

Title IX and Sexual Misconduct Policy

Policy Statement and Reasoning

Mayville State University strictly prohibits sexual misconduct, including but not limited to sexual harassment, sexual assault, domestic violence, dating violence, and stalking by or against a student or employee. MSU prohibits retaliation by its students or employees against a person who exercises their rights or responsibilities under any provision of federal law or state law including Title IX, Title VII, the Violence Against Women Reauthorization Act (VAWA), or any applicable MSU policy.

The University utilizes procedures that provide for the prompt, fair, and impartial investigation and resolution of cases involving sexual misconduct. Students or employees who violate this policy are subject to disciplinary action, up to and including suspension, dismissal, or termination from Mayville State University. Third parties who commit sexual misconduct may have their relationships with the University terminated and/or their privileges of being on MSU's campus withdrawn.

Mayville State University is dedicated to providing a safe and non-discriminatory learning, living and working environment for all members of the University community. The University adopts this policy with a commitment to comply with Title IX of the Education Amendments of 1972 by responding promptly and supportively to people alleged to be victimized by sexual misconduct. MSU also is committed to resolve allegations of sexual misconduct promptly and accurately under a predictably fair grievance process that provides due process protections to complainants and respondents, and to effectively implement remedies for impacted individuals.

The University's policy for addressing reports of sexual misconduct occurring outside the scope of Title IX is set forth in MSU's Sexual Misconduct Policy.

The University's policy for addressing reports of discrimination based on sex, sexual orientation, gender identity, and pregnancy is set forth in MSU's Discrimination and Harassment Policy.

Scope of this Policy

This policy applies to people associated with the institution including and not limited to:

- The President
- Vice Presidents/Deans and similar level administrators
- Deans, Assistant/Associate Deans, Directors, and Department Heads
- Coordinators, Managers, Supervisors
- Faculty
- Staff
- Students
- Other: Third Parties

List of Contacts

Question	Contact	Contact Information
Policy Clarification	MSU Title IX Coordinator	Dean of Student Affairs and Co-Title IX Coordinator Mayville State University BQ Library 120J 330 Third St NE Mayville, ND 58257 701-788-5208 Or Human Resource Director and Co-Title IX Coordinator Mayville State University Campus Center 206 330 Third St NE Mayville, ND 58257 701-788-4729
Support for Students	Student Success Office	Coordinator for Student Success Mayville State University Classroom Building 109 330 Third Street NE Mayville, ND 58257 701-788-4675 studentsuccess@mayvillestate.edu
Counseling Services for Students (confidential)	Mayville State University Counseling Office	Classroom Building 108D 330 Third Street NE Mayville, ND 58257 counseling@mayvillestate.edu 701-788-4772
Employee Assistance Program (EAP) (confidential)	The Village	800-627-8220
Health Services for Students (confidential)	Sanford Health	701-788-4500
Make a Report to Department of Education	Office for Civil Rights, U.S. Department of Education	Office for Civil Rights U.S. Department of Education Cesar E. Chavez Memorial Building 1244 Speer Boulevard, Suite 310 Denver, CO 80204-3482 Phone: 303-844-5695 Fax: 303-844-4303 TDD : 800-877-8339 Email: OCR.Denver@ed.gov
Report Possible Crime to Law Enforcement	Traill County Sheriff Department	114 West Caledonia Hillsboro, ND 58257 701-636-4510

Report Possible Policy Violations	Chief Compliance Coordinator	Dean of Student Affairs and Co-Title IX Coordinator Mayville State University BQ Library 120J 330 Third St NE Mayville, ND 58257 701-788-5208
-----------------------------------	------------------------------	--

Notice of Nondiscrimination

Mayville State University is committed to the principle of equal opportunity in education and employment. Mayville State does not discriminate on the basis of race, color, national origin, religion, sex, age, disability, sexual orientation, gender identity, genetic information, creed, marital status, veteran's status, political belief or affiliation or any other status protected by law. Pursuant to Title IX of the Education Amendments of 1972, Mayville State does not discriminate on the basis of sex in its educational programs and activities, employment and admission. Mayville State will promptly and equitably investigate reports of discrimination or harassment and take disciplinary action as appropriate.

Retaliation in any form against a person who reports discrimination or participates in the investigation of discrimination is strictly prohibited and will be grounds for separate disciplinary action.

