



# Board of Regents - Special Meeting

December 2015

December 8, 2015

2:00 p.m. - 4:00 p.m.

Boardroom, McNamara Alumni Center

## BOR - DEC 2015 - Special Meeting

### 1. External Review of Matters Related to the Department of Intercollegiate Athletics

Docket Item Summary - Page 3

Overview - Page 5

Report - Page 6

Appendix - Page 142

Presentation - Page 692

### 2. Audit of Financial Management Practices within Intercollegiate Athletics

Docket Item Summary - Page 708

Overview - Page 709

Report - Page 710

Presentation - Page 737



# BOARD OF REGENTS DOCKET ITEM SUMMARY

**Board of Regents**

**December 8, 2015**

**AGENDA ITEM:** External Review of Matters Related to the Department of Intercollegiate Athletics

**Review**                       **Review + Action**                       **Action**                       **Discussion**

*This is a report required by Board policy.*

**PRESENTERS:** Karen G. Schanfield, Attorney, Fredrikson & Byron P.A.  
Joseph T. Dixon, Attorney, Fredrikson & Byron P.A.

### **PURPOSE & KEY POINTS**

The purpose of this item is to receive and discuss an external review of matters related to intercollegiate athletics. Reviewers were charged with evaluating:

- All allegations of sexual harassment against Teague or other senior Athletic Department leaders that came in after Teague’s resignation.
- Any confidential complaints regarding sexual harassment in the Athletic Department.
- Whether the University knew of, or should have known of, allegations of sexual harassment by Teague but failed to address them.
- The University’s vetting of Teague during his hiring process.
- The climate in the Athletic Department regarding reporting and addressing sexual harassment.

Karen G. Schanfield and Joseph T. Dixon from the law firm of Fredrikson & Byron P.A. conducted the external review. An Oversight Committee assisted the reviewers by providing insight regarding questions of scope and ensuring access to the people and resources needed to complete a thorough and timely review. The Oversight Committee consisted of Regent Laura Brod, chair; Regent Abdul Omari; William Donohue, General Counsel; Jean Quam, Dean, College of Education and Human Development; and Christopher Uggen, Distinguished McKnight Professor, Department of Sociology.

To preserve the integrity of the review, neither the Oversight Committee nor anyone else in the University was provided a draft report or asked to weigh in on specific content or recommendations.

Since some of the information provided to the external reviewers is classified as private under the Minnesota Government Data Practices Act, attorneys at Fredrikson & Byron thoroughly reviewed the report for compliance with the law. Susan McKinney, the University’s director of records and

information management, also reviewed the final document for the sole purpose of ensuring protection of private data.

The estimated cost of the external review through November 30, 2015 is \$690,000.

### **BACKGROUND INFORMATION**

On August 13, 2015, under emergency approval authority outlined in Board of Regents Policy: *Board Operations and Agenda Guidelines*, Section II, Subd. 10, Chair Dean Johnson, Vice Chair David McMillan, and Audit & Compliance Committee Chair Laura Brod authorized retention of external legal counsel on behalf of the Board to conduct the review.

Under this same authority, on August 20, 2015, Chair Johnson, Vice Chair McMillan, and Audit & Compliance Committee Chair Brod established the Oversight Committee.

These actions were ratified by the full Board of Regents at its meeting on September 11, 2015.

**UNIVERSITY OF MINNESOTA BOARD OF REGENTS  
DECEMBER 8, 2015**

**AN OVERVIEW OF THE EXTERNAL REVIEW**

**I. THE ROLE OF THE OVERSIGHT COMMITTEE**

**II. SCOPE OF THE REVIEW**

1. Review and investigate all allegations of sexual harassment against Teague or other senior leaders in the Athletics Department that come in after Teague's resignation.
2. Review and address any confidential complaints regarding sexual harassment in the Athletics Department.
3. Review whether the University knew or should have known of allegations of sexual harassment by Norwood Teague, but failed to address it.
4. Review the University's vetting of Teague during his hiring process.
5. Assess the climate in the Athletics Department regarding the reporting and addressing of sexual harassment.

**III. METHODOLOGY OF THE EXTERNAL REVIEW**

**IV. FINDINGS AND CONCLUSIONS**

**V. RECOMMENDATIONS**

A. TRAINING AND RESOURCES

B. REPORTING AND HANDLING OF REPORTS

C. MONITORING AND AUDITING SEXUAL HARASSMENT

D. UNIVERSITY POLICIES RELATING TO SEXUAL HARASSMENT

E. HIRING AND VETTING OF ATHLETICS DIRECTORS

UNIVERSITY OF MINNESOTA  
REPORT OF THE EXTERNAL REVIEW  
SEXUAL HARASSMENT AND THE ATHLETICS DEPARTMENT  
DECEMBER 2, 2015

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## TABLE OF CONTENTS

	<u>Page</u>
SUMMARY AND RECOMMENDATIONS.....	1
I.    Introduction.....	1
II.   The Athletics Department and Sexual Harassment .....	3
III.  The Hiring and Vetting of Norwood Teague .....	5
IV.  Findings and Conclusions.....	6
V.   Recommendations.....	10
OVERVIEW OF THE EXTERNAL REVIEW .....	11
I.    Background.....	11
II.   The Events of July 15 and the University’s Response.....	12
III.  Announcement of the External Review and Financial Audit .....	14
IV.  Scope of the External Review.....	15
V.   Establishment and Function of the Oversight Committee .....	15
VI.  Overview of Methodology .....	16
ANALYSIS AND FACTUAL FINDINGS .....	22
I.    THE ATHLETICS DEPARTMENT AND SEXUAL HARASSMENT.....	22
A.    Witness Interviews.....	22
1.    Perceptions of Teague Relating to Sexual Harassment and Climate.....	22
2.    Perceptions of the Athletics Department Generally Regarding Sexual Harassment and Climate.....	28
B.    Relevant Survey Data .....	32
1.    The 2015 Athletics Department Survey.....	33
2.    The Employee Engagement Surveys of 2013 and 2014 .....	41
3.    Student Athlete Surveys.....	44
C.    Tone at the Top Communications Regarding Sexual Harassment .....	47
D.    Relevant Policies Regarding Sexual Harassment .....	49
1.    Codes of Conduct.....	49
2.    Sexual Harassment Policies .....	52
3.    Policies on Nepotism and Personal Relationships.....	55
4.    Office of Institutional Compliance -- Reporting and Addressing Misconduct Policy .....	57
E.    Training Regarding Sexual Harassment .....	57
1.    Sexual Harassment Training Provided Annually to University Employees and Students .....	58
2.    Sexual Harassment Training Provided to Athletics Department Employees and Students .....	59
3.    Perceptions of the Training.....	63
F.    University Reporting Systems .....	64
1.    UReport.....	65
2.    EOAA .....	65
3.    University Human Resources .....	67

4.	The Aurora Center .....	67
5.	Office of Conflict Resolution.....	68
6.	Student Conflict Resolution Center .....	68
II.	FINDINGS ON THE ATHLETICS DEPARTMENT AND SEXUAL HARASSMENT .....	68
A.	Post-Resignation Complaints – August 8, 2015 - November 30, 2015.....	69
B.	Confidential Complaints Related to Sexual Harassment and the University’s Response – July 1, 2012-August 7, 2015.....	74
C.	Whether the University Knew or Should Have Known of Allegations of Sexual Harassment By Teague.....	84
D.	Climate of Reporting and Addressing Sexual Harassment in Athletics Department .....	85
III.	ANALYSIS AND FACTUAL FINDINGS REGARDING THE HIRING AND VETTING OF NORWOOD TEAGUE.....	86
A.	Introduction.....	86
B.	Confidential Nature of the Search.....	87
C.	Role of the Search Committee .....	88
D.	Role of the Advisory Committee .....	89
E.	The Search Firm.....	91
F.	The Search Process and Selection of Teague .....	92
G.	The Vetting of Teague .....	95
H.	Hiring of Teague .....	97
I.	The VCU Internal Complaint.....	97
J.	Findings.....	98
	RECOMMENDATIONS .....	101
I.	TRAINING AND RESOURCES FOR ADDRESSING SEXUAL HARASSMENT WITHIN THE ATHLETICS DEPARTMENT .....	101
II.	REPORTING AND HANDLING OF ALLEGATIONS OF SEXUAL HARASSMENT WITHIN THE ATHLETICS DEPARTMENT .....	103
III.	MONITORING & AUDITING OF SEXUAL HARASSMENT WITHIN THE ATHLETICS DEPARTMENT .....	104
IV.	UNIVERSITY POLICIES RELATING TO SEXUAL HARASSMENT WITHIN THE ATHLETICS DEPARTMENT .....	105
V.	HIRING AND VETTING OF ATHLETICS DIRECTORS .....	106



ADDENDUM A LIST OF WITNESSES INTERVIEWED ..... 107  
ADDENDUM B SURVEY GRAPHICS ..... 113  
ADDENDUM C LIST OF EXHIBITS ..... 127

## SUMMARY AND RECOMMENDATIONS

### **I. Introduction**

Reports of sexual harassment have challenged universities across the country. When University of Minnesota Athletics Director Norwood Teague resigned on August 7, 2015, and admitted that he had behaved inappropriately towards two female colleagues, the University accepted Teague's resignation, publicly re-stated that it does not tolerate sexual harassment, and acknowledged the courage of the two women who reported Teague's conduct. The University also committed to a thorough review of the Athletics Department. To this end, it initiated two reviews of the Athletics Department. Specifically, it engaged Karen Schanfield and Joseph Dixon of Fredrikson & Byron, P.A. to conduct an external review of five key issues related to the Athletics Department and directed its Office of Internal Audit to conduct an audit of the Athletics Department.

The external reviewers were tasked with the following:

1. Review and investigate all allegations of sexual harassment against Teague or other senior leaders in the Athletics Department that come in after Teague's resignation.
2. Review and address confidential complaints regarding sexual harassment in the Athletics Department.
3. Review whether the University knew or should have known of allegations of sexual harassment by Teague, but failed to address it.
4. Review the University's vetting of Teague during his hiring process.
5. Assess the climate in the Athletics Department regarding the reporting and addressing of sexual harassment.

This Report of the External Review (the "Report") and the associated Exhibits describe the relevant factual information collected and assessed, the findings drawn from that evidence, and recommendations resulting from the findings. The Report is based on the review conducted by Schanfield, Dixon, and the attorneys, paralegals and staff who assisted them (the "External Review Team").

The External Review Team considered events that occurred from July 1, 2012 through November 30, 2015. Based on its analysis of witness interviews, University documents, electronic communications, and survey data from this time period, the External Review Team reached certain conclusions about the Athletics Department and sexual harassment. It determined that while there have been instances of sexual harassment and inappropriate conduct in the University's Athletics Department, they were limited in number and the episodes were, by and large, effectively addressed as they occurred. Nonetheless, the External Review Team identified certain gaps in the University's responses and potential for improvement. The External Review Team also considered the vetting of Teague when he was

hired in 2012. It determined that the search process was consistent with similar searches by other Big Ten institutions. Nevertheless, there were gaps in the hiring and vetting process that should be addressed. The suggested improvements are described in the Recommendations section of the Report.

The external review was overseen by an Oversight Committee consisting of University of Minnesota Regent Laura Brod, William Donohue (University of Minnesota General Counsel), Regent Abdul Omari, Jean K. Quam (Dean of the University of Minnesota College of Education and Human Development) and Christopher Uggen (University of Minnesota Martindale Chair and Distinguished McKnight Professor of Sociology and Law). The Oversight Committee was chaired by Regent Laura Brod. The Oversight Committee met weekly with the External Review Team to ensure University support and resources were available to the effort, and to answer questions about the scope of the External Review.

The External Review Team independently identified and obtained various types of relevant information. University leaders, the Athletics Department, and University employees cooperated with the requests for information and interviews. Among other things, the External Review Team conducted interviews of over 100 individuals, reviewed over 250,000 pages of relevant documents, including email and text communications, and reviewed historical survey data. In addition, the External Review Team worked with the Office of Equal Opportunity and Affirmative Action (“EOAA”) and the University Office of Internal Audit to conduct a survey of Athletics Department personnel. The External Review Team also reviewed complaints related to sexual harassment and the Athletics Department made through various reporting channels. The substantial majority of witnesses were current or former Athletics Department personnel.

The External Review Team did not attempt to interview each member of the Athletics Department staff, but instead selected a broad cross-section of individuals to provide a sufficient breadth of experience and perspectives. The witnesses were, by and large, very candid, reporting criticisms and observations of problems as they perceived them.

The External Review Team maintained all communications and documents related to the review as privileged and confidential. Although witnesses were not promised that the information they provided would be kept confidential, the External Review Team has intentionally avoided ascribing specific statements and conduct to particular individuals in the Report. It has done so to support individuals who provided candid information and to encourage the reporting of sensitive information in similar circumstances in the future. It has also done so because the Minnesota Government Data Practices Act limits public disclosure of certain information about University employees and former employees. Thus, this Report describes what happened during the relevant period, but generally does not identify the source of specific statements or identify the individuals who are subjects of any particular finding. The External Review Team has provided and will provide the University with information related to the conduct of specific individuals so that it may take any responsive action that it deems appropriate.

## II. The Athletics Department and Sexual Harassment

The first, second, third, and fifth components of the external review relate to the Athletics Department and sexual harassment. In carrying out its responsibilities as to these items, the External Review Team considered witness interviews, documents and electronic communications, survey data, and the University's policies and practices.

### *Witness Interviews*

With a few limited exceptions, the witnesses generally indicated that they did not observe Teague behave in a manner that was flirtatious, sexual, or inappropriate based on sex or gender, toward any Athletics Department employee or student athlete at work or in professional or social settings. The vast majority of witnesses described a positive work environment, where women and men were supported. Even those current and former employees who did not report a favorable impression of Teague and raised a myriad of concerns regarding Teague's tenure as Athletics Director denied witnessing or hearing that Teague engaged in inappropriate conduct of a sexual nature prior to the Senior Leadership Retreat.

However, a few individuals reported that Teague and other senior leaders engaged in limited sexual banter and other communications that they found offensive. One senior leader acknowledged engaging in what he called "locker room" communications with a small number of Athletics Department personnel. The External Review Team also found evidence of a number of specific instances of text and email communications that were inappropriate and inconsistent with University policies. These specific verbal and written communications involved Athletics Department personnel, including senior leaders (some of whom no longer work with the Athletics Department). Based on the information provided in the many witness interviews and the responses to numerous surveys, the External Review Team determined that this type of communication was not a regular occurrence within the Athletics Department.

