to MCCMS to initiate an investigation and adjudication of alleged Sex Discrimination pursuant to the procedures in this Policy.

Confidential Employee: An Employee who is not required to report potential Sex Discrimination to the Title IX Coordinator because:

- The Employee's communications are privileged or confidential under federal or state law (e.g., attorneys, doctors and certain other medical providers, psychologists, and counselors). The Employee's status as confidential is limited to information received about Sex Discrimination while the Employee is functioning within the scope of their duties to which the privilege or confidentiality applies.

- MCCMS or Mayo Clinic has designated the Employee as a confidential resource for the purpose of providing services to persons in connection with Sex Discrimination—but if the Employee also has a role or duty not associated with providing these services, the Employee's status as confidential is limited to information received about Sex Discrimination in connection with providing these services.
- The Employee is conducting a MCCMS or Mayo Clinic approved human subjects research study designed to gather information about Sex Discrimination—but the Employee's confidential status is limited to information received while conducting the study.

Consent: Words or actions that a reasonable person in the position of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person who is Incapacitated is not capable of giving Consent. Consent cannot be procured through Coercion.

Dating Violence: Violence committed by a person –

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship will be determined based on a consideration of the following factors:
 - The length of the relationship;
 - The type of relationship; and
 - The frequency of interaction between the persons involved in the relationship.

Domestic Violence: Felony or misdemeanor crimes of violence committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the States of Minnesota, Wisconsin, Arizona, and Florida, or a person similarly situated to a spouse of the victim;
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the States of Minnesota, Wisconsin, Arizona, and Florida.

Employee: A person who is paid wages to perform services for MCCMS, and/or Mayo-Clinic-employee, staff physicians, scientists, research temporary professionals, residents, fellows, emeritus staff, and allied health staff when performing duties as part of, or directly engaged in, MCCMS Education Programs or Activities.

Education Programs or Activities:

- Activity occurring under any of the operations of MCCMS in the United States, including, but not limited to, in-person and online educational instruction, admissions, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs.

- Activity that occurs on campus or on other property owned or occupied by MCCMS.
- Activity that occurs in a building owned or controlled by a learner organization that is officially recognized by MCCMS.
- Activity that is subject to MCCMS's disciplinary authority.

FERPA: The Family Educational Rights and Privacy Act, which is a federal law governing the confidentiality of a Learner's education records and a Learner's right to access, review, and seek amendment of education records.

Hostile Environment Harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from MCCMS's Education Programs or Activities. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of:

- The degree to which the conduct affected the person's ability to access MCCMS's Education Programs or Activities.
 - The type, frequency, and duration of the conduct.
 - The parties' ages, roles within MCCMS's Education Programs or Activities, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct.
 - The location of the conduct and the context in which the conduct occurred.
 - Other Sex-Based harassment in MCCMS's Education Programs or Activities.

Incapacitated or Incapacity: The state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep.

Learner: A person who has gained admission to MCCMS, whether or not they have matriculated.

MCCMS Community: All persons who participate in MCCMS's Education Programs or Activities, including board members, administrators, faculty, staff, other Employees, Learners, volunteers, guests, and contractors.

Personally Identifiable Information: Includes but is not limited to: (i) name; (ii) the name of parent/s or other family members; (iii) address or family address; (iv) a personal identifier, such as a social security number, student/learner or employee number, or biometric record; (v) photograph; (vi) telephone number; (vii) other indirect identifiers, such as a date of birth, place of birth, or mother's maiden name; (viii) other information that, alone or in combination, is linked or linkable to a specific individual and that would allow a reasonable person in the Mayo Clinic community, who does not have personal knowledge of the relevant circumstances, to identify the individual with reasonable certainty; and (ix) information requested by a person whom Mayo Clinic reasonably believes knows the identity of an individual to whom a protected record relates.

Policy: MCCMS's Sex Discrimination and Sex-Based Harassment Policy.

Policy or Practice Discrimination: A MCCMS policy, practice, or condition that has the effect of excluding or limiting a person from participating in MCCMS's Education

Programs or Activities on a Sex-Based category or that results in inequitable access to MCCMS's Education Programs or Activities on a Sex-Based category except where such action is permitted by law.