Jurisdiction and Scope

The Sexual Harassment Policy applies to all members of the Mayville State University community including: students, faculty, and staff, administrators, and third parties. The Policy covers all University programs and activities in the United States.

Title IX Coordinator

The role of the Title IX Coordinator is to ensure compliance with federal and state law and regulations regarding Title IX. The Title IX Coordinator oversees the University's investigation, response to, and resolution of all reports of sexual misconduct. The Title IX Coordinator organizes the mandatory training for individuals involved in the University's sexual misconduct investigation and grievance process, which includes training on the definition of sexual harassment, the scope of the education program or activity, how to conduct an investigation and grievance process, including hearings and appeals, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. The Title IX Coordinator also assists students and employees in understanding their rights, responsibilities, and options for reporting potential misconduct and receiving support services.

Complaints and inquiries regarding Title IX, ADA, Section 504, or other discrimination may be referred to:

Dean of Student Affairs and Co-Title IX Coordinator
Mayville State University
BQ Library 120J
330 Third St NE
Mayville, ND 58257

701-788-5208

Or Human Resource Director and Co-Title IX Coordinator
Mayville State University
Campus Center 206
330 Third St NE
Mayville, ND 58257
701-788-4729

Complaints or inquiries regarding harassment or discrimination may also be made to:

Office for Civil Rights
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3482
Phone: 303-844-5695
Fax: 303-844-4303
TDD : 800-877-8339
Email: OCR.Denver@ed.gov

Reporting and Confidential Resources

A guiding principle in accepting reports of sexual misconduct is to avoid re-victimizing the recipient of the behavior by forcing them into any plan of action. Mayville State University will make every attempt to safeguard the privacy of the complainant and/or recipient of the behavior; however, it is important that complainants recognize that Mayville State cannot ensure confidentiality in all cases. Mayville State must weigh the request for confidentiality against its obligation to protect the safety and security of the entire campus.

Depending on the circumstances of the offense (the severity of the offense, the number of victims involved, etc.), Mayville State may be required to respond to an incident, even if confidentiality has been requested. Therefore, except as noted, Mayville State University employees cannot guarantee confidentiality. Mayville State University employees who become aware of a complaint or violation of this policy shall report the complaint or violation to the Title IX Coordinator.

Individuals desiring confidentiality should be encouraged to contact one of the following:

Fargo-Moorhead:

- F-M Rape & Abuse Crisis Line: 800-344-7273 (Available 24 hours) www.raccfm.com
- F-M Rape & Abuse Crisis Center: 701-293-7273 or e-mail at: info@raccfm.com

Grand Forks:

- Community Violence Intervention Center (CVIC): (Crisis Line: 701-746-8900 or use the “Contact Us” form at <https://cviconline.org/contact-us/>)

Mayville:

- Mayville State Counselor: 701-788-4772
- Sanford Hospital – Mayville: 701-788-3800

Other:

- National Sexual Assault Hotline: 800-656-4673 (HOPE)

Non-Confidential reports can be made to University employees. Reports can be or will be directed to:

Rhonda Nelson
Interim Dean of Student Affairs and Co-Title IX Coordinator
Mayville State University
BQ Library 120J
330 Third St NE
Mayville, ND 58257
701-788-5208
StudentAffairs@mayvillestate.edu

or

Kim Holder
Acting Director, Human Resources and Co-Title IX Coordinator
Mayville State University
Campus Center Bookstore
330 Third St NE
Mayville, ND 58257
701-788-4647
kimberly.holder@mayvillestate.edu

Information related to sexual misconduct or incidents involving criminal activity may, and are encouraged, contact:

911 or

Traill County Sheriff's Department
114 West Caledonia
PO Box 279
Hillsboro, ND 58045
701-636-4510

Students or others who would like to be accompanied by the Title IX Coordinator may request their presence.

Definitions

For the purposes of this Policy, the listed terms shall have the following definitions:

<i>Actual Knowledge</i>	Notice of sexual misconduct or allegations of sexual misconduct to MSU's Title IX Coordinator or any MSU official with authority to institute corrective measures on behalf of Mayville State University.
<i>Coercion</i>	Use of force, threats, intimidation, or pressure to compel someone to engage in unwanted sexual activity or to deter them from reporting a potential violation of this policy.
<i>Complainant</i>	An individual who is alleged to be the victim of conduct that could, after investigation, constitute sexual misconduct.