Many of the witnesses in the Athletics Department and other University offices knew that Teague had an active social life. Many of the witnesses also knew that Teague was single and dated. Within the Athletics Department, leaders and staff members took note of Teague's dates at different social activities, and it was a common topic of discussion, but no one reported seeing or hearing of behavior that was inappropriate or suggested that Teague had sexually harassed women.

The External Review Team identified some evidence of behavior by Teague that appears to have been similar in nature to his behavior at the Senior Leadership Retreat. The nature of the behavior involved third parties who were not University employees or students. The conduct was not reported to the University until after Teague resigned. Because Teague and these other third parties declined to be interviewed, the External Review Team cannot fully assess the nature of the conduct. One of the third parties is a news reporter who wrote that she had been sexually harassed by Teague in a published news article. The External Review Team considered the article, although it also considered that it did not have the opportunity to ask the news reporter questions about her experience or the contents of the article.

In his resignation, Teague raised the issue of drinking to excess. Witnesses generally recognized and acknowledged that Teague drank alcoholic beverages in socially appropriate settings. Most of these witnesses reported no concerns regarding Teague's use of alcohol at these events, although a few raised general concerns about his consumption of alcohol during University sports events. A number of Athletics Department personnel reported instances when they believed Teague was intoxicated at a University-sponsored event.

Witnesses were given latitude to discuss a wide variety of topics regarding Teague and the Athletics Department. Numerous witnesses voiced opinions and observations regarding the gender-equity requirements of Title IX and other topics. To the extent those views related to the issue of sexual harassment, they were considered. However, the issue of the University's compliance with the gender-equity requirements of Title IX is outside the scope of the External Review, and is, in fact, the subject of an ongoing investigation by the United States Department of Education Office of Civil Rights. Similarly, issues related to NCAA compliance, sexual assault, relationship violence, and matters arising outside of the Twin Cities campus are outside the scope of the External Review and are not addressed in the Report.

#### *Survey Data*

The External Review Team reviewed historical survey data and, in conjunction with the University Office of Internal Audit and EOAA, conducted a survey of Athletics Department personnel. The survey consisted of questions commonly used by the Office of Internal Audit as well as additional survey questions developed by EOAA and the External Review Team to identify concerns related to sexual harassment.

The survey results largely matched the generally positive descriptions of the Athletics Department climate provided by the witnesses. When asked to respond to the statement "I have not seen or experienced bias, discrimination or harassment" related to my gender or sex," less than 1 percent of the respondents reported seeing or experiencing bias, discrimination, or harassment related to gender or sex. Respondents were also given the opportunity to make anonymous comments. While many provided both critical and positive comments, none complained of sexual harassment.

#### *Policies, Training and Reporting*

As noted in President Kaler's announcement on August 7, 2015, the University expressly prohibits sexual harassment. Its policies on this subject are described in the Report. Since at least 2012, the Athletics Department, working with EOAA, has proactively sought to train Department personnel as well as student athletes regarding sexual harassment. Indeed, unlike the University, the Athletics Department has mandated this training for its personnel.

The University has also established a number of reporting options, including confidential reporting mechanisms. Allegations of sexual harassment in the Athletics Department during the relevant period were reported, albeit in some instances not immediately, and were ultimately addressed by the University. Numerous witnesses reported that Teague and the Athletics Department senior leaders were supportive of EOAA's involvement and the investigations it conducted in response to claims of sexual harassment.

### **III. The Hiring and Vetting of Norwood Teague**

The fourth item of the external review calls for consideration of the hiring and vetting process when Norwood Teague was hired. For this portion of its review the External Review Team considered witness interviews and documents, including the University's policies and practices.

The search process that resulted in Norwood Teague's hire in 2012 was comprised of a small search committee, a larger advisory committee, and an outside search firm, Parker Executive Search. The Letter of Understanding between the University and Parker Executive Search stated that Parker Executive Search would conduct background investigations related to the search and reference checks on the final candidates. The Letter of Understanding also noted: "We also encourage the President and other administrators to make reference calls at the appropriate time."

Witnesses reported that it is widely recognized that the most desirable candidates—typically those who hold a position as Athletics Director at another institution—would not apply for the Athletics Director position without an assurance of confidentiality because a public candidacy could well jeopardize their current position. The witnesses noted that the industry expectation is that the names of applicants for the position of Athletics Director will be kept confidential. The University's 2012 search process maintained applicants' confidentiality and recommended only one finalist to President Kaler.

On March 12, 2012 Teague applied for the position by submitting a cover letter and his resume. He also provided responses to the Candidate Questionnaire prepared by Parker Executive Search. At the time he was the Athletics Director at Virginia Commonwealth University ("VCU"). On March 23, 2012 and April 10, 2012, Parker Executive Search and the Search Committee discussed candidates by conference call and the Search Committee identified the candidates it wished to interview. The Search Committee conducted one two-hour interview with each of five candidates on April 18 and 20, 2012, and unanimously selected Teague as the single finalist. Some members of the Search Committee remarked that Teague gave one of the best interviews they had ever seen. Search Committee members indicated that they recommended Teague based on his background in fundraising and his recruitment of a basketball coach who had led the VCU men's basketball program to the Final Four in 2011. After the interviews, the committee met with President Kaler, discussed the candidates, and explained their recommendation. President Kaler agreed with the Search Committee's recommendation.

After Teague's interview on April 20, 2012, Parker Executive Search provided Teague with a one-page attestation. Teague attested that all of the information he had provided in the hiring process was completely accurate. He also gave the Search Committee authorization to contact references whose names he had not provided. Finally, Teague responded "no" to the following question: "As it relates to your candidacy for this opportunity, are there any potential issues of controversy or concern we should be aware of, i.e., legal, work-related, credit issues, civil litigation suits, etc." [sic]

Parker Executive Search spoke with several references, including those provided by Teague and others that Parker Executive Search identified. One of those references was affiliated with VCU. The references were reported to be uniformly positive. Following the selection of Teague as the sole finalist, the Search Committee asked one of its members to “do extra due diligence.” The member called two Athletics Directors at other universities and received only positive feedback about Teague. Although the Search Committee and Parker reported different understandings as to their respective responsibilities for conducting reference checks, members of the Search Committee generally reported that Parker’s background check of Teague was sufficient.

The report of Parker’s background check on Teague was transmitted to the University on April 23, 2012, the day of Teague’s final interview. Parker Executive Search indicated it had no concerns with Teague. Members of the Search Committee generally reported that Parker’s background check of Teague was sufficient.

On the morning of April 23, 2012, the Advisory Committee met with Teague, who had been announced as the sole finalist for the position. Teague then participated in separate meetings with the head coaches, senior staff of the Athletics Department, and University senior staff and faculty before being interviewed by President Kaler. Later that day Teague was announced as the University’s Athletics Director.

Neither the Search Committee nor Parker Executive Search was aware at the time of Teague’s hire that he had been the subject of an internal complaint at VCU while serving as its Athletics Director. In November 2011, the VCU women’s basketball coach made an internal complaint of inequitable salary for herself and unequal treatment of the men’s and women’s basketball teams. The complaint did not allege sexual harassment, other forms of sex discrimination, or retaliation. The complaint was investigated by VCU’s Office of Institutional Equity and determined to be without merit. Teague was advised of the outcome in December 2011. After leaving VCU, the women’s basketball coach continued to press VCU for financial compensation and, ultimately, in June 2012, she and VCU entered into a settlement agreement.

#### **IV. Findings and Conclusions**

1. Review and investigate all allegations of sexual harassment against Teague or other senior leaders in the Athletics Department that come after Teague’s resignation.

The External Review Team investigated numerous claims and reports that came in after August 7, 2015 alleging sexual harassment by Teague and other senior leaders in the Athletics Department. In general, these reports were anonymous and made broad, non-specific allegations regarding sexual harassment. The External Review Team sought additional information from the reporters. In most cases the reporters did not provide specifics or additional information.

The External Review Team did not find evidence to substantiate the allegations regarding sexual harassment by Teague or other senior leaders within the Athletics Department or a general climate of sexual harassment or inappropriate sexual conduct within the Athletics

Department. That said, the External Review Team identified specific communications that were inconsistent with University policy as described at page 9.

2. Review and address any confidential complaints regarding sexual harassment in the Athletics Department.

The External Review Team reviewed reports of sexual harassment in the Athletics Department that were made from July 2012 through November 30, 2015. Given its scope, the External Review Team did not re-investigate the underlying allegations, but reviewed the University's handling of these reports. In general, the University (typically EOAA) investigated and addressed the allegations appropriately.

However, in at least two cases involving student athletes, Athletics Department staff members initially failed to recognize that the conduct may have constituted sexual harassment or immediately report the matter to Athletics Department administrators or EOAA.

One of the cases arose in 2013. The U.S. Department of Education Office of Civil Rights has since determined that Athletics Department personnel failed to promptly report sexual harassment involving a coach and a student athlete. In reality, within weeks the conduct was reported to Athletics Department senior administrators, who then referred the matter to EOAA. EOAA conducted a prompt investigation, and the subject of the complaint resigned. EOAA recommended that the Athletics Department take several actions as a result of this complaint and those actions were taken.

In a more recent report of sexual harassment involving student athletes, a former student made an immediate verbal report to student housing, followed by an email to the team. A member of the team staff failed to escalate the issue and provided a response to the reporting student that contained at least one false statement. The separate report that was made to student housing was immediately referred to EOAA. The reports described troubling conduct by student athletes, identified specific student athletes, and suggested that the reporter would likely want to pursue the matter. EOAA promptly attempted to contact the former student by email using a University email address that she no longer used. When she did not respond to the email, EOAA closed the investigation a few weeks later. Although EOAA did promptly report the matter as part of a general trend to the Athletics Department, it did not pursue the specific allegations of sexual harassment or provide the specific allegations and names of the identified subjects of the complaint to the Athletics Department. The EOAA investigation was re-opened approximately seven weeks later in August 2015, when EOAA located a telephone number for the reporting student and spoke with her. EOAA then promptly commenced the investigation.

With regard to nine student athletes, EOAA found that the student athletes violated the University's Student Conduct Code by repeatedly and deliberately providing EOAA with false information in the course of the investigation. It also found one student athlete physically threatened and intimidated the reporting student in violation of the Student Conduct Code. However, EOAA concluded that it had "insufficient evidence to substantiate a sexual harassment policy violation against any individual at this time." Given the specific information provided by the reporter and her specific identification of at least some of the



student athletes involved, as well as the credibility determinations made by EOAA, the External Review Team concludes that there is sufficient evidence to conclude that at least some of the student athletes violated the sexual harassment policy based on the applicable standard of review.

3. Review whether there were other allegations of sexual harassment by Norwood Teague and, if so, whether the University knew or should have known about them and failed to appropriately respond.

As stated previously, none of the University witnesses, including many witnesses who were critical of Teague, identified any prior conduct that could be fairly understood as putting the University on notice that Teague would engage in conduct like that at the Senior Leadership Retreat, or anything similar to it. Even witnesses who believed Teague was not sufficiently supportive of women's athletics reported that they did not observe Teague engage in sexually harassing conduct. However, as stated previously, two witnesses identified a limited number of instances in which Teague was involved in inappropriate communications that were perceived as offensive.

The External Review Team found no evidence that the University had knowledge of anything inappropriate about Teague's conduct towards women prior to the Senior Leadership Retreat. Incidents in which Teague reportedly engaged in similar conduct were not reported or otherwise reasonably known to the University until after Teague's resignation.

The University also was not aware of a complaint concerning salary equity and court time that was brought by a female coach while Teague was Athletics Director at VCU, which VCU found to be without merit. The External Review Team concludes that even if University had known of the VCU complaint when Teague was hired, that knowledge would not have provided notice that Teague would engage in sexual harassment three years later.

4. Review the University's vetting of Teague during his hiring process.

The External Review Team concludes that the hiring and vetting process that resulted in Norwood Teague's hire was comparable to searches at other Big Ten institutions. Many public institutions rely upon the assistance of an external search firm. The total time of the search process, approximately eleven weeks, is consistent with the length of time for searches for Athletics Directors at comparable institutions. As compared with many other Big Ten search committees, the size and composition of the Search Committee was somewhat smaller and did not include Athletics Department personnel, although the particular history of a larger committee in the 2002 Athletics Director search in which there had been breaches of confidentiality is a reasonable justification for this judgment. The decision to rely on fewer people, however, necessarily resulted in fewer eyes on the vetting process with a narrower set of experiences.

The External Review Team also concludes that the roles and responsibilities for vetting candidates were not fully clarified by those involved. Among other things, the Search Committee's nearly complete reliance on the search firm for vetting appears at odds with the Letter of Understanding between the University and Parker Executive Search. That said, the

Search Committee did contact two off-list references and was generally satisfied with the vetting.

The question posed to Teague, “As it relates to your candidacy for this opportunity, are there any potential issues of controversy or concern we should be aware of, i.e., legal, work-related, credit issues, civil litigation suits, etc.,” was ambiguous, and left it to the applicant’s judgment to determine the disclosures that were required. Different candidates might have answered this question differently, but neither the Candidate Questionnaire nor the attestation clearly required the disclosure of all complaints of any type, including those found to have been without merit. It is also unclear what impact, if any, the disclosure of this internal complaint would have had on the selection process.

The External Review Team concludes that even if University had known of the VCU complaint when Teague was hired, this knowledge would not have provided notice that Teague would later engage in sexual harassment. Moreover, it appears unlikely that additional vetting by the Search Committee or Parker Executive Search would have uncovered evidence that Teague had engaged in sexual harassment previously.

Although the External Review Team concludes that the 2012 search was conducted in a manner that was consistent with similar searches by public institutions, the Report includes some specific recommendations for future searches.

5. Assess the climate in the Athletics Department regarding the reporting and addressing of sexual harassment.

The External Review Team concludes that the general climate within the Athletics Department does not condone or tolerate sexual harassment. There are policies that prohibit such conduct and there are periodic communications to enforce the stated expectations. The Athletics Department requires its personnel and student athletes to undergo training regarding sexual harassment. The University has established numerous reporting channels for making reports of different types, including sexual harassment, and those mechanisms have been used. When there have been instances of conduct that is recognized as sexual harassment, the Athletics Department has taken appropriate action.

The External Review Team found evidence of a number of specific instances of verbal communications as well as text and email communications that were inappropriate and inconsistent with University policies and has provided this evidence to the University so that it may determine an appropriate response. These specific communications involved Athletics Department personnel, including senior leaders (some of whom no longer work with the Athletics Department). However, based on the broad number of witness interviews and the responses to numerous surveys, the External Review Team finds that this type of communication was not a regular part of the climate within the Athletics Department.