Pregnancy or Related Conditions:

- Pregnancy, childbirth, termination of pregnancy, or lactation;
- Medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation;
- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or their related medical conditions.

Procedure: MCCMS's Sex Discrimination and Sex-Based Harassment Procedure.

Quid Pro Quo Harassment: Where a person authorized to provide an aid, benefit, or service of MCCMS explicitly or implicitly conditions the provision of an aid, benefit, or service of MCCMS on a person's participation in unwelcome sexual conduct.

Relevant: Related to the allegations of Sex Discrimination that are subject to investigation and adjudication as set forth in this Policy. Questions are relevant when they seek evidence that may aid in showing whether the alleged Sex Discrimination occurred, and evidence is Relevant when it may aid an adjudicator in determining whether the alleged Sex Discrimination occurred.

Report: An oral or written notification of alleged Sex Discrimination.

Respondent: A person who is alleged to have engaged in conduct that could be prohibited by this Policy.

Retaliation: Intimidation, threats, Coercion, or discrimination against any person by a person authorized by MCCMS to provide aid, benefit or service under MCCMS's Education Programs or Activities, or MCCMS itself, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding, or any part of the resolution process under this Policy, or any other appropriate steps taken by MCCMS in response to conduct prohibited by this Policy. Notwithstanding the foregoing, Retaliation does not include requiring an Employee or person authorized by MCCMS to provide aid, benefit, or service under MCCMS's Education Programs or Activities to participate as a witness in, or otherwise assist with, an investigation, proceeding, or any part of the resolution process under this Policy. Retaliation includes initiating disciplinary process against a person for a violation of another MCCMS conduct standard that does not involve Sex Discrimination but arises out of the same facts and circumstances of a Complaint or information about potential Sex Discrimination, if initiating such other disciplinary process is done for the purpose of interfering with the exercise of any right or privilege of Title IX. Retaliation can be committed by a peer. Retaliation does not include any conduct that a party has a right to engage in under the U.S. Constitution.

Sex-Based: On the basis of:

- Sex,
- Sex stereotypes,
- Sex characteristics,
- Pregnancy or related conditions,

- Sexual orientation, or
- Gender identity.

Sex Discrimination: An omnibus term that includes Adverse Treatment Sex Discrimination, Policy or Practice Discrimination, and Sex-Based Harassment.

Sexual Assault: Consists of one or more of the following:

- Rape: 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, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is unable to give consent because of their age or because of their temporary or permanent mental or physical incapacity.
- Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Minnesota, Wisconsin, Arizona, and Florida law.
- Sexual intercourse with a person who is under the statutory age of Consent as defined by Minnesota, Wisconsin, Arizona, and Florida law.

Sex-Based Harassment: A form of Sex Discrimination and consists of sexual and other Sex-Based harassment that constitutes Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for their safety or the safety of others; or
- Suffer substantial emotional distress.

Supportive Measures: Non-disciplinary, non-punitive individualized measures offered, as appropriate, as reasonably available, without unreasonably burdening a party, and without fee or charge to the Complainant or Respondent to (i) restore or preserve that party's access to MCCMS's Education Programs or Activities, including measures that are designed to protect the safety of the parties or MCCMS's educational environment, or (ii) provide support during MCCMS's investigation and adjudication process under this Policy, including any informal resolution process. Examples of Supportive Measures that may be available depending on the facts of a particular matter include: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring for certain areas of campus; restrictions on contact between parties; leaves of absence; voluntary and involuntary changes to class, work, housing, or extracurricular or any other activity; and training and education.

References

[Family Educational Rights and Privacy Act \(FERPA\), 20 U.S.C. § 1232g; 34 C.F.R. Part 99](#)

[Lactation Policy](#)

[Title IX of the Education Amendments of 1972, 20. U.S.C. §1681](#)

Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, § 304, 127 Stat. 54, 89-92 (2013) (codified at 20 U.S.C.A. § 1092(f)(1)(F)(iii), § 1092(f)(8)(A)-(B))

State laws as cited herein

Owner

Amy Boyer on behalf of Risk Committee

Contact

Amy Boyer

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