<i>Confidential Employee</i>	<p>Any employee who is a licensed medical, clinical or mental health professional (i.e., physicians, nurses, physicians' assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services; and any employee providing administrative, operation, and/or relational support for license employees in their performance of such services. A confidential employee will not disclose information about sexual misconduct to the University's Title IX Coordinator, or others, in a way that identifies the involved individuals without their permission (subject to the exceptions set forth in the Confidentiality section of this policy).</p> <p>MSU has designated MSU Counseling Office staff as confidential employees. Additional employees may be designated as confidential employees. Please contact the Title IX Office for a current list of designated confidential employees.</p>
<i>Consent</i>	<p>Affirmative informed, voluntary and active permission to engage in a mutually agreed upon sexual act or contact. Consent is expressed by clear and unambiguous words or actions that a reasonable in the circumstances would believe communicates a willingness to participate in a sexual act or contact. It is the responsibility of each person who wishes to engage in a sexual act or contact to obtain consent. The use of drugs or alcohol does not eliminate a person's responsibility to obtain consent.</p> <p>Consent cannot be obtained:</p> <ul style="list-style-type: none"> • By the use of physical force, threats, intimidation, deception or coercion; • From one who is incapacitated, such as due to mental or physical condition or the use of drugs or alcohol; • From one who is asleep or unconscious; or • From one who is not old enough to give consent under state law.
<i>Dating violence</i>	<p>Violence committed by a person who is or has been in a social relationship of romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of:</p> <ul style="list-style-type: none"> • The length of the relationship; • The type of relationship; and • The frequency of interactions between the persons involved in the relationship.
<i>Deliberate Indifference</i>	A response to sexual misconduct which is clearly unreasonable in light of the known circumstances.
<i>Domestic Violence</i>	<p>A felony or misdemeanor crime of violence committed by the following persons:</p> <ul style="list-style-type: none"> • A current or former spouse or intimate partner of the victim; • By a person with whom the victim shares a child in common; • By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; • By 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

	<ul style="list-style-type: none"> • By 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.
<i>Education Program or Activity</i>	Includes locations, events, or circumstances over which Mayville State University exercises substantial control over both the respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Mayville State University.
<i>Employee</i>	Any person employed for wages or salary by the University, in either full-time or part-time capacity, in any location or job. Examples include officers, faculty, staff, medical residents, graduate assistants, and student employees. Employee includes temporary, probationary and regular employees.
<i>Fondling</i>	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 incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
<i>Formal Complaint</i>	A document filed by a complainant or signed by the Title IX Coordinator alleging sexual misconduct against a respondent and requesting that the University investigate the allegation of sexual misconduct.
<i>Incapacitation</i>	Incapacitation means a person lacks the ability to make informed, rational judgments about whether or not to engage in a sexual act or contact. A person may be incapacitated due to, but not limited to, a mental or physical condition or the use of drugs or alcohol. Signs that a person may be incapacitated include, but are not limited to, the following: <ul style="list-style-type: none"> • Inability to walk unassisted; • Inability to speak coherently; • Confusion on basic information; or • Being passed out or passing out.
<i>Incest</i>	Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
<i>Intimidation</i>	Implied threats or acts that cause an unreasonable fear of harm in another.
<i>Mandated Reporter</i>	MSU has designated all employees as mandated reporters excluding those who serve in a mental health counseling capacity. A mandated reporter is required to report all sexual harassment to the Title IX Coordinator.
<i>Official with Authority to Take Corrective Action</i>	The following individuals have authority to institute corrective measures on behalf of MSU and are obligated to inform the Title IX Coordinator when they receive notice of sexual misconduct or allegations of sexual misconduct: <ul style="list-style-type: none"> • Title IX Coordinator • Human Resources Managers and Directors • Department Chairs • Directors • Deans and Associate/Assistant Deans • Athletic Director • Vice Presidents/Deans and similar level administrators • President
<i>Rape</i>	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. This definition includes any gender of victim or perpetrator.