Addressing sexual harassment and related concerns in a meaningful way requires a climate that not only educates students and employees to recognize the conduct in its subtle and not-so-subtle forms, but teaches the skills to respond effectively, assures prompt and appropriate responsive action, and provides support for those who need it after a report is made.

## V. Recommendations

The Report contains a number of recommendations in the following areas for the University's consideration:

- Training and Resources for Addressing Sexual Harassment within the Athletics Department;
- Reporting and Handling of Allegations of Sexual Harassment within the Athletics Department;
- Monitoring and Auditing of Sexual Harassment within the Athletics Department;
- University Policies Relating to Sexual Harassment within the Athletics Department; and
- Hiring and Vetting of Athletic Directors.

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## **OVERVIEW OF THE EXTERNAL REVIEW**

### **I. Background**

The University of Minnesota (the “University”) is a public research university with locations in Minneapolis and St. Paul (the “Twin Cities Campus”), Crookston, Duluth, Morris and Rochester, Minnesota. The University is governed by a Board of Regents, comprised of 12 Regents, who appoint a President. The Twin Cities Campus, the oldest and largest in the University system, has an undergraduate enrollment of approximately 34,000 students<sup>1</sup> and a graduate student enrollment of approximately 16,000 students. It is organized into 18 colleges and schools.<sup>2</sup>

The University of Minnesota Twin Cities was one of 27 universities to partner with the Association of American Universities (“AAU”) recently for purposes of conducting a Campus Climate Survey on Sexual Assault and Sexual Misconduct. More than 150,000 undergraduate, graduate, and professional students at 27 institutions participated in the survey which measured various forms of sexual misconduct.

At the Twin Cities Campus, 47.9 percent of respondents indicated they had been victims of sexual harassment while at the University. According to the University Office of Institutional Research, respondents who identified themselves as student athletes were somewhat more likely to respond that they had been subject to some form of sexual harassment during the course of their University experience than non-student athletes. Both student athletes and non-student athletes alike identified other students as the offender in over 90% of the responses.

According to information released by the University, the general findings of the survey are consistent with a number of other surveys, including the University’s own College Student Health Survey. The AAU results for the Twin Cities Campus are also in line with the national aggregate. As the AAU survey and recent media accounts make clear, sexual harassment is a broad-based problem on university campuses. It is not limited to the University of Minnesota or the Athletics Department.

Nonetheless, the Athletics Department is unique among departments at the University in several ways. Its staff is not faculty members engaged in the traditional faculty pursuits: teaching, research and service. Rather, they are coaches, trainers, counselors, and administrators whose interactions with student athletes take place outside of the classroom. They interact at practices, games, and sporting events during day, evening, and weekend hours in groups and individually at the University, local venues, and while travelling.

The familiarity and informality of relationships between student athletes and Athletics Department staff can have many positive attributes that contribute to a student athlete’s development, performance and sense of accomplishment and satisfaction. On the other hand,

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<sup>1</sup> See <https://colleges.usnews.rankingsandreviews.com>

<sup>2</sup> See <https://twin-cities.unm.edu/academics>

these attributes can make the line between welcome and unwelcome behavior sometimes difficult to discern. It is not uncommon, for example, for a coach to touch an athlete to show support, for a trainer or physician to touch an athlete when treating an injury, or for staff to compliment a student athlete's improved stamina or agility. Communication that is both informal and personal in nature is more likely to occur in this setting. Even when the behavior is unwelcome, student athletes may be particularly reluctant to complain, worried that they will be seen as not being a "team player" or afraid to risk losing the status that comes with being a Division I athlete or a scholarship. Likewise those who observe interactions between student athletes and staff may find it difficult to distinguish between welcome and unwelcome behavior.

## **II. The Events of July 15 and the University's Response**

Norwood Teague ("Teague") became the University's Athletic Director on June 18, 2012. Teague came to the University from Virginia Commonwealth University ("VCU"), where he had served as Athletics Director since July 2006. Prior to VCU, Teague was an associate athletic director for marketing at the University of North Carolina from 2001 to 2006. Teague graduated from the University of North Carolina at Chapel Hill in 1988 with a B.A. in Political Science and Communication and later earned an M.A. in Sports Administration from Ohio University in 1992.

Just over three years after he was hired, Teague abruptly resigned. His resignation came on the heels of his admission that he engaged in inappropriate behavior towards two female colleagues at a Senior Leadership Retreat on July 15, 2015.<sup>3</sup>

A senior leader who received text messages from Teague ("Senior Leader 1")<sup>4</sup> reported that Teague sent her text messages that were initially appropriate, but then crossed the line. At that point, Senior Leader 1 responded, "No" and "Stop," but Teague continued to text her. According to Senior Leader 1, she left the room, and Teague followed and sat down next to her, asking inappropriate personal questions and pinching her buttocks "repeatedly" as well as her waist. Senior Leader 1 tried to ignore him, but ultimately was forced to leave and go back to her room. When she got there, she saw that she had received more text messages from Teague that were of a sexually explicit nature and tone and plainly sought a sexual encounter. These texts were sent after she had texted Teague to "stop."

Teague also engaged with a second senior leader ("Senior Leader 2") the same evening. According to Senior Leader 2, Teague sat next to her and asked her a series of questions that initially appeared friendly. After being warned by a colleague that Teague was "hitting on her," Senior Leader 2 made certain to position herself away from Teague during the dinner that

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<sup>3</sup> The External Review contacted Teague's attorney several times seeking to interview Teague. Through his attorney, Teague requested additional information, but did not agree to be interviewed. *See* Exs. 13-16.

<sup>4</sup> The University has kept the names of the two female senior leaders who reported sexual harassment by Teague confidential. After Teague noted during his resignation announcement that the conduct had occurred at the University's Senior Leadership Retreat, the two female leaders publicly identified themselves to eliminate speculation as to their identity. Nevertheless, this Report does not identify them by name.

followed. After dinner, Teague moved to Senior Leader 2's table and moved his chair very close to her. With a wall behind her and another person on the other side of her, Senior Leader 2 reported that she felt physically trapped. She reported that Teague began to ask inappropriately personal questions and began to rub her back and poke her side. Ultimately, Senior Leader 2 left the table and walked back to her room.

The next day, July 16, 2015, Senior Leader 1 reported her concerns to the University Chief of Staff, Amy Phenix. The Chief of Staff notified Kathy Brown, Vice President for Human Resources, who was also in attendance at the retreat. Separately, Senior Leader 2 attempted to report her concerns to Brown. Brown referred her to the Chief of Staff who was handling the report from Senior Leader 1. As they left the retreat, Phenix advised President Kaler of the complaints made by the two women. President Kaler later consulted with Brown regarding the matter.

On Friday, July 17, 2015, President Kaler spoke individually with Teague and with each of the two senior leaders. President Kaler advised Teague not to have any interactions with either of them. That same day, Phenix notified the Office of Equal Opportunity and Affirmative Action ("EOAA"), the office charged by the University with handling allegations of sexual harassment, and the Office of General Counsel.

On July 22, 2015, President Kaler sent a letter to Teague in follow-up to their conversation on July 17, 2015.<sup>5</sup> In the interim, Senior Leader 1 and Senior Leader 2 consulted with the Aurora Center<sup>6</sup> at the University. Senior Leader 1 met with EOAA on Wednesday, July 22, 2015, and Senior Leader 2 met with EOAA on Thursday, July 23, 2015. EOAA determined that an external investigation was necessary. Teague was notified that an investigation would take place. EOAA identified an external resource to conduct the investigation. During this time, Teague also engaged an attorney.

On Saturday, August 1, 2015, before the investigation had commenced, Teague informed President Kaler that he had decided to resign. In a letter dated August 6, 2015, Teague resigned effective August 7, 2015. On August 7, 2015, President Kaler announced, "I have accepted the resignation of Gopher Athletics Director Norwood Teague, effective immediately."<sup>7</sup> Teague also announced his resignation on August 7, and stated, "At a recent University event, I had entirely too much to drink. I behaved badly toward nice people, including sending truly inappropriate texts. I am embarrassed and apologize for my offensive behavior."<sup>8</sup> President Kaler named Deputy Athletics Director Beth Goetz as Interim Athletics Director immediately following Teague's resignation.

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<sup>5</sup> Ex. 3

<sup>6</sup> The Aurora Center is operated by the University and is a confidential resource center. *See infra* p. 67.

<sup>7</sup> Ex. 33

<sup>8</sup> Exs. 6, 7

The University determined that Teague was a “public official” as that term is used in the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13. The University’s determination that Teague was a “public official” means that information regarding the allegations was public. Most public employees are not “public officials.” For employees who are not public officials and resign prior to a final disposition of any charge or complaint, the information regarding the charge or complaint and the related investigation is private and not subject to public disclosure under the statute.<sup>9</sup>

The events surrounding the July 15, 2015, episode reflect the difficult choices the two senior leaders faced in making the reports to the University and in later making their names public. Their experience illustrates the complexity of reporting inappropriate behavior in the workplace and in an educational setting even by those who are themselves in positions of authority. Despite the protections afforded by the law and University policy, issues related to inappropriate conduct at work or at school are complex. As noted in the recent AAU survey, sexual harassment is not uncommon in educational institutions, including the University.<sup>10</sup>

### **III. Announcement of the External Review and Financial Audit**

Following Teague’s resignation, the Board of Regents Chair, Dean Johnson, and President Kaler determined to engage a third party to conduct an external review (the “External Review”). On August 14, 2015, the External Review and an audit of the Athletics Department by the University Office of Internal Audit were announced. President Kaler stated:

Today, we took two important actions in the wake of Norwood Teague’s resignation. First, the University has launched an independent external review. . . . Secondly, we will conduct a full audit of Intercollegiate Athletics. . . . This was already part of this year’s audit plan, approved by the University’s Board of Regents Audit Committee in June, and that work will now commence immediately with an initial focus on the information most pertinent to the activities surrounding Teague.<sup>11</sup>

The University engaged Karen Schanfield and Joseph Dixon III of Fredrikson & Byron, P.A. to lead the External Review.<sup>12</sup> Several attorneys and staff from Fredrikson & Byron actively participated in the review (the “External Review Team”). Chairman Johnson and President Kaler emphasized that the External Review should be objective, thorough, fair, accurate and complete.

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<sup>9</sup> See Minn. Stat. § 13.43.

<sup>10</sup> See Westat Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct, dated September 21, 2015, which can be found at [www.aau.edu/uploadedfiles/aa\\_u\\_publications](http://www.aau.edu/uploadedfiles/aa_u_publications); Ex. 27.

<sup>11</sup> Ex. 11

<sup>12</sup> See Exhibit 9 for biographical information about Ms. Schanfield and Mr. Dixon.

#### **IV. Scope of the External Review**

The External Review Team was tasked with the following (the “Scope”):

1. Review and investigate all allegations of sexual harassment against Teague or other senior leaders in the Athletics Department that come in after Teague’s resignation.
2. Review and address any confidential complaints regarding sexual harassment in the Athletics Department.
3. Review whether the University knew or should have known of allegations of sexual harassment by Norwood Teague, but failed to address it.
4. Review the University’s vetting of Teague during his hiring process.
5. Assess the climate in the Athletics Department regarding the reporting and addressing of sexual harassment.<sup>13</sup>

The External Review Team considered events from July 1, 2012<sup>14</sup> through November 30, 2015. The Scope was limited to the Athletics Department for the Twin Cities Campus and to sexual harassment. Title IX of the Education Amendment Act of 1972 prohibits sexual harassment. The issue of the University’s compliance with gender-equity requirements of Title IX is outside the scope of the External Review, and is, in fact, the subject of an ongoing investigation by the United States Department of Education Office of Civil Rights.

#### **V. Establishment and Function of the Oversight Committee**

Chairman Dean Johnson and President Kaler also worked together to appoint an oversight committee (the “Oversight Committee”). The Oversight Committee was chaired by Laura Brod.

**Laura M. Brod** was elected to the University of Minnesota Board of Regents in 2011 and serves as Chair of the Audit and Compliance Committee. Brod is Chief Executive Officer and Board Director for GeneSegues Therapeutics, a Minneapolis-based biopharmaceutical company specializing in the innovation of DNA and RNAi cancer therapeutics. She also serves on the Board of Directors for Drake Bank. Brod was a member of the Minnesota House of Representatives from 2002 to 2010, during which time she served as Assistant Majority Leader and Assistant Minority Leader. Brod holds a B.A. from the University of Minnesota and M.A. from Mankato State University.

**William P. Donohue** has served as General Counsel of University of Minnesota since 2013. Donohue has been with the University of Minnesota Office of the General Counsel since 1982,

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<sup>13</sup> Ex. 11

<sup>14</sup> Under Teague’s employment agreement, his term as Athletics Director began on July 1, 2012.



serving as Deputy General Counsel and Director of Litigation from 1996 to 2013. He also served as a member of the Minnesota Lawyers Professional Responsibility Board for six years from 2008-2014. Prior to joining the Office of the General Counsel, Donohue was an attorney with the Office of the Minnesota Attorney General. Donohue is a graduate of Carleton College and received his law degree from the University of Minnesota.

**Abdul M. Omari** was elected to the University of Minnesota Board of Regents in 2013. Omari is the founder of AMO Enterprise. Omari holds a B.A. in Global Studies, an M.A. in Public Policy, and a Ph. D. in Comparative and International Development Education.

**Jean K. Quam** has served as the Dean of the University of Minnesota College of Education and Human Development since 2008. Before serving as Dean, Quam was served as the Director of the University of Minnesota School of Social Work from 1991-2006. Quam holds a B.A. in social work, a master's in social work, and a doctorate in social welfare.

**Christopher Uggen** is Martindale Chair and Distinguished McKnight Professor of Sociology and Law at the University of Minnesota. He has been an active participant in University faculty governance. From 2006-2012, Uggen was the Department Chair for the University of Minnesota Department of Sociology. Uggen has served as an editor of several journals and was a member of the American Society of Criminology Executive Board from 2002-2009. Uggen holds a B.A. in Behavioral Science and Law/Criminal Justice, and an M.A. and Ph. D in Sociology.

The Oversight Committee met weekly with the External Review Team to ensure University support and resources were available to the effort, and to answer questions about the Scope.

The Oversight Committee gave a clear directive that the External Review should be objective, thorough, fair, accurate and complete. The Oversight Committee had no involvement in directing the External Review itself and placed no limits or constraints on the investigation. The External Review Team did not tell the Oversight Committee in advance who was being interviewed. Nor did the External Review Team share the content of witness interviews with the Oversight Committee except in a few instances where the witness expressly requested that it do so.

The External Review Team did not report on the status of the review to the Athletics Department or the University Administration. Neither the Oversight Committee nor any representative of the University reviewed a draft of this Report prior to its issuance.

## **VI. Overview of Methodology**

The External Review Team independently identified and obtained various types of relevant information to conduct a review of the designated topics. The University, the Athletics Department and its employees cooperated with requests for information and interviews. Among other things, the External Review Team conducted scores of in-person and telephonic interviews, reviewed over 250,000 pages of relevant documents, reviewed historical survey data and, jointly with EOAA and the University Office of Internal Audit, conducted a new survey of all personnel within the Athletics Department. That survey included a broad

solicitation of the Athletics Department for any relevant information related to the External Review. The External Review Team also solicited additional information from anonymous reporters through UReport, the University's confidential reporting system. If the External Review Team identified issues unrelated to sexual harassment, the External Review Team provided the allegations to the appropriate University office.

The External Review Team maintained all communications and documents related to the External Review as privileged and confidential.

### Interviews

The External Review Team interviewed over 100 individuals. A list of all interviewees is set forth in Addendum A. The vast majority of the interviews were conducted in-person either on-campus (typically outside of the Athletics Department) or at the offices of the External Review Team. In some instances, the External Review Team conducted follow-up interviews.

At the request of the External Review Team, the Interim Director of the Athletics Department emailed the Department to encourage cooperation shortly after the External Review was announced.<sup>15</sup> On November 25, 2015, the Interim Director sent a last email to Athletics Department staff and student athletes, asking that anyone with relevant information contact the External Review Team. The External Review Team advised witnesses of the scope of the review and asked them to provide any relevant information whether good, bad or neutral. Witnesses were advised that the interview was voluntary. Witnesses were requested to keep the contents of the interview confidential and told that it was privileged, but were also advised that the University could choose to disclose the information they provided. Witnesses were also told that there would be a public report and advised of certain aspects of the Minnesota Government Data Practices Act, including the purpose and intended use of the information provided.

All University personnel cooperated with the request for an interview. The External Review Team made repeated requests to interview Norwood Teague, but he did not agree to be interviewed. In addition, a few other non-University employees who were thought to have relevant information declined to be interviewed, including a news reporter who had publicly identified herself as being subject to sexual harassment by Teague. The External Review Team considered her published news article, although it also considered that the External Review Team did not have the opportunity to ask her questions about her experience or the contents of the article.

The External Review Team selected the individuals to interview and did not advise the Athletics Department, the President's Office, or the Board of Regents of its selections or contents of the interviews. It did not provide the Oversight Committee with the contents of any interviews, except that in a few instances, as requested by a witness, the External Review Team provided limited information to the Oversight Committee or the Office of the General Counsel.

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<sup>15</sup> Ex. 25

The External Review Team interviewed individuals from the following groups, among others:

- The Athletics Department executive and senior leadership team
- Current and former Athletics Department employees from different segments within the Athletics Department
- Numerous coaches and staff members for both women's and men's athletics teams
- Athletics Department interns
- Representatives from third parties and University offices that had regular contact with Teague in his role as Athletics Director
- Faculty Representatives to the Athletics Department
- Donors to the Athletics Department
- Individuals within the University President's Office
- Individuals within University Human Resources
- Individuals within the Office of General Counsel
- Individuals within the Office of Equal Opportunity and Affirmative Action ("EOAA")
- Individuals involved with the 2012 Athletics Director Search, including a representative of Parker Executive Search
- Individuals who worked with Norwood Teague at other institutions
- Individuals who made allegations regarding Teague or the Athletics Department

The External Review Team also sought and obtained relevant information from the University Office of Institutional Compliance, EOAA, the Athletics Department, the Office of the General Counsel, the University Office of Internal Audit and the University Office of Institutional Research.

### **Documents**

Using search terms and individual review, the External Review Team reviewed over 250,000 pages of documentary evidence, including personnel files and emails, for relevant custodians in an effort to identify communications regarding evidence of sexual harassment or knowledge that Teague might engage in sexual harassment. The External Review Team also conducted a limited search of certain relevant text messages. The External Review Team requested Teague's cell phone for review (which was personally owned), but it was not provided by Teague.

The External Review Team also reviewed thousands of pages of documents related to the climate for reporting sexual harassment and individual complaints regarding Teague or the Athletics Department from 2012-2015. Among other things, the External Review Team requested and reviewed relevant policies, communications, protocols and procedures as well as documents pertaining to the University's response to individual allegations of sexual harassment and related topics from 2012-2015. The External Review Team also requested and received documentation regarding an investigation by the U.S. Department of Education Office of Civil Rights regarding the University's handling of a sexual harassment allegation. Given the Scope, the External Review Team did not re-investigate the underlying allegations made in any sexual harassment complaint but reviewed the University's handling of the complaint.

The External Review Team also requested the University provide all relevant files and documentation pertaining to the 2012 Athletics Director Search. The External Review Team received documents from the University and others related to the search and reviewed those documents.

In addition to documents obtained from the University, the External Review Team submitted requests to a number of other institutions including institutions in Virginia (Virginia Commonwealth University), Arizona (Arizona State University), and North Carolina (the University of North Carolina) that had previously employed Norwood Teague. The responses to those requests depended on state personnel records laws and provided limited information.<sup>16</sup>

The External Review Team also requested documents and information from Parker Executive Search related to its engagement by the University to assist with the 2012 Athletics Director search, including background and reference check information. In response, it provided two documents and made its chairman Dan Parker available for an interview.<sup>17</sup>

The External Review Team also submitted records requests to the Office of Civil Rights and the Equal Employment Opportunity Commission for any complaints against Teague. It received no response to either.

### Surveys

In addition to individual interviews and document review, the External Review Team, in conjunction with the University Office of Internal Audit and EOAA, conducted an anonymous survey of Athletics Department personnel in September 2015. The survey results are described in detail below beginning at page 34; the survey questions and results are set forth in Addendum B and Exhibit 28.

The survey utilized standard questions commonly employed by the Office of Internal Audit as part of its regular audits. With regard to these questions, the External Review Team also obtained survey results for the Athletics Department from 2011 and recent results from the University. In addition to the standard questions, the External Review Team developed a

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<sup>16</sup> The requests and responses are attached as Exs. 19-24.

<sup>17</sup> The response and documents provided are attached as Exs. 18, 96, and 104.

series of questions in coordination with EOAA to assess sexual harassment and discrimination. The survey was directed by email to over 800 individuals, including all Athletics Department personnel, including part-time and temporary workers, graduate students and interns. The recipients were directed to a third-party vendor to take the survey. The responses were voluntary and anonymous. The survey also provided an opportunity for unformatted feedback and complaints. The External Review Team obtained these results from the University Office of Internal Audit, which coordinated with the third-party vendor.

As part of the email solicitation for the survey,<sup>18</sup> the External Review Team also notified recipients of the External Review's Scope and requested them to contact the External Review Team with any relevant information.

In addition, the External Review Team examined prior surveys of Athletics Department personnel and student athletes during the 2012-2015 timeframe.

### **Standard of Review**

In accordance with federal law and University policy regarding claims of sexual harassment, the External Review Team used "preponderance of the evidence" as the standard of proof. In evaluating whether the University's response to a complaint to sexual harassment was reasonably prompt, the External Review Team considered that a typical investigation should take approximately 60 calendar days from receipt of the complaint to completion according to the Office of Civil Rights ("OCR").<sup>19</sup> Like OCR, the External Review Team recognizes that various factors, including the complexity of the investigation, the severity of the alleged conduct, and the number of individuals involved may affect the timeliness of a response.

### **Terminology**

This report addresses issues related to sexual harassment and the Athletics Department. Terms related to sexual harassment, sexual misconduct, and gender-based discrimination are often used in imprecise ways and are sometimes confused. Each is prohibited by applicable law and University policy. Individuals who report or participate in investigations related to allegations arising under these policies and laws are protected against retaliation.

For purposes of this report, these key terms are described below. These definitions are not intended as full descriptions of the applicable law, regulations, and policies, but merely as points of reference for the convenience of the reader.

1. **Sex Discrimination** means treating persons differently because of their gender. The prohibition against sex discrimination applies to the University's employment practices as well as to its educational programs and activities. Examples of prohibited sex discrimination include providing unequal wages, opportunities for advancement, or other benefits and taking

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<sup>18</sup> Ex. 26

<sup>19</sup> Ex. 110

adverse action against an employee, an applicant for employment or a student based on his or her gender.

2. **Sexual Harassment** is one type of discrimination based on gender. In a university setting, sexual harassment generally means unwelcome conduct or written, verbal or electronic communication where (a) sexual favors are used or threatened to be used as the basis for employment or academic decisions, (b) the conduct or communication unreasonably interferes with an individual's work performance or participation in an educational program or activity, or (c) the conduct or communication has the purpose or effect of creating a hostile, intimidating or offensive work or academic environment. It includes, but does not require, unwanted physical contact.

Examples of prohibited sexual harassment can include verbal and electronic communications about a person's body or sexual activities, sexual innuendos and joking, sexually explicit photos and videos, and touching, including sexual assault and sexual violence.

3. **Sexual Assault** includes rape and other forms of non-consensual sexual contact.

4. **Title IX** refers to the Education Amendments Act of 1972. Although this federal law prohibits sex discrimination, sexual harassment, and sexual violence in the University's educational programs and activities, "Title IX" is often used as a shorthand reference to the requirement of gender equity in athletics programs.

### **The Report**

The External Review Team was directed to prepare a written public report. Although witnesses were not promised that the information they provided would be kept confidential, the External Review Team has intentionally avoided ascribing specific statements and conduct to particular individuals in the Report. It has done so to support individuals who provided candid information and to encourage the reporting of sensitive information in similar circumstances in the future.

In addition, findings regarding Athletics Department personnel are governed by the Minnesota Government Data Practices Act which limits public disclosure of information regarding public employees who are not deemed to be "public officials." As a result, given the public nature of this Report, with the exception of Teague and other public officials, this Report describes what happened, but does not identify current or former University employees by name when describing statements made or identify the subject of a finding. This was done so that the Report could be released without substantial redactions.

The External Review Team has provided and will provide the University with the relevant information regarding individuals who are the subject of a finding so that it may consider any appropriate personnel action.

## ANALYSIS AND FACTUAL FINDINGS

### **I. THE ATHLETICS DEPARTMENT AND SEXUAL HARASSMENT**

#### **A. Witness Interviews**

As described above, the External Review Team interviewed over 100 witnesses. The substantial majority of witnesses were current or former personnel of the Athletics Department with a wide range of job duties and key personnel. The External Review Team did not attempt to interview each member of the Athletics Department staff, but instead selected a broad cross-section of individuals to provide a sufficient breadth of experience and perspectives. The witnesses were, by and large, very candid, reporting criticisms and observations of problems as they perceived them. Not surprisingly, different witnesses had different perspectives and different judgments regarding the climate of the Athletics Department. That said, the observations of the witnesses were largely consistent about some topics, with a few exceptions that are noted herein. At times, witnesses provided reports of rumors or second-hand stories. If relevant to the inquiry, the External Review Team attempted to determine if there was substantiation for the rumor or story.

The External Review Team also interviewed witnesses who came into regular contact with Teague and the Athletics Department as part of their job-related duties, including the Office of the President, the Office of General Counsel, certain members of the Faculty, EOAA, and other offices.

#### **1. Perceptions of Teague Relating to Sexual Harassment and Climate**

##### *Senior Leaders in the Athletics Department*

No senior leader in the Athletics Department reported observing Teague behave in a manner that was flirtatious, sexual, or inappropriate based on sex or gender, toward any Athletics Department employee or student athlete. Members of his leadership team described Teague as having had good relationships with female leaders in the Athletics Department. By way of example, these leaders noted that Teague provided leadership and was fully supportive of the efforts to address an instance in which a female student athlete came forward regarding potential sexual harassment from a member of the coaching staff.

Female senior leaders described themselves as very supported and well treated under Teague's leadership. One female leader stated Teague was always very respectful to her, was "great" to work for, gave her opportunities, and asked for her opinion. She further stated that Teague was very supportive when she needed time off related to her family and children. Another woman on the leadership team stated she never witnessed anything sexual or inappropriate and replied, "Absolutely not," when asked if Teague or anyone else acted inappropriately. She added that she never felt uncomfortable, as a female, even when traveling with Teague and others in the Athletics Department. She said she has never encountered or been aware of any sexual harassment within the Athletics Department. A third senior female leader described Teague as

the most empowering supervisor she had worked for, stating that women had a seat at the table, and that she never witnessed any jokes or sexual innuendo or inappropriate comments. This woman also noted a specific example of Teague providing opportunity and responsibility to another woman and making her part of the executive team.

Men and women alike noted that Teague was more likely than many to touch colleagues, but he was just as likely to do this with men as with women. For example, one male leader reported that Teague kissed the top of his head once. One senior leader noted one instance in which he observed Teague driving a golf cart at a football game with a woman (who was not a University student or employee) sitting on his lap. This individual viewed this behavior as inconsistent with the way he felt an Athletics Director should conduct himself in front of student athletes, but he observed no other touching or behavior by Teague that would be considered sexually harassing conduct.

#### *Athletics Department Staff*

Employees in the Athletics Department had varying levels of interaction with Teague. Some interacted with Teague every day. Some attended donor events, games and social events with him weekly. Others only saw him only occasionally.

None of the witnesses reported that they had observed or heard about Teague engaging in sexual harassment prior to the Senior Leadership Retreat, including professional, as well as social, settings. Many of the individuals interviewed regularly attended social gatherings at Teague's house on Friday nights before Saturday football games. None of the Athletics Department employees interviewed witnessed sexually inappropriate behavior by Teague at those events. For example, one of the Athletics Department employees interviewed openly acknowledged that she did not regard Teague highly, and raised concerns unrelated to sexual harassment. However, she denied ever observing Teague engage in conduct that could be perceived as sexual harassment. Another employee stated that he never thought Teague would be a good fit at the University, but he was nevertheless "shocked" by the events that transpired at the Senior Leadership Retreat because this employee never observed Teague engage in that type of behavior. Several other employees of the Athletics Department also used the word "shock" to describe their reaction to Teague's conduct at the Senior Leadership Retreat.

One employee who saw Teague, on average, every other day, and planned almost all of the events Teague attended, reported that she was never uncomfortable around Teague and did not observe Teague engage in inappropriate behavior with women. The employee witnessed interactions between Teague and Athletics Department staff, coaches, and other colleagues. The employee noted, as did many others in the Athletics Department, that Teague was an affectionate man, and that he would greet men and women by putting an arm around them or hugging them. This employee noted that others did not appear put off by Teague's physical contact. The employee observed no difference in the way Teague treated men as compared to women.

Only one current employee observed Teague engaging in sexual banter. The employee reported to the External Review Team that the employee once overheard Teague and two other



senior leaders in the Athletics Department talking about sexual harassment and rape. They reportedly stated there was no difference between the two. The employee noted that these comments were made in front of student workers. This employee also reported that on another occasion, the employee overheard inappropriate comments about women who were outside in their workout gear made by Teague and other senior leaders who were observing the women from their office. This employee did not report the incident at the time because the employee did not feel comfortable doing so. A former employee also reported that he overheard Teague engage in sexual banter regarding women. This former employee reported that Teague and two senior leaders engaged in what the former employee described as “locker room talk” in 2012.<sup>20</sup> The former employee reported that others in senior administration heard Teague engage in this talk, but speculated that they may be unwilling to discuss it. One of the senior leaders in question acknowledged engaging in “locker room” talk and text communications with a very limited number of people. He contended that such discussions were not broadly communicated. This contention was generally supported by other witnesses who worked in close proximity to Teague and the senior leaders, but did not hear any such discussions.

### *Athletics Department Interns*

The External Review Team also conducted interviews with the Athletics Department interns who were likely to have had contact with Teague. These interns also had varying levels of interaction with Teague. Typically, they had a brief introduction to Teague and then an occasional observation of him at a meeting or event. None of the interns interviewed observed Teague engage in sexual harassment or sexually inappropriate behavior.

One intern noted that during limited interactions with Teague, Teague always treated people well, and treated men and women similarly. A second intern interacted with Teague only twice—both times during the week of the Senior Leadership Retreat—and recalled nothing inappropriate or noteworthy about Teague’s conduct during those interactions. Another intern attended an out-of-town, overnight event with Teague and others in the Athletics Department in March or April 2015. The intern interacted with Teague during an evening program and at a breakfast the following morning. The intern observed appropriate behavior from Teague at that event at all times. Similarly, another intern had an opportunity to observe and interact with Teague on two Gopher Road Trips over the summer of 2015.<sup>21</sup> This intern did not observe any inappropriate behavior by Teague.

### *Coaches*

All of the coaches interviewed, including those who were critical of Teague, denied observing Teague engage in sexually harassing or sexually inappropriate behavior either in professional or social settings.

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<sup>20</sup> The senior leaders referred to by the current employee and former employee no longer work for the Athletics Department.

<sup>21</sup> The Gopher Road Trip is a caravan across Minnesota.

### Former Employees

Many of the former employees interviewed did not leave the University with a favorable impression of Teague and did not hesitate to raise a myriad of concerns regarding Teague's tenure as Athletics Director. Yet none of the former employees interviewed reported ever witnessing or hearing Teague engaged in sexually inappropriate conduct prior to the Senior Leadership Retreat except that one former employee reported overhearing Teague engage in sexual banter regarding women. Another former employee who was particularly critical of Teague stated that while the former employee did not hear about or observe sexual harassment by Teague, the former employee was not surprised by the allegations. The former employee opined that Teague did not fully support gender equity, and his conduct at the Senior Leadership Retreat was a reflection of that. A different former employee who was part of Teague's inner circle and spoke highly of Teague's character, opined that the stress of the job got to Teague and that the stress probably led to him to consume more alcohol than he should have at the Senior Leadership Retreat. This former employee was adamant that the Senior Leadership Retreat incident is not reflective of Teague's character and stated that if he had had any belief or inkling that Teague would engage in such conduct, he would not have come to the University to work for Teague.

### Others

President Kaler stated he had regular interaction with Teague during his tenure and knew Teague well. He and Teague met every three to four weeks and talked often. President Kaler stated that he never observed any sexually inappropriate behavior from Teague. President Kaler reported that he never heard any complaints that Teague was sexually harassing women or engaging in sexually inappropriate behavior. President Kaler acknowledged that Teague made physical contact with people, and described him as "a hugger." That said, President Kaler never saw anything that appeared to be inappropriate or unwelcome.

President Kaler's experience and observations were consistent with other members of his staff who also had regular contact with Teague, none of whom observed sexual harassment or sexually inappropriate conduct. One staff member stated that she never witnessed Teague treat women inappropriately or disrespectfully. The staff member stated that Teague's behavior at the Senior Leadership Retreat is contradictory to the man she knew. Another staff member stated that there were no observations regarding Teague during his tenure that gave her any pause.

The senior leaders who ultimately reported the events at the Senior Leadership Retreat had less frequent interactions with Teague prior to the retreat, but they reported they had not witnessed or heard about Teague engaging in sexual harassment prior to July 15, 2015.

Other senior University leaders with Human Resources, the Office of General Counsel, the University Foundation and EOAA, all of whom had varying degrees of contact with Teague in different settings and with the Athletics Department, stated that they did not observe anything that caused them concern. Similarly, none of the faculty representatives for the Athletics Department observed Teague behaving in an inappropriate manner.

### Teague's General Management Style

The majority of Athletics Department employees interviewed reported that Teague treated people well. A consistent theme throughout the witness interviews was that Teague's efforts as Athletics Director were focused externally, rather than internally, which was a change from his predecessor. The change was well-received by some, but met with hostility by others. For the most part, Athletics Department employees had more interaction with Teague's predecessor than with Teague. Also, a few employees noted their disagreement with Teague's decision not to renew the contracts of certain employees (some of whom were women), and had concerns about him bringing in individuals from VCU or seeming to promote people who were not perceived as having sufficient experience. For example, one employee stated that while Teague treated both men and women well, this employee observed what was considered favoritism towards those who came from VCU.

Some employees were critical of Teague's management style, which, for some, was perceived as related to how he interacted with women. While most employees and leaders reported that Teague treated men and women equally, some perceived that he had difficulty relating to women. One former employee reported that Teague was not comfortable around women, especially strong women. Another former employee stated that Teague seemed uncomfortable around women and this would sometimes manifest itself at work. One employee of the University reported that although the employee had a generally positive experience with Teague, the employee understood that Teague had once requested that a meeting include male participants as well as females, which offended the employee. Another employee reported that Teague would not acknowledge her or another woman in the hallway.

The view that Teague treated women differently was not broadly shared. For example, one female employee attended donor events with Teague approximately two to three times per month and during the busy times, five to ten times a month. She observed that Teague treated men and women similarly. Another employee in the Athletics Department who had regular contact with Teague stated that Teague had a bit of "swagger" about him, but that the employee never noticed a difference in how Teague related to men and women.

A few employees perceived that there were only a few women in higher ranking positions in the Athletics Department. One employee thought there might be some degree of gender discrimination with regard to promotions and raises within the Department. This employee acknowledged not knowing whether certain promotional decisions were based on gender, or age, or some other reason, but had a belief that some promotional decisions were not fair. This employee also acknowledged being personally supported by Teague. Another employee perceived that there were not many women who were promoted into management positions.

A majority of the coaches interviewed reported having little to no day-to-day contact with Teague, noting that Teague's focus as Athletics Director was external (i.e., fundraising, and donor relations) rather than internal. This was different from Teague's predecessor, who spent more one-on-one time with coaches and more time at sporting events.

The Office of the President had regular interaction with Teague. In the first year or so, those in the Office of the President perceived that Teague had a “mission, vision, values” initiative. If there were specific issues (e.g., involving a recruit or coach), Teague brought these concerns forward. Teague was perceived as transparent. Teague talked about personnel changes and about how he wanted to structure the department. Teague spoke with the Chief of Staff about his decision not to renew the contracts of a number of Athletics Department staff.

While some witnesses observed Teague as a strong leader with vision, others observed issues develop under Teague, although those concerns were not related to sexual harassment or inappropriate behavior by Teague.

### Gender Equity Under Title IX

The Athletics Department and the President’s Office readily acknowledged that Teague was persistently criticized by some for his perceived lack of commitment to women’s athletics and his decision not to renew the contract of certain women in the Athletics Department. The senior leaders within the Athletics Department and the University strenuously contend there is, and has been, a full commitment to gender equity. While the senior leaders within the Athletics Department and the University believe Teague had a strong commitment to gender equity, they also acknowledged that there were public perception issues in some quarters. Witnesses shared different views regarding compliance with gender equity requirements under Title IX. As previously stated, the United States Department of Education Office of Civil Rights is currently investigating the University relating to these issues, and compliance with gender equity under Title IX is outside the External Review’s Scope.

### Teague’s Social Activities

Given the nature of Teague’s duties as the Athletics Director, he was often in social and semi-social settings on behalf of the University. Many of the witnesses in the Athletics Department and other University Offices knew that he had an active social life. Many of the witnesses also knew that Teague was single and dated different women. The Office of the President was aware that Teague led an active social life and dated different women, but noted nothing inappropriate. Within the Athletics Department, leaders and staff members took note of Teague’s dates at different social activities, and it was a common topic of discussion. A number of the witnesses noted one department social function early in Teague’s tenure where Teague appeared to pay more attention to two women (who were not affiliated with the University) at the bar than the Athletics Department staff. Although Teague’s status as a single person differed from his predecessors, no one reported seeing or hearing of behavior that was inappropriate or suggested that Teague harassed women. Teague’s dating was a topic of discussion, but even those witnesses who were aware of Teague’s dating activity did not recall any public displays of affection or conduct that might be perceived as questionable. In fact, two witnesses reported that they tried to “set him up” with a friend.

The External Review Team did identify evidence of behavior by Teague that appears to have been similar in nature to his behavior on July 15, 2015, at the Senior Leadership Retreat. The nature of the behavior involved third parties who were not employees or students of the

University. Because Teague and these other third parties declined to be interviewed, the External Review Team cannot fully assess the nature of the conduct. The conduct was not known to the University until after Teague's resignation on August 7, 2015.

In his resignation, Teague raised the issue of drinking to excess. Witnesses in the Athletics Department and the Office of the President widely recognized and acknowledged that Teague drank alcoholic beverages in socially appropriate settings. Senior leaders within the Athletics Department and the President knew that Teague used Uber services if he had a second or third drink at an event, and they thought it reflected responsible behavior. Many of the leaders and staff within the Athletics Department reported observing Teague drinking alcohol at various points. Most of these witnesses reported no concerns regarding Teague's use of alcohol at these events. A few raised general concerns about the use of alcohol during games. A number of Athletics Department personnel did note a few instances when they believed Teague was intoxicated at a University-sponsored event.

Some of the Athletics Department interns assisted in setting up and/or cleaning up the Friday night socials at Teague's house and, accordingly, they had the opportunity to observe Teague's University-sponsored social activities throughout the evening. Some of these interns reported that the lines between social and work became blurry and slightly uncomfortable for them because they were working in Teague's home. None of them reported observing conduct they perceived as inappropriate or harassing. Interns did report observing a significant amount of drinking, including by Teague.

## **2. Perceptions of the Athletics Department Generally Regarding Sexual Harassment and Climate**

Senior leaders in the Athletics Department uniformly reported a climate where sexual harassment is not tolerated and is immediately reported to EOAA. Members of the leadership team stated the Athletics Department is a professional environment and the culture would not condone sexual harassment or sexually inappropriate behavior, flirting, sexual jokes, etc. Female senior leaders reported never hearing any jokes or sexual innuendo and not having seen any behavior by senior leaders that they perceived as inappropriate. For example, one senior leader stated she is not aware of any concerns about behavior of senior leadership, does not recall anything in terms of sexual harassment, and has not seen women being treated poorly. Two other senior leaders stated there is no tolerance for sexual harassment in the Athletics Department.

Employees on the leadership team were also asked their perceptions of whether employees feel comfortable reporting sexual harassment if they experienced it, witnessed it, or were approached by someone who experienced it or witnessed it. One employee stated that the employees in the Athletics Department are not shy and they would be comfortable reporting sexual harassment if it occurred; however, he was less sure if people would be as willing to report if they were reporting on conduct of the Athletics Director, because people would naturally be uncomfortable complaining about the boss. This employee went on to say that the employee would report sexual harassment regardless of concerns about job security and stated sexual harassment is one of those things that should be acted upon so that people are respected and treated well. Another employee said he believes that employees feel comfortable coming

forward if they have complaints. This employee stated that if employees do not want to talk to their supervisors, the administration is very approachable. This employee added that the Athletics Department cannot be seen as an environment condoning inappropriate behavior. It is an environment where everyone needs to be hypersensitive about how they treat people and how they handle issues when people do not treat others appropriately. Another employee noted that information is available on what to do and how to report sexual harassment, but recognized that athletics is a male-dominated area and females might put up with some inappropriate conduct. Another employee also reported that students are comfortable making reports.

### *Athletics Department Staff*

After Teague resigned, an employee did a “climate check” of the Athletics Department by talking to other staff members. Although relatively new, this employee never observed any inappropriate behavior and is not aware of any behavior similar to that at the Senior Leadership Retreat. This employee noted that since Teague’s resignation, there has been significant encouragement for others to come forward.

Most of the employees interviewed by the External Review Team were unaware of any incidents of sexual harassment in the Department. One employee reported that she is surprised that the Department is “under fire” since the climate of the Department is not one in which sexual harassment is tolerated. Another long-term employee reported she has never been made to feel uncomfortable. This employee stated the Athletics Department does not permit sexual harassment; it is not tolerated. This employee also has not witnessed or heard of inappropriate touching, flirting, excessive drinking, or any other behavior that would create discomfort. She was not aware of any reluctance to report such behavior if it ever were an issue. Some employees perceive that flirting is permitted in the Department, but that sexual harassment is not tolerated. Even employees who were critical of Teague were comfortable that there is no widespread sexual harassment in the Athletics Department.

As noted above, one current employee and a former employee reported that a few senior leaders had engaged in “locker room” banter and made inappropriate sexual comments. One senior leader acknowledged engaging in locker room-type comments and text messages. He believed this type of discussion was in a private setting, and he understood that it was not acceptable within the wider environment.<sup>22</sup>

The External Review Team found a number of specific instances of verbal communications involving Athletics Department personnel, including senior leaders (some of whom no longer work with the Athletics Department), that were inappropriate and inconsistent with University policies. As noted above, the External Review Team reviewed certain emails and text messages. As a result of that review, the External Review Team identified a number of instances of text and email communications involving Athletics Department personnel,

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<sup>22</sup> The senior leaders referred to by the current employee and former employee no longer work for the Athletics Department.

including senior leaders (some of whom no longer work with the Athletics Department), that were inappropriate and inconsistent with University policies. Nevertheless, based on the broad number of witness interviews and the responses to numerous surveys, the External Review Team finds that this type of communication was not a regular part of the environment or considered to be a common part of the climate within the Athletics Department.

The majority of Athletics Department employees stated they would be comfortable reporting sexual harassment, and that sexual harassment would not be tolerated. However, a few Athletics Department employees raised concerns about reporting issues. One employee stated that although she reported things in the past, she did so reluctantly because she perceived the potential for retaliation. She worried that others in Department did not have the resolve or courage to report. This employee stated that the Department does not have an environment where people think they can complain. She expressed a concern that too much deference is given to coaches. Another employee stated her belief that employees in the Athletics Department were reluctant to report under Teague, and that people do not know where to go when they have a concern. This employee stated that in the past, an employee could report harassment to the prior Title IX Coordinator. When that person left, however, this employee perceived it was no longer safe to report concerns. She also perceived that employees do not want to go to University Human Resources, because they do not know if their complaints will be repeated to the Athletics Department. Two other employees noted that any reluctance to report is related to external factors, and is not necessarily reflective of a problem at the University or the Athletics Department. One of these employees attributed a reluctance to report to the culture in Minnesota. A second employee noted that sometimes people may be apprehensive to report an incident despite the anonymity of the complainant during the process, because often times the parties are easily recognizable simply based on the available facts. He believes that not wanting to report is a “human nature” response, and not necessarily reflective of the available University resources for reporting.

Most interviewees stated that they would be comfortable reporting sexual harassment, and that they believed others would also be comfortable reporting. For example, one employee stated she is not aware of any reluctance to report sexual harassment. She noted that people are really encouraged to report. Employees get frequent reminders, and the University provides many different avenues to report issues, including but not limited to, sexual harassment. One employee stated her belief that the University encourages the reporting of incidents. She was unaware of instances of retaliation for reporting. Another employee denied any reluctance to report sexual harassment in the Department, stating that employees are encouraged to report. She believes that employees in the Athletics Department know what to do if they need to report an incident. She also is unaware of any instances of retaliation against individuals who have reported harassment. Other employees similarly reported they would be comfortable reporting sexual harassment if they observed it.

A number of the former employees who were interviewed were critical of the reporting climate in the Athletics Department. They indicated Teague’s decisions not to renew the contracts of some staff caused a lot of fear and apprehension among employees. A former employee also noted that the climate for reporting changed under Teague. This former employee stated that one of the senior leaders was a hammer who squashed the kind of atmosphere where

employees felt comfortable making reports within the Athletics Department. Another former employee who liked to discuss things openly was released by Teague. This former employee reported that she began to include people from outside the Athletics Department on issues hoping others would start asking questions and spare her from retaliation. She believes people were reluctant to report, because of a general fear that those who filed reports would not be supported. A third former employee stated that in October 2014, a senior leader set up an interview with her following a staff survey. She asked the senior leader if she could be candid, and he said she should be. She told the senior leader that the environment was not good. The senior leader never spoke to her again. In general, this former employee perceived a “toxic” environment in the Athletics Department.

### Coaches

All twelve coaches interviewed commented positively on the climate of the University’s Athletics Department with regards to sexual harassment. None of the coaches interviewed believes that sexual harassment is tolerated within the Department. To the extent the coaches were aware of specific instances or allegations of sexual harassment apart from allegations about Teague’s behavior, the coaches reported that these were isolated incidents that have been addressed by the University. One of the coaches reported that Teague addressed an incident at a coaches meeting and emphasized that it was not acceptable. None of the coaches identified any specific instances or allegations of sexual harassment in the Athletics Department that have not been addressed by the University.

One female coach stated that she has not seen anything in the Department that could be perceived as sexual harassment. But she noted that athletics is still a “men’s world” or a “boys’ club.” She noted the absence of women in athletic leadership roles. She also noted that women in the Department are around a lot of men, and may not feel comfortable speaking up if men are making inappropriate jokes. This coach noted, however, that she has not personally observed this type of behavior at the University or in the Athletics Department.

The head coaches are all generally aware of, and comfortable with, the process for reporting sexual harassment. Several coaches recalled attending a mandatory sexual harassment seminar at TCF stadium for the Athletics Department approximately one year ago. One coach noted that women throughout the Department are comfortable reporting sexual harassment, and that there is no reluctance to report.

### Athletics Department Interns

Most of the interns spoke positively about the climate of the Athletics Department with regard to sexual harassment. One intern described the Athletics Department as a safe place, and one in which sexual harassment “wouldn’t be tolerated.” The interns have been told by a senior leader that they are not “just interns” and they should speak up if they ever feel taken advantage of or uncomfortable. Another intern noted that she has not heard or observed any inappropriate behavior in the Department, not even the “slightest derogatory remark.” The other interns all shared their view that sexual harassment would not be tolerated at the University. Another intern noted that she has not experienced sexual harassment and she



believes the Department would be receptive to complaints because the Interim Athletic Director has made it clear in her communications that there are open doors for expressing concerns. Another intern noted that there was a comfortable environment in the Athletics Department that supports reporting.

However, two former interns expressed concerns about reporting. One intern expressed a belief that people in the Athletics Department would *not* be comfortable reporting sexual harassment prior to Teague's resignation. This intern noted that it was a tense time, with a lot of personnel turnover. The intern stated that the turnover created a tense environment. According to this intern, people in the Department felt like they did not have a voice, and therefore, were quiet. They were hoping the "hammer didn't drop on them." A second intern stated that people would not be comfortable making reports and the intern did not know where to lodge a complaint. She did not recall the University providing training regarding sexual harassment. She was unaware of the University's policy regarding sexual harassment.

Many of the interns expressed a preference for reporting harassment to a supervisor (if it occurred) or close colleague, as opposed to EOAA or the Athletics Department Human Resources. For example, one intern stated that she would be comfortable reporting sexual harassment to her own supervisor, or the individuals with whom she works. She would not be comfortable reporting harassment to someone she does not know. Only after talking to someone she is comfortable with would she be willing to report to Human Resources. This intern also noted that prior to Teague's resignation, she would have been concerned that harassment by an individual in a powerful position may get "covered up." But given the University's swift and decisive response to the Teague allegations, this intern now believes that someone in power will not get special treatment. This instills confidence in the intern with regard to reporting harassment in the Athletics Department. Another intern noted her belief that her supervisors are her advocates, and that she would feel comfortable reporting to them.

### Faculty

Faculty representatives also reported that Athletics Department staff know where the line is between appropriate and inappropriate behavior.

### **B. Relevant Survey Data**

To assess the climate in the Athletics Department, the External Review Team looked to both witness interviews, as described above, as well as aggregate survey data. The survey data, both historical and current, was largely consistent with the anecdotal data provided by individuals. Summary tables of the survey data are set forth in Addendum B.

The External Review Team worked with the University Office of Internal Audit to develop a September 2015 Athletics Department survey and reviewed historical survey data of the Department from 2012-2015.

## 1. The 2015 Athletics Department Survey

The External Review Team, in conjunction with the University Office of Internal Audit and EOAA, conducted an anonymous survey of the Athletics Department personnel in September 2015. The survey was directed to Athletics Department personnel by the University Office of Internal Audit on September 15, 2015.<sup>23</sup>

The survey was directed by email to over 800 individuals, including all Athletics Department personnel, including part-time and temporary workers, graduate assistants and interns. Responses to the survey were received from 385 individuals. The Office of Internal Audit typically directs the survey to full-time employees only. Given the broader distribution for this survey, the Office of Internal Audit considered the response rate better than expected.

Those who chose to respond were directed electronically to a third-party vendor that tabulated the results. The responses were voluntary and anonymous (unless the respondent provided his or her name). The survey also provided an opportunity for unformatted feedback and complaints. The External Review Team obtained these results from the University Office of Internal Audit, which coordinated with the third-party vendor.

### a. Select Standard Survey Responses

The survey utilized 12 standard questions commonly used by the Office of Internal Audit as part of its audits. As set forth below, several of these standard questions relate to the External Review's Scope.<sup>24</sup>

The survey contained a series of declarative statements and the respondents were asked to strongly agree, agree, disagree or strongly disagree as to each.<sup>25</sup>

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<sup>23</sup> A copy of the communication is attached as Ex. 26.

<sup>24</sup> *Id.*

<sup>25</sup> Ex. 28

Question	2015 Athletics Twin Cities (385 of 802)	
	Agree %	Disagree %
1. Management Demonstrates the importance of integrity and ethical behavior to their employees.	94	6
3. Management overrides University policies, procedures or work place rules (e.g. takes shortcuts that are contrary to policy)	10	90
8. I understand workplace policies and rules, and have an effective resource for obtaining clarification of policies when needed.	95	5
10. Management would take appropriate corrective action if policy, procedure, or work place rule violations were detected.	92	8
11. I believe I would be protected from retaliation if I report a suspected violation.	84	16
12. I am familiar with how to report violations of law or policy, including the University's confidential reporting line.	74	26

*[Remainder of page intentionally left blank]*

Comparative Results

With regard to the standard questions, the External Review Team also obtained survey results for the Athletics Department from 2011 and survey results from different components of the University in recent years to serve as a benchmark.

In all of the relevant categories, the 2015 Athletics Department results were equal to or better than the University results as a whole and the recent results from the Athletics Department in Duluth. Except for one category, the survey results were also better in 2015 than they were in 2011. The exception to this relates to whether the respondents knew how to report violations of law or policy. While the Athletics Department results were still better than the results for the University as a whole, 26 percent of those who responded reported they were not familiar with how to report violations.

Question	2015 Athletics Twin Cities (385 of 802)		2015 U of M (1,476 of 2,316)	
	Agree %	Disagree %	Agree %	Disagree %
1. Management Demonstrates the importance of integrity and ethical behavior to their employees.	94	6	87	13
3. Management overrides University policies, procedures or work place rules (e.g. takes shortcuts that are contrary to policy)	10	90	18	82
8. I understand workplace policies and rules, and have an effective resource for obtaining clarification of policies when needed.	95	5	91	9
10. Management would take appropriate corrective action if policy, procedure, or work place rule violations were detected.	92	8	88	12
11. I believe I would be protected from retaliation if I report a suspected violation.	84	16	75	15
12. I am familiar with how to report violations of law or policy, including the University's confidential reporting line.	74	26	67	33

Question	2015 Athletics UMD (49 of 64)		2011 Athletics Twin Cities (143 of 202)	
	Agree %	Disagree %	Agree %	Disagree %
1. Management Demonstrates the importance of integrity and ethical behavior to their employees.	83	17	91	9
3. Management overrides University policies, procedures or work place rules (e.g. takes shortcuts that are contrary to policy)	10	90	14	86
8. I understand workplace policies and rules, and have an effective resource for obtaining clarification of policies when needed.	88	12	95	5
10. Management would take appropriate corrective action if policy, procedure, or work place rule violations were detected.	88	13	91	9
11. I believe I would be protected from retaliation if I report a suspected violation.	74	26	77	23
12. I am familiar with how to report violations of law or policy, including the University's confidential reporting line.	64	36	88	12

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**b. Additional Survey Responses**

In addition to the commonly used questions, the External Review Team developed additional questions in coordination with EOAA to more specifically assess sexual harassment and discrimination more broadly.

The first and most relevant question and response was the following:

**2015 Athletics Department Survey**

<b>Question</b>	<b>Number of Responses</b>	<b>Agree %</b>	<b>Disagree %</b>
14. I have not seen or experienced bias, discrimination or harassment in the athletic department related to my gender/sex.	384	99	1

Three individuals out of 384 respondents (less than one percent) responded by disagreeing, meaning they have seen or experienced bias, discrimination or harassment in the Athletics Department related to gender or sex.

There were also broader questions regarding reporting and handling of claims. As set forth in the table below, thirty-four individuals responded that they or someone they knew had made a sexual harassment complaint to the Athletics Department or another campus resource. Of those individuals, half thought the complaint was handled in a timely manner and less than half thought it was handled in an appropriate manner. One third contended that they were subject to retaliation.

*[Remainder of page intentionally left blank]*

## 2015 Athletics Department Survey

Question	Number of Responses	Agree %	Disagree %
15. I am not aware of other people who have experienced bias, discrimination, or harassment in the athletic department related to their gender/sex.	369	85	15
16. I can freely share my ideas, opinions and believes in the athletic department without regard to my gender/sex	378	91	9
17. Hiring, promotional, and other workplace decisions in the athletic department are not based on a person's gender/sex.	375	84	16
18. I or someone I know has made a sex discrimination or sexual harassment complaint to an administrator in the athletic department tor to another campus resource.	232	15	85
Thirty-four (34) individuals who responded in the affirmative to the above were asked to answer the following three questions:			
18a. Was the complaint resolved in a timely manner?	30	50	50
18b. Was the complaint resolved in an appropriate manner?	28	46	54
18c. Were you subjected to any type of retaliation because you made a complaint?	28	36	64
Respondents who did not make a complaint were asked to answer the following three questions:			
18d. If you were to experience or witness sex discrimination or sexual harassment in the athletic department, would you know how to make a complaint to the appropriate office or administrator?	263	83	17
18e. If you were to make a complaint of sex discrimination or sexual harassment in the athletic department, do you believe the complaint would be resolved in an appropriate manner?	267	83	17
18f. If you were to make a complaint of sex discrimination or sexual harassment in the athletic department, do you believe you would be subject of any type of retaliation?	197	19	81
19. Staff in the athletic department is respected regardless of their race, age, religion, disability, marital status, national origin, sexual orientation or gender identity.	376	90	10
20. I have not seen or experienced bias, discrimination, or harassment in the athletic department related to race, age, religion, disability, marital status, national origin, sexual orientation or gender identity.	374	88	12
21. The climate in the athletic department does not discourage reporting concerns related to race, age, religion, disability, marital status, national origin, sexual orientation or gender identity.	368	85	15

### c. Select Unformatted Voluntary Comments

In addition to the questions and responses, respondents were asked if there was anything else they would like to add regarding their unit or Department.

Many respondents did provide commentary. *No respondents made comments regarding sexual harassment.* Nevertheless, some respondents had particularized criticism, which included the following:<sup>26</sup>

“I had a manger (who is no longer here) who continually harassed me. He took away my hiring and termination duties that I had for 6 years prior and then tried to change my job title to a lower class. In a meeting I told him that he could not do that because of a union contract. He insisted that he could and would not listen to me. I have received many harassing e-mail from him and another manger. I filed a complaint with Athletics Human Recourse, they met with me, but found no issues.”

“I reported a case of a male staff member spending inappropriate amount of time with a female student athlete/student worker. He was reprimanded by the athletic administration, the athlete/student worker was moved to a new location. However this staff member continues to meet with the female on a daily basis. This has also been reported to his supervisor but nothing has changed. No repercussion to the staff member. He is a long time employee who has been a problem to the coaching staff, and has been reported 3 separate times over the years, including the fact the staff member retaliates whenever corrective actions are required of him, but continues to be protected by his supervisor.”

“Yes Gender discrimination against males in the Department.”

“The issue with our Department is not that our leadership isn’t good, but that we’re all really midwestern and really averse to confrontation in any way, which is really the only struggle because it creates communication barriers.”

“The Department that I am in has had issues with respect towards races and cultures outside of Caucasian Midwesterners. There is also inequality of pay in regards towards time worked and accomplishments compared to employees in the same position. It is more about if you are personally liked by management, compared to the work done.”

“The only input I have does not relate to discrimination. This is now the second time in three years that we’re going through turnover. Inevitably over the next 6 to 12 months there will be a turnover in upper management. People lower on the org chart are probably safe with their positions, but that doesn’t mean their careers aren’t impacted. We spend time proving ourselves and educating upper management in our areas in order to improve our units and help the department/university. We hit the

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<sup>26</sup> Each of the following comments is an exact quote without correction or editing.



“reset button” on all of that hard work back in 2012 and now we are/will be doing that again. The university needs a way to better handle these situations and empower employees. If not, there will be losses beyond upper management because employees will leave for opportunities where their career isn’t stymied every time there is change in upper management.”

“There are pockets within the athletic department (not my direct unit) that I would best describe as “the good ol’ boys club” - this influenced my responses to part B.”

In addition to specific criticisms, respondents also provided positive feedback regarding the Athletics Department, including the following comments:<sup>27</sup>

“I have always been treated with great respect as a staff member in the athletics department. I believe the leadership we now have in place is incredibly well suited to lead our Department moving forward.”

“While issues are going to exist in a department the size of athletics, I don’t believe there is a pervasive problem with unethical or illegal behavior. If these issues arise, I have faith they will be dealt with appropriately.”

“There is good leadership at the very top with senior administration.”

“This is the third athletic department that I have been a part of, and the U of M has the most inviting and accountable culture I’ve seen. I have been at other Big Ten school(s) and U of M is a positive, safe place to work.”

“I love working here. I believe we are a department full of people who genuinely strive to be inclusive, respectful, and appropriate. We are not perfect, but the culture of the department is strong and positive.”

“Environment improved with the removal of Norwood Teague. Interim leadership seems to be on point and strikes a good balance between vigilance and not going overboard in regard to dealing with workplace issues.”

“I truly believe that the athletic department has plenty of very hard working individuals with high integrity. It is a team effort every day. The atmosphere is completely about teamwork.”

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<sup>27</sup> Each of the following comments is an exact quote without correction or editing.

## 2. The Employee Engagement Surveys of 2013 and 2014

In the fall of 2013 and fall of 2014, an outside consultant, working in conjunction with the University Department of Human Resources, administered a survey to all benefits-eligible University faculty and staff. The 2013 survey was composed of 33 questions, and in 2014, the survey consisted of 36 questions, only some of which are relevant to this external review and are discussed below. The Athletics Department's survey results were compared to the totals for the Twin Cities Campus and to the prior year's results.

### a. Select 2014 Survey Data

Dimension/Question	# of Valid Responses	% Favorable	% Neutral	% Unfavorable	% Favorable Difference		
					2013 Athletic Department	Total University	Total Campus
I am treated with respect as an individual.	207	79	13	8	0	-5	-5

The overall results of the 2014 Employee Engagement assessment for the Athletics Department summarized by categories are as follows:

Dimension Measured	% Favorable	% Neutral	% Unfavorable	% Favorable Difference		
				2013 Athletic Department	2014 Total University	2014 Total Campus
Commitment and Dedication	77	15	8	+5	+3	+4
Clear and Promising Direction	76	17	8	0	+11	+12
Commitment to Excellence	78	19	4	+5	-5	-5
Confidence in Leaders	75	16	10	+10	+8	+7
Development Opportunities	61	25	14	+5	+3	+2
Respect & Recognition	69	20	11	+4	-2	-2
Effective Environment	69	18	13	+9	+6	+6
Authority & Empowerment	82	12	7	+8	+2	+2
Clear Expectations & Feedback	78	13	9	+6	+5	+5
Collaboration	62	25	13	+10	-1	-1
Support & Resources	65	24	11	+7	-4	-4
Work, Structure, & Process	63	23	15	+12	+4	+4

### b. Select Survey Comments

Along with the survey data for the 2013 survey, respondents were permitted to provide anonymous comments as part of the results. None of the comments suggest or allege a climate

of sexual harassment. Nevertheless, comments did provide critical feedback, including the following:<sup>28</sup>

“New leadership has goals and procedures completely opposite of goals been incorporated for previous 20 years. Extremely difficult to understand complete opposite attitude (now it’s all about him ‘the leadership’ and not the student athlete – who we are here to serve.”

“I have confidence in my immediate supervisor, but lack confidence in senior leadership.”

“. . . The regime change in this department has been overstretched and reverted to the mentality of 10 years ago where men are tops and women are not. I am so tired of the hierarchy and the slaps in the face reminding me I am at the bottom of the heap.”

“I don’t have confidence in our current leadership.”

“Many shocking changes have been made in our department in the last 14 months since the arrival of the new director. 10 staff were fired or non-renewed, two were reassigned to totally different jobs with stated reason that he simply ‘wanted to make a change – it’s not about you.’ An additional 16 others have quit on their own since and left the U of MN. . . the remaining staff are looking over their shoulders, thinking, ‘I could be next!’”

In addition to specific criticisms, respondents also provided positive feedback regarding the Athletics Department, including the following comments:<sup>29</sup>

“Norwood and the new leadership team are very engaged with development which is not only very exciting but important for Athletics to realize its dreams.”

“The change in leadership within our the athletic department has been huge. Norwood, Mike Ellis and David Benedict have been huge additions. They have made changes that have already impacted our university and department in many positive ways through personnel, leadership and by having a stronger business sense.”

“We had a great seminar recently, where we heard from an expert on managing and leadership and then from experts in the field.”

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<sup>28</sup> Each of the following comments is an exact quote without correction or editing.

<sup>29</sup> Each of the following comments is an exact quote without correction or editing.

“I think that Norwood has put in place people that are on the same page and work hard to come up with solutions, to allow us to maximize our resources and our place as a Big Ten Program.”

“Norwood Teague has done a great job of denoting responsibilities within the Athletic Department and freeing coaches up to ‘coach.’”

Similarly, for the 2014 survey, respondents were also permitted to provide anonymous comments as part of the results. Some of those comments also provide critical feedback, including the following:<sup>30</sup>

“My immediate boss is a great person but will not confront our big boss because he is afraid he will be fired. Our <Job Title> does not return calls or emails and does not have anyone on his management team that has any history here. He does not seem to care about anything other than FB and BB. The communication is simply terrible with the entire staff except for the fee pets.”

“The leadership/supervision has changed in the last year. The work environment has become more of a harassment and hostile environment. The <Job Title> in Athletic Facilities is incompetent. He does not understand union contract language or basic human resources polices. I have told him four times that this is a hostile work environment and he did nothing in the way of reporting it or dealing with my issues. These are unacceptable working conditions. There is a long issues within this department!”

“I have never worked somewhere where it feels so different being a woman vs being a man. Being a woman, I’ve never had to work so hard to be recognized by my peers. There is a definite boys-club mentality in upper management. I find in many meetings that I am the only female.”

Again, as before, in addition to specific criticisms, respondents also provided positive feedback regarding the Athletics Department, including the following comments:<sup>31</sup>

“New leadership over the last few years have given a revitalization to stagnant traditions.”

“Within the last year, our leadership team has formalized a set of vision and values and impressed its importance as part of everyday, working life for the employees in our department. This offers a compass of sorts to help guide decisions day-to-day within the department.”

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<sup>30</sup> Each of the following comments is an exact quote without correction or editing.

<sup>31</sup> Each of the following comments is an exact quote without correction or editing.

“I know what is expected of me very clearly and then left alone to get it done with follow ups when necessary. It’s nice having earned that level of trust and not being micro-managed at all times.”

“The communication in the department is phenomenal. Everyone knows exactly what everyone else is doing, and this transparency allows all of us to operate efficiently.”

“The majority of our department comes together when needed to help one another out. There are still a few people who do not deem it necessary to help others, but for the most part the majority of the office works as one.”

### **3. Student Athlete Surveys**

As noted above, the Twin Cities Campus participates in the 2015 AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct. According to the University Office of Institutional Research, respondents who identified themselves as student athletes were somewhat more likely to respond that they had been subject to some form of sexual harassment during the course of their University experience than the non-student athletes. The University Office of Institutional Research reported that 7 out of 547 student athlete identified respondents indicated that they had perceived some sort of sexual harassment involving a coach during the course of their University career (approximately 1%). The 1% figure is roughly equivalent to the affirmative response by Athletics Department personnel in the 2015 survey. By comparison, the number of student athletes who identified coaches as the offender (2.3% of those student athletes who had been subject to harassment at some point while at the University) compares to 7.2% of the student athletes who identified faculty as the offender, 11.9% who identified those who were unaffiliated with the University and 93.1% who identified other students as the offender.<sup>32</sup>

For a number of years, the Athletics Department has also conducted its own surveys of the sports teams on a variety of topics. The External Review Team obtained the survey results data from 2014. Respondents were asked to respond to declarative statements by scoring the statement on a scale of one to five, with five being the highest.

#### **a. Select Survey Data**

Two questions out of 61 survey question relate to the scope of the External Review.

*Question 54: The athletic department is committed to providing a safe and inclusive environment for all student-athletes.*

Average team responses to question 54 ranged from a low of 3.79 (women’s gymnastics) to a high of 4.9 (women’s tennis).

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<sup>32</sup> Respondents could identify more than one category of offender.

Men's Teams

Question	Baseball (14)	Men's Basketball (8)	Men's Cross Country (17)	Football (78)	Men's Gymnastics (20)	Men's Hockey (17)	Men's Swim (25)	Men's Tennis (10)	Men's Track & Field (40)	Wrestling (23)
<b>Q 54:</b> The Athletic Department is committed to providing a safe and inclusive environment for all student athletes.	4.14	4.86	4.35	4.42	4.45	4.41	4.4	4.6	3.98	4.74

Women's Teams

Question	Women's Basketball (10)	Women's Cross Country (51)	Women's Golf (8)	Women's Gymnastics (14)	Women's Hockey (21)	Rowing (25)	Soccer (26)	Softball (22)	Women's Swim (23)	Women's Tennis (10)	Women's Track & Field (77)	Volleyball (14)
<b>Q 54:</b> The Athletic Department is committed to providing a safe and inclusive environment for all student athletes.	4.4	4.47	4.5	3.79	4.71	4.27	4.65	4.82	4.48	4.9	4.39	4.71

Answers given on a scale of 1-5

1 = Below Average 2 = Average 3 = Good 4 = Very Good 5 = Excellent

The number below the team is the number of respondents.

*Question 57: I was never subject to any form of abuse or hazing.*

Average team responses to question 57 ranged from a low of 4.14 (baseball) to a high of 5 (women's tennis).<sup>33</sup>

Men's Teams

Question	Baseball (14)	Men's Basketball (8)	Men's Cross Country (17)	Football (78)	Men's Gymnastics (20)	Men's Hockey (17)	Men's Swim (25)	Men's Tennis (10)	Men's Track & Field (40)	Wrestling (23)
<b>Q 57:</b> I was never subject to any form of abuse or hazing.	4.14	4.86	4.29	4.72	4.55	4.18	4.68	4.8	4.6	4.87

Women's Teams

Question	Women's Basketball (10)	Women's Cross Country (51)	Women's Golf (8)	Women's Gymnastics (14)	Women's Hockey (21)	Rowing (25)	Soccer (26)	Softball (22)	Women's Swim (23)	Women's Tennis (10)	Women's Track & Field (77)	Volleyball (14)
<b>Q 57:</b> I was never subject to any form of abuse or hazing.	4.3	4.84	4.88	4.36	4.81	4.55	4.81	4.95	4.9	5	4.79	4.57

Answers given on a scale of 1-5

1 = Below Average 2 = Average 3 = Good 4 = Very Good 5 = Excellent

The number below the team is the number of respondents.

<sup>33</sup> See Addendum B.

**b. Select Survey Comments**

Along with the survey responses, respondents were permitted to provide anonymous comments as part of the results. Comments provided critical feedback, including the following, one of which relates to harassment based on sexual orientation:<sup>34</sup>

“I would say that some of the coaching techniques and topics brought up, could qualify as verbal abuse”

“The athletic department did not effectively manage individual’s situations at the beginning of the year regarding the coaching change. They made it especially difficult for the team to overcome obstacles regarding the coaching change by only vaguely communicating what was happening at the time. They did not respect the integrity of the athletes when they came forth with their individual opinions”

“For the question: ‘The athletic department is committed to providing a safe and inclusive environment for all student-athletes’ the environment at the pool (including athletes and coaches) is still hostile towards gay athletes.”

“I wasn’t abused or hazed but it was made VERY clear that I’m a redshirt and we are dirt, or less than that and more like servants to move blocks bags and implements.”

In addition to specific criticisms, respondents also provided positive feedback regarding the Athletics Department, including the following comments:<sup>35</sup>

“The University has the highest respect for their athletes and Mr. Teague makes sure the employees under him understand the mission we are all trying to fulfill.”

“The athletic department, especially mental and physical health services, have helped me grow in incredible levels this year. Very grateful for what all staff members do.”

“Our team does not endorse or tolerate hazing; this point is a main element of our team culture, which I am proud of.”

“Our team is very good at making everyone feel welcome. Everyone just meshes well together so I have not seen any hazing on this team.”

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<sup>34</sup> Each of the following comments is an exact quote without correction or editing.

<sup>35</sup> Each of the following comments is an exact quote without correction or editing.

### C. Tone at the Top Communications Regarding Sexual Harassment

Throughout the 2012-2015 timeframe, the University leadership sent communications to the University community regarding the University's commitment to compliance in athletics. It also sent communications regarding its sexual harassment policy and the resources available through the EOAA office.

The Office of the President sends an annual communication to the University's deans, directors and department heads. For example, the 2012 communication read in part as follows:

Dear Colleague,

As President of the University, I am committed to ensuring that each of us complies with the rules governing intercollegiate athletics. Promoting and maintaining a culture of compliance is important to the long-term success of U of M students and this institution.

As a leader on the Twin Cities campus, you must be cognizant of athletics compliance violations. Please report any violation or suspected violation of the National Collegiate Athletic Association (NCAA) rules, Big Ten Conference rules, or University of Minnesota athletics policies to the Athletic Compliance Office at 612-626-7218.

You may anonymously report violations or suspected violations of athletics rules or policies – or any other legal or University requirements – through UReport, the University's confidential reporting system at [www.ureport.umn.edu](http://www.ureport.umn.edu) or (toll free) 866-294-8680. J.T. Bruett, our director of athletic compliance, can answer questions if you are uncertain about a situation, or need information about the rules.

We need look no further than Penn State to understand the importance of maintaining a culture of compliance and immediately reporting actual or suspected rules violations or criminal activity. While Gopher athletics give our campus and state a wonderful opportunity to rally around our teams and student athletes, our athletics program must first be known for its integrity and a strong record of compliance.<sup>36</sup>

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<sup>36</sup> Ex. 36; *see also* Exs. 31, 34, 35



Likewise, the Director of EOAA sends an annual email to the University community addressing a number of things including sexual harassment.<sup>37</sup> For example, in September 2012, she sent an email to the University community that stated:

Dear faculty and staff members,

As we move into the new school year, I would like to remind you of the services available through the University of Minnesota's Office of Equal Opportunity and Affirmative Action (EOAA). Please share this information with everyone in your respective units and colleges.

The EOAA office is available to all University faculty, staff, students and participants in University-related activities – across the entire University of Minnesota system – to help resolve issues or concerns regarding the University's policies against discrimination, sexual harassment, nepotism, and retaliation.<sup>38</sup>

After Teague's resignation, President Kaler sent the University community an email, dated August 7, 2015:<sup>39</sup>

I want you to be among the first to know that I have accepted the resignation of Gopher Athletics Director Norwood Teague, effective immediately. . . .

To be clear, sexual harassment will not be tolerated at the University of Minnesota and I sincerely regret that our employees experienced this behavior. The University has an explicit policy and a strong code of conduct that articulates our standards. Ensuring a healthy learning, working and living environment for all in our University community is very important.

Then on August 14, 2015, President Kaler announced the External Review and the audit.<sup>40</sup> In his announcement, President Kaler clarified some statements he made previously to the press:

Last Friday, during a news conference announcing Teague's resignation, in response to a question, I said, "I view this as the action of one man who was over served and a series of bad events happened." I regret that very poor choice of words because I cannot state strongly enough that Teague

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<sup>37</sup> Exs. 37-39

<sup>38</sup> Ex. 37

<sup>39</sup> Ex. 32; *see also* Ex. 33.

<sup>40</sup> Ex. 11

is entirely responsible for his behavior, and alcohol use is no excuse. Sexual harassment will not be tolerated at the University of Minnesota, and his resignation was the appropriate result of his actions.

**D. Relevant Policies Regarding Sexual Harassment**

The University has many long-standing policies addressing a number of topics related to behavioral expectations. The policies are maintained by various University departments and offices. These policies represent official, readily available communications to the University community regarding acceptable conduct and behavior.

What follows is a discussion of the current University policies relevant to the External Review's Scope, organized by topic. We note at the outset that the three sexual harassment policies outlined below lack certain provisions that are found in policies of some comparable institutions. First, none address whether prohibited conduct includes sexual harassment directed to a third person that impacts others. For example, a relationship between a supervisor and subordinate may lead others to believe they also need to be in a relationship with the supervisor to receive a promotion or other benefits. Second, there is no stated standard of proof needed to find a violation of the policy. Third, although the policy encourages reporting, it is not mandatory.

**1. Codes of Conduct**

There are three Codes of Conduct that are relevant to the External Review.

**a. Board of Regents – Code of Conduct.<sup>41</sup>**

The Board of Regents Code of Conduct governs every employee at the University, including all members of the Board of Regents, all faculty staff, and other University employees, and volunteers.

The Code of Conduct embodies two guiding principles:

- (1) carrying out the University's values, which are embracing a commitment to excellence and innovation, discovery and search for the truth, diversity of community and ideas, integrity, academic freedom, stewardship and accountability for resources and relationships, sharing knowledge in a learning environment, application of knowledge and discovery to advance the quality of life and economy of the region and the world, and service as a land grant institution in Minnesota, the nation, and the world; and
- (2) a commitment to the highest ethical standards of conduct and integrity.

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<sup>41</sup> Ex. 40

The Code of Conduct lists ten Standards of Conduct, including the following, which are paraphrased as follows:

...

Subd. 2: Be Fair and Respectful to Others. This includes avoiding all forms of harassment, illegal discrimination, threats, or violence; and to provide equal access to programs, facilities, and employment.

...

Subd. 5: Promote a Culture of Compliance. This includes an expectation that university community members will learn and follow the laws, regulations, contracts, and University policies and procedures applicable to University activities, be proactive to prevent and detect any compliance violations, report suspected violations, and community members are prohibited from retaliating against another community member for reporting a suspected compliance violation.

...

Subd. 10 Promote Health and Safety in the Workplace. This standard means that University community members are expected to follow safe workplace practices, including appropriate educational sessions, maintain security (including securing University assets and facilities), report suspicious activities, protect the environment, including carefully handling hazardous waste and other potentially harmful agents.

The Code of Conduct includes a Delegation of Authority, which states:

The president or delegate shall ensure that appropriate administrative policies are maintained to support this Code, and shall effectively promulgate this Code and any related administrative policies or procedures through appropriate and periodic explanation, education, and evaluation.

According to the Director of EOAA, the Code of Conduct does not provide for the imposition of any disciplinary measures for a violation of its terms. Thus, based on EOAA's interpretation, EOAA does not view violations of the Code of Conduct as the basis for discipline.

**b. Board of Regents – Student Conduct Code**<sup>42</sup>

The Board of Regents Student Conduct Code applies to all students and student organizations at the University. It applies to student conduct that occurs on campus or at University-

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<sup>42</sup> Ex. 43

sponsored activities, conduct that directly relates to the University's education, services, programs, or rules, including but not limited to scholastic dishonesty, hazing, violation of University rules, and falsification, whether the conduct occurs on campus or off campus; and at the discretion of the president or a delegate, to off-campus student conduct when the conduct as alleged adversely affects a substantial University interest and either (1) constitutes a criminal offense as defined by local, state, or federal law or ordinance, regardless of the existence or outcome of any criminal proceeding; or (2) indicates that the student may present a danger or threat to the health or safety of the student or others.

The Student Conduct Code has several guiding principles:

- (1) The University seeks an environment that promotes academic achievement and integrity, that is protective of free inquiry, and that serves the education's mission of the University.
- (2) The University seeks a community that is free from violence, threats, and intimidation; that is respectful of the rights, opportunities, and welfare of students, faculty, staff, and guests of the University; and that does not threaten the physical or mental health or safety of members of the University community.
- (3) The University is dedicated to responsible stewardship of its resources and to protecting its property and resources from theft, damages, destruction, or misuse;
- (4) The University supports and is guided by state and federal law while also setting its own standards of conduct for its academic community
- (5) The University is dedicated to the rational and orderly resolution of conflict.

The Code of Conduct lists 21 Disciplinary Offenses, including:

...

Subd. 6 Harm to Person. Harm to person means engaging in conduct that endangers or threatens to endanger the physical and/or mental health, safety, or welfare of another person, including, but not limited to, threatening, stalking, harassing, intimidating, or assaulting behavior.

...

Subd. 8 Sexual Assault. Sexual assault means actual, attempted or threatened sexual contact with another person without that person's consent. Sexual assault is a criminal act that can be prosecuted under Minnesota state law, as well as under the Student Conduct Code and employee discipline procedures.

Students and student organizations found responsible for disciplinary offenses under the Student Conduct Code are subject to sanctions, which range from an academic sanction, a warning, probation, restitution, restriction of privileges, housing suspension or expulsion, suspension or expulsion from the University, withholding a degree or revocation of admission or a degree.

**c. Athletics Department Student-Athlete Code of Conduct**<sup>43</sup>

The Athletics Department has a University Intercollegiate Athletic Student-Athlete Code of Conduct. It addresses the types of conduct to which student-athletes are expected to adhere, explaining that student-athletes are expected to represent themselves, their team and the University “with honesty, integrity, and character, whether it be academically, athletically, or socially.” Namely, it states that student-athletes are expected to be respectful of all others and to treat people as they would want to be treated; to communicate with others openly and honestly; to follow all team, intercollegiate athletics, university, Big Ten, WCHA, and NCAA rules and guidelines; attend all classes unless absences are approved; complete their academic coursework and make progress towards their degree; and give their best effort academically, athletically and in life.

In addition to listing general behavior guidelines, the Code of Conduct also addresses more specific topics, including Alcohol and Drug Consumption, State and Federal Laws, Sexual Harassment Policy, Hazing Policy, and Gambling Policy. The sexual harassment policy in the Student-Athlete Code of Conduct is discussed below in the discussion of sexual harassment policies.

**2. Sexual Harassment Policies**

The University has three sexual harassment policies that are relevant to the External Review.<sup>44</sup>

**a. Board of Regents – Sexual Harassment Policy**<sup>45</sup>

The Board of Regents Sexual Harassment policy governs the University’s commitment to the prevention and awareness of, and response to, sexual harassment at the University. The policy applies to all members of the University community, defined to be faculty members, students, staff members, visitors, or other individuals engaged in any University activity or program. Sexual harassment is defined as:

unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when: (1)

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<sup>43</sup> Ex. 48

<sup>44</sup> The University also has a policy on Sexual Assault, Stalking and Relationship Violence, which is not within the scope of the External Review.

<sup>45</sup> Ex. 42

submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement in any University activity or program; (2) submission to or rejection of such conduct by an individual is used as a basis of employment or academic decisions affecting this individual in any University activity or program; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or academic environment in any University activity or program.

The Board of Regents Sexual Harassment policy lists three guiding principles:

- (1) Consistent with its academic mission and standards, the University is committed to achieving excellence by working to create an educational, employment and residential living environment that are free from sexual harassment;
- (2) The University is committed to preventing and eliminating sexual harassment of faculty, staff and students through education and by encouraging all members of the University community to report any concerns or complaints about sexual harassment; and
- (3) As a community of faculty, staff and students engaged in research, scholarship, artistic activity, teaching and learning or activities that support them the University seeks to foster an environment that is equitable, humane and responsible and where all members are treated with dignity and respect.

The Board of Regents Sexual Harassment policy includes a section entitled "Implementation," which states that the University shall:

- (a) prohibit sexual harassment or retaliation.
- (b) ensure that department heads, deans, provosts, chancellors, vice presidents, and other supervisors and managers take timely and appropriate action when they know or should know of the existence of sexual harassment. Other persons who suspect sexual harassment should report it to an appropriate person in their unit or to the University equal opportunity officer.
- (c) adopt procedures on each campus for investigating and resolving complaints of sexual harassment in coordination with the director of equal opportunity and affirmative action.
- (d) address violations of this policy through disciplinary or other corrective action up to and including termination of employment or academic dismissal.

The University President or a delegate is required to address complaints of sexual harassment consistent with this policy and law and remedy any discriminatory or harassing practice that deviates from this policy.

**b. EOAA Sexual Harassment Policy**<sup>46</sup>

The EOAA Sexual Harassment Administrative Policy was adopted to implement the Board of Regents Policy: *Sexual Harassment* and *Student Conduct Code* as well as to comply with the law in the employment context by Title VII, in the education context by Title IX and in both the employment and education contexts by the Minnesota Human Rights Act. It provides that all members of the University community are prohibited from engaging in sexual harassment and retaliating against individuals based on their participation in a sexual harassment investigation. The definition of sexual harassment in the EOAA Sexual Harassment Administrative Policy mirrors the definition in the Board of Regents Sexual Harassment policy:

Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement in any University activity or program; (2) submission to or rejection of such conduct by an individual is used as the basis of employment or academic decisions affecting this individual in any University activity or program; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or academic environment in any University activity or program.

The policy further states that “[a]ny individual who believes they have been subjected to sexual harassment or retaliation can report their concerns to the Office for Equal Opportunity and Affirmative Action or the relevant internal office for investigation, problem solving, dispute resolution and potential disciplinary action up to and including termination for perpetrators. Victim survivor services are also available to provide additional support.” The policy provides a link to procedures for reporting incidents of sexual harassment.

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<sup>46</sup> Ex. 47

c. **Athletics Department Sexual Harassment Policy in Student-Athlete Code of Conduct**<sup>47</sup>

The Sexual Harassment Policy embedded in the Athlete Code of Conduct, mentioned previously, explains that “[s]exual harassment includes:

unwelcome sexual advances, sex-based conduct that is intimidating, hostile or offensive, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature that is prohibited by the University.”

The Sexual Harassment Policy in the Code of Conduct also gives examples of prohibited conduct:

1. Unwelcome sexual flirtation, advances or propositions;
2. Continued or repeated verbal abuse of a sexual nature;
3. Sexually degrading language to describe an individual;
4. Unwelcome remarks of a sexual nature to describe a person’s body or clothing;
5. Display of sexually demeaning objects or pictures;
6. Offensive physical contact, such as unwelcome touching;
7. Coerced sexual intercourse;
8. Sexual assault;
9. Rape, date or acquaintance rape, or other sex offenses either forcible or non-forcible.

The policy states that “[c]omplaints of sexual harassment by a student-athlete will be promptly addressed and should be reported to the Office of Student Conduct and Academic Integrity.” Consequences for harassment range from a warning and participation in educational sessions to suspension from the team, dismissal from the team, and dismissal from the University.

### **3. Policies on Nepotism and Personal Relationships**

In the context of addressing sexual harassment, issues of favoritism and personal relationships are often implicated. To address these issues, the University has two policies on nepotism and personal relationships.

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<sup>47</sup> Ex. 48



a. **Board of Regents – Nepotism and Personal Relationships Policy**<sup>48</sup>

According to its terms, this policy governs conflicts of interest that may arise due to personal relationships among members of the University community. “Nepotism” is defined as:

Nepotism shall mean actions by a University member that directly influence the University employment (e.g., hiring, promotion, supervision, evaluation, and determination of salary) or academic progress (e.g., grading and advising) of any other University member with whom they have a personal relationship. This definition includes instances where there is no direct influence on employment or academics, but the relationship has a negative impact on the educational or work environment.

“Personal relationship” is defined as:

Personal relationship shall mean a marital or other committed relationship, significant familial relationship, including, relationships by blood, adoption, marriage, or domestic partnership; partner, parent, grandparent, child, sