



Minnesota Campus Sexual Misconduct Policy Checklist

This checklist is designed for administrators responsible ensuring compliance with MN Statute §135A.15. Institutions defined in section 136A.103 and participate in federal financial aid programs must comply with this statute. The checklist is designed to be a tool for postsecondary institutions to audit their compliance of MN Statute §135A.15. Any interpretation of these rules is strictly informational and is not considered legal advice from OHE. Consult your institution's legal counsel for interpretation and administration of this statute. The amendments to the statute, **effective August 1, 2025**, are included in this document.

Policy Scope and Definitions

Postsecondary institutions must create and publish a clear and understandable written policy on sexual misconduct and distributed to students at each student registration¹ and posted widely in high traffic areas² that includes the following elements:

- A definition of sexual misconduct that includes sexual harassment, nonconsensual distribution of sexual images, sexual extortion, nonconsensual dissemination of a deepfake depicting intimate parts or sexual acts, sex trafficking (*NEW*)³, and the VAWA crimes of sexual assault, intimate partner violence, domestic violence, and stalking.
- A statement that jurisdiction includes any incident of sexual misconduct that occurred at an event, program, organization or activity sponsored by the institution, fraternity, or sorority **on or off campus** (*NEW*).
- Options and procedures for reporting an incident, disciplinary actions (sanctions) if found responsible.
- A provision that states there is amnesty for victim and witnesses from sanctions when alcohol or drugs are used in a sexual misconduct incident.
- Supportive measures offered to shield a victim from alleged perpetrator, including campus or academic adjustments.
- A statement that retaliation is prohibited.

¹ A link to the policy and resources can be provided before a student registers in an online system/portal, or delivered after registration is received via email or letter, for example. In most cases, institutions can automate this process working with the Registration

² High traffic locations on campus includes but is not limited to student unions, residential halls, Title IX office, advocacy centers, Dean of Students office, conduct office, and athletic facilities

³ New to definitions in state statute, as indicated in parenthesis, otherwise the definition is written in this statute. OHE does not view state definitions to be in conflict with federal definitions. Consult with your legal counsel on the specific set of facts and circumstances.

Victim Rights

This section requires specific actions in the institution's policy and practice when a student or employee discloses they are victim of sexual misconduct to the institution. The required actions provide that an institution must:

Inform victim of rights under the [Crime Victim Bill of Rights](#).

Inform victim that they can receive assistance from the [Crime Victims Reparations Board & Commissioner of Public Safety](#)⁴.

Provide support for victim in filing criminal charges with local law enforcement in sexual assault incidents, so long as it is the victim's decision to file charges.

Provide assistance from campus authorities, at the request of the victim(*NEW*), in obtaining, securing, maintaining, and preserving evidence, at the direction of law enforcement.

Allow victims to decide whether to report a case to law enforcement, not report altogether, participate in a campus investigation or disciplinary proceeding or non-disciplinary informal resolution, or not participate altogether (*NEW*).

Refer victims to fair and respectful health care, counseling services on or off campus.

Refer victims to on and off campus community-based services providing sexual assault advocacy, information, and legal services⁵.

Include an advisor, who may be a lawyer, to be present with the victim during meetings with campus authorities.

Allow a victim to refuse to repeat a description of an incident. Include this statement in the policy.

Provide notice to sexual assault victim of the outcome of any disciplinary hearing, consistent with applicable data privacy laws.

Bar conditions or contingencies to receive financial aid or supportive measures unless the victim signs a nondisclosure agreement. Include this prohibition in the policy.

Prohibit campus authorities from suggesting that it is a victim's fault for the crimes that occurred, or a victim could have acted differently to avoid a crime. Include this statement in the policy.

Campus Investigation and Disciplinary Hearing Procedures (*NEW SECTION*)

This section of the Campus Sexual Misconduct Policy requires institutions to clearly outline the elements of a sexual misconduct grievance process, that includes that the institution will:

- Provide a victim an opportunity to request that the institution conducts an impartial, timely, and thorough investigation.
- Provide procedures on how the institution investigates and conducts a disciplinary process. Include this statement in the policy.
- Treat parties with dignity and respect throughout the investigation and disciplinary process.

⁴ Victim-Survivors must report to law enforcement in order to qualify for victim reparations.

⁵ Day One services can support victims of sexual and gender-based violence in Minnesota at <http://dayoneservices.org> or crisis hotline at 1.866.223.1111

- Explain the role of an advisor during a live hearing, if applicable⁶.
- Consider outlining in policy examples of steps an institution may take to end sexual misconduct, prevent its recurrence, and remedy the effects if the respondent is found responsible.

Recordkeeping and Privacy

All postsecondary institutions must take measures to protect the privacy of all parties and witnesses involved in a campus grievance process. The measures require that an institution:

- Provide reporting students with information about who will receive and have access to the report, how the information will be used.
- Inform parties, witnesses, campus security officers, and campus administrators who investigate or adjudicate complaints, that information is considered private data, with limited access.
- Prohibit the disclosure or sharing of documents to people not directly involved in the grievance process, or whose work requires access to the information.
- Disclose information to police conducting a criminal investigation, only if it was requested by the victim.
- Classify all data shared with a confidential resource as sexual assault communication data, as defined by section [13.822, subdivision 1](#).

Other Provisions Required by Statute

- Implement an online reporting system with capabilities to report incidents anonymously.
- Assist a student seeking to transfer to another institution to secure victim services at that location or community, if requested.

Campus Authorities and Law Enforcement

This statute requires an ongoing relationship with law enforcement and/or community-based agencies who respond to victims of sexual misconduct in order to facilitate effective cooperation and collaboration between the institution and law enforcement. This may be through a Memorandum of Understanding (MOU) with local law enforcement, or participation in a sexual assault response protocol team.

- Create or renew a MOU between local law enforcement every two (2) years.
- Include in the MOU responsibilities of sharing procedures, protocols and investigative responsibilities; information-sharing about specific crimes, when directed by the victim, or to protect overall campus safety.
- Distribute the MOU to all employees on campus subject to the MOU prior to the start of the academic year.
- Institutions who participate in a sexual misconduct protocol team may be exempt from the MOU with law enforcement.

Date Established _____ Date Renewed _____

⁶ If an institution's disciplinary process includes a live hearing, an institution may decide whether an advisor can offer opening and/or closing statements, or help to formulate questions to ask a party or witness.

Sexual Misconduct Report Data⁷

The Sexual Misconduct Survey must be completed annually by October 1. This survey collects institutional data from the prior calendar year of campus incidents of sexual misconduct.

- The number of Incidents of sexual misconduct reported to the institutions, of *each* offense under the definition.
- The number of incidents investigated by the institution.
- The number of incidents that were referred to disciplinary proceeding.
- The number of victims who chose to report to law enforcement.
- The number of incidents for which a disciplinary proceeding is pending, but has not reached a final resolution.
- The number of incidents the perpetrator was found responsible by the disciplinary hearing.
- The number of incidents that resulted in any action by the institution greater than a warning.
- The number of incidents that resulted in a disciplinary hearing that was closed because the accused withdrew from the institution.
- The number of incidents that resulted in a disciplinary proceeding that was closed because the victim did not want to participate.
- The number of incidents reported through the online reporting system, excluding reports submitted anonymously.
- The number of incidents previously submitted, in which the disciplinary proceeding was pending at the time of data submission, and was resolved during the current calendar year.

An institution must provide a link to the Sexual Misconduct Data Report (formerly named the Sexual Assault Data Report) published on the Minnesota Office of Higher Education website on the institution's website, unless the institution posts the data directly on the institution's website.

Comprehensive Training

Training given to campus security officers must include:

- Methods for the prevention of and response to sexual assault in collaboration with the Bureau of Criminal Apprehension or other law enforcement agency with expertise in criminal sexual conduct.
- Dynamics of sexual assault.
- Neurobiological responses to trauma.
- Best practices in prevention of, response to, and investigation of sexual assault.
- Culturally responsive training that reflect the unique experiences and challenges of the institution's student population.

Training given to campus administrators responsible for investigation and adjudication of complaints of sexual assault to include:

⁷ Additional clarification on the Sexual Assault Data Report and data to be collected will be included in the Sexual Assault Data Manual.

- Prevention of sexual assault.
- Response to incidents of sexual assault.
- Dynamics of sexual assault.
- Neurobiological responses to trauma.
- Compliance with state and federal laws on sexual assault.
- Culturally responsive training that reflect the unique experiences and challenges of the institution's student population.

Training required for students pursuing a degree, taking courses through Postsecondary Enrollment Options Act, or other categories of students classified by the institution who attend, will attend one or more courses on campus, or will participate in on-campus activities must be provided training on the definition of sexual misconduct:

- Training must be completed within ten (10) business days of the start of a student's first semester of classes.

Date rolled out _____

- Documentation of each student's completion of training, and ability to show proof of completion at the student's request.

Topics that must be covered in student training:

- All definitions included under the umbrella term of 'sexual misconduct.'
- The definition of consent as defined in 609.341 subdivision 4.
- Procedures for reporting sexual misconduct.
- On and off campus resources, including organizations that support victims of sexual misconduct⁸.
- Prevention and reduction of the prevalence of sexual assault.
- Culturally responsive training that reflects the unique experiences and challenges of the institution's student population.⁹

Annual training for individuals responsible for responding to reports of sexual assault to include:

- Best practices for interacting with victims of sexual assault.
- How to reduce the emotional distress resulting from making a report of a sexual assault, the investigation of the report, and the disciplinary process.
- Culturally responsive training that reflect the unique experiences and challenges of the institution's student population.

Training for confidential resources in all aspects of sexual violence and harassment

⁸ Day One services can support victims of sexual and gender-based violence in Minnesota at <http://dayoneservices.org> or crisis hotline at 1.866.223.1111

⁹ Training is focused on the unique circumstances of sexual misconduct that affects certain underrepresented populations disproportionately, such as students who identify LGBTQAI+, students with disabilities, student who identify as Native American and African American. Training should be focused on the individual institution's student population demographics and needs.

- Best practices for interaction with victims of trauma, preservation of evidence, and local legal processes and resources.
- Culturally responsive training that reflect the unique experiences and challenges of the institution's student population.

Student Health and/or Counseling Services

Institutions with medical or counseling professional staff in health or counseling centers have an obligation to effectively assess and respond to victims of sexual misconduct, including the following:

- Screen students for incidents of sexual misconduct using trauma-informed best practices.
- Offer information for victims and survivors of sexual misconduct including counseling mental health services, procedures for reporting, on and off campus resources for victims of sexual misconduct.
- Designate existing staff as a confidential resource.
- Train confidential resources on trauma-informed best practices, preserving evidence, the campus disciplinary process, local law enforcement process.

MN Statute 135A.15 as amended: <https://www.revisor.mn.gov/laws/2024/0/124/laws.2.4.0#laws.2.4.0>