<i>Respondent</i>	An individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct.
<i>Retaliation</i>	<p>Intimidation, threats, coercion, or discrimination against any person by the University, a student, or an employee or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity, for the purpose of interfering with any right or privilege secured by this policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy, including in an informal resolution process, in grievance procedures, and if applicable, in any other actions taken by the University under this policy. Such conduct will be cause for disciplinary action, up to and including termination and/or suspension.</p> <p>Nothing in this definition precludes the University from requiring an employee or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this policy.</p>
<i>Sexual Assault</i>	Title IX defines sexual assault as rape, fondling, incest, and statutory rape.
<i>Sexual Harassment</i>	<p>As defined by Title IX, conduct on the basis of sex that satisfies one or more of the following:</p> <ol style="list-style-type: none"> 1. An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct; 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to their education program or activity (this includes but is not limited to unwelcome conduct of a sexual nature, and may consist of unwelcome conduct based on sex or sex stereotyping); or 3. Sexual assault, dating violence, domestic violence or stalking. <p>Sexual harassment that falls outside the scope of Title IX is defined and addressed in MSU's Sexual Misconduct Policy.</p>
<i>Sex Stereotyping</i>	Fixed or generalized expectations regarding a person's aptitudes, behavior, self-presentation or other attributes based on sex.
<i>Stalking</i>	<p>Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:</p> <ul style="list-style-type: none"> • Fear for the person's safety or the safety of others; or • Suffer substantial emotional distress.
<i>Statutory Rape</i>	Sexual intercourse with a person who is under the statutory age of consent.
<i>Student</i>	<p>All persons taking courses at and/or receiving instruction through the University, whether credit hours are earned, full-time or part time, pursuing undergraduate, graduate, non-degree, or professional studies. The term student includes all persons who withdraw after allegedly violating the <i>Code</i>, who are not enrolled for a particular term but have a continuing relationship with the University, who have been notified of their acceptance for admission, or who are living in University residence facilities designated for students regardless of their current enrollment status.</p> <p>The term student includes both a student acting as an individual and to students acting in a group and/or a student organization, unless otherwise noted.</p>

<i>Student Employee</i>	A student whose employment status is dependent upon being a student.
<i>Supportive Measures</i>	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.
<i>Third Party</i>	An individual who is not a student or employee of the University but has contact with the University such as an affiliate, volunteer, vendor, participant in a university-sponsored event, or campus visitor.
<i>Title IX Sexual Misconduct</i>	Sexual harassment, sexual assault, domestic violence, dating violence, and stalking as defined by Title IX and this policy. May be referred to as "sexual misconduct."

Reporting

A complainant may choose to make a report to MSU to pursue resolution under this policy and may also choose to make a report to law enforcement. A complainant may pursue either, or both, of these options at the same time. If the complainant files a criminal complaint with local law enforcement MSU will comply with reasonable law enforcement requests for cooperation. Such cooperation may require the University to temporarily suspend the Title IX investigation while law enforcement gathers evidence.

Privacy and Confidentiality

The University is committed to protecting the privacy of all individuals involved in an incident reported under the Sexual Harassment Policy. Every effort will be made to respect and safeguard the privacy interests of the individuals involved in a manner consistent with the need for a careful assessment of the allegations and any necessary steps to eliminate the misconduct, prevent its recurrence, and address its effects.

Privacy generally means that information related to a reported incident will only be shared with a limited number of individuals that "need to know" the information in order to assist in the review, investigation and/or resolution of the incident. While not bound by confidentiality, these individuals will be discrete and respect the privacy of all individuals involved in the process. If a decision is made to pursue disciplinary action against a responding party, information related to the report will be shared with them. When the parties involved are students, information regarding a reported incident will not be shared with either party's parents or guardians unless the party has signed a waiver that complies with FERPA or there is an articulable threat to the health or safety of the party or other individuals. MSU will share the final results of an investigation and the applicable sanctions with the complainant when the incident involved violent crime or sexual misconduct. The information that will be shared includes:

- The name of the accused student;
- Any MSU policy that was broken and key findings that support the conclusion;
- A description of disciplinary action taken;

While a responsible employee cannot offer confidentiality to an individual who discloses an incident of prohibited conduct, the responsible employee will maintain the privacy of all individuals involved by sharing the information related to the report with only those who need to know as outlined above. Confidentiality means that information shared with a designated campus or community professional will only be disclosed with the party's expressed written permission, unless there is an imminent threat of harm to self or others. An individual can seek confidential assistance and support by speaking with specifically designated confidential employees and using the confidential resources identified in this policy.

Confidential and Responsible Employees

As set forth in the “definitions,” for purposes of reporting obligations under this policy, all MSU employees are designated as either “confidential employees” or “responsible employees.”

Responsible Employees who fail to report incidents of sexual misconduct when they knew or reasonably should have known about an incident of sexual misconduct involving a MSU employee or student may be subject to discipline. The University is required to investigate an allegation of sexual harassment when it has actual knowledge, as defined above.

Reports of sexual misconduct can be made: (1) online by submitting a report through the link “Contact Us: Report at Concern” at the University’s website (www.mayvillestate.edu). The reports can include the name of a reporting party or the report can be made anonymously. (2) by reporting to the Title IX Coordinator; or (3) by speaking with a responsible employee, which does include members of the campus security team, who will then forward the information to the Title IX Coordinator. Once the Title IX Coordinator has been notified, the Title IX Coordinator will contact the Complainant to see if the Complainant wishes to file a formal complaint. Alternatively, the Coordinator may file a formal complaint on behalf of the University. Reports can be made any time after an incident involving sexual misconduct occurs; however, the University encourages reports be made as soon as possible following an incident to ensure the most effective investigation possible. The University also strongly encourages reporting parties to report sexual misconduct because it provides the University with the best opportunity to offer appropriate support, resources and interim measures to assist a reporting party, assess any health or safety risks posed by the alleged misconduct, take immediate and appropriate steps to investigate what occurred, and take prompt and effective action to end any misconduct, remedy its effects, and prevent its recurrence.

As stated in the “definitions,” individuals who want to keep their confidentiality may speak to a confidential employee. A confidential employee will not disclose information about sexual misconduct to the University’s Title IX coordinator, or others, in a way that identifies the involved individuals without the individuals’ permission. A confidential employee is any employee who is a licensed medical, clinical, or mental health professional and is employed by Mayville State University for that purpose.

Responsible employees are under an obligation to share information with the Title IX coordinator when they know or reasonably should know about:

- A student who has experienced sexual misconduct, regardless of where or when the incident occurred; or
- An employee who has experienced sexual misconduct only if the accused person is a MSU employee or student.

Responsible employees are required to share all relevant information of which they are or become aware of that is related to the incident, including the names of the involved individual(s) and witnesses and the date, location, and circumstances of the incident, if known. Responsible employees who know about an incident involving sexual misconduct involving a student or employee who fail to report to the Title IX coordinator may be subject to discipline. Responsible employees should not perform an investigation or attempt to discover additional information before contacting the Title IX Coordinator.

MSU realizes that in some instances a complainant may tell a responsible employee about an incident of sexual misconduct but also request: (a) that their name and any other personally identifying information be confidential and not be shared with the respondent or others, (b) that no investigation be pursued, and/or (c) that no disciplinary action be taken. The responsible employee should communicate these requests to

the Title IX Coordinator. The University will honor such requests if it is possible to do so while also protecting the health and safety of the University community and in compliance with state and federal law. The Title IX Coordinator will consider the totality of the known circumstances; the presence of any risks to the safety of the campus community; the potential impact of such actions on the complainant; and the existence of other available and relevant information or evidence regarding the alleged conduct. If the reporting party's request to keep confidentiality can be honored, the University may take other steps designed to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the reporting party and the University community. If it is determined that the University cannot honor the complainant's confidentiality request, the Title IX Coordinator will advise the complainant that the University intends to proceed with an investigation but that the complainant is not required to participate in the investigation or in any other actions undertaken by the University. If the complainant declines to participate in the investigation the Title IX Coordinator may continue the investigation process if it is possible to do so without the complainant's participation; however, the University's ability to meaningfully investigate and respond may be limited.

Reports of sexual misconduct can be made online by submitting a report through the link "Contact Us: Report at Concern" at the University's website (www.mayvillestate.edu). The reports can include the name of a reporting party or the report can be made anonymously. Anonymous reports will be investigated; however, the University's ability to meaningfully investigate and respond may be limited.

Bystander Intervention

Bystander intervention, or being an active bystander, is part of being a member of the MSU community. We all play a role in preventing sexual violence when a problematic situation is observed or imminent. Being an Active Bystander includes:

- a. Standing up against attitudes, behaviors, or statements that sustain cultures endorsing violence as acceptable.
- b. Identifying and stopping situations that lead to sexual assault.
- c. Stepping up to disrupt, distract, speak up or call out for assistance.
- d. Believing and supporting others when they feel uncomfortable and/or hurt.
- e. Assisting others responding to problematic situations.

The Ideal Bystander:

- a. Is friendly to everyone.
- b. Is forthcoming and honest.
- c. Assists to diffuse a situation before it becomes a crisis.
- d. Avoids violent interventions.
- e. Is not antagonizing or accusatory.
- f. Asks for assistance when needed.
- g. Calls professional assistance (Title IX Coordinator, RA, Responsible Employee, Sheriff Department, Campus Security, EMT, etc.) when needed.

Being an active bystander does not mean that you should risk your personal safety or be a hero. There are appropriate responses dependent on you, the situation and who is involved. If your immediate safety, or the safety of others, is in danger you should seek outside help—which is still bystander intervention.

Good Samaritans & Amnesty for Alcohol and Drugs

Sometimes individuals may be reluctant to seek help after experiencing sexual misconduct, or reluctant to help others who may have experienced sexual misconduct because they fear being disciplined for underage alcohol consumption and/or consumption of other drugs. Individuals who appropriately report or seek assistance for themselves or for others will not be subject to disciplinary sanctions for allegations related to the use or consumption of alcohol or other drugs, nor will the incident become a part of the student's conduct record. However, because alcohol and drug misuse can negatively impact an individual's physical and emotional well-being, individuals may be required to have an educational meeting with University personnel.

Conflicts of Interest and Consensual Relationships

Acting through its Policy Manual, Mayville State explicitly prohibits any form of sexual harassment directed toward, effecting, or committed by employees, vendors or contractors, or students. MSU's Policy M611.4 addresses conflicts of interest between an employee and their outside-of-worktime interests, indicating disclosure of these interests is the obligation of the employee. MSU has established procedures for eliminating a conflict or potential conflict of interest in the exercise of the employee's authority. Further, Policy M603.1.1 addresses consenting romantic and sexual relationships between employees and students, and other relationships, again indicating disclosure of these relationships is the obligation of the employee, in particular when the employee is responsible for actions affecting the student's academic standing, grades, scholarship or grant awards or employment at the institution.

False Reports

Individuals who knowingly make false reports or otherwise provide false information in connection with a report of sexual misconduct may be subject to discipline. This prohibition against false reports or statements does not apply to reports or statements which are made in good faith but ultimately found not to be substantiated.

Education, Training, and Prevention

The University is committed to preventing sexual harassment on its campus. To that end, the University provides regular and ongoing prevention education and awareness programs. Incoming students and new employees are exposed to primary prevention and awareness programs as part of their new student orientation or new hire training. Current students, faculty, and staff receive ongoing training on how to prevent sexual harassment, sexual misconduct, dating and domestic violence, stalking, and related retaliation. The Title IX Coordinator is responsible for overseeing the University's training and educational programs related to this Policy. To learn more about the University's prevention programs or to request training, please contact the Title IX Coordinator.

Every MSU student has access to sexual harassment identification and mitigation each academic year. In particular, all incoming first-year students will receive primary prevention and awareness programming as part of their orientation.

Every MSU employee must complete this training each academic year. All new employees will receive primary prevention and awareness programming as part of their orientation. Returning employees will receive ongoing training each academic year. MSU employees who fail to complete required training by

the stated deadline are subject to appropriate disciplinary action (e.g.. a letter of reprimand placed in their personnel file).

Additional information about Title IX programs at the University is available under the University's website. See <https://mayvillestate.edu/about-msu/consumer-information/#resources>. All Title IX training materials will be available to the public on our University's Title IX website, <https://www.mayvillestate.edu/about-msu/consumer-information/title-ix/>.

Reference Documents

SBHE Policy Manual, Section 603.1 Harassment and Discrimination & Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 85 Fed. Reg. 30,026; North Dakota Century Code (N.D.C.C.) Ch. 12.1-20; N.D.C.C. § 15-10-56 (3)(a); N.D.C.C. Ch. 44-04.

Adopted: August, 2020

Revised: August, 2022; September, 2025; December, 2025

Sponsored by: Dean of Student Affairs
Human Resource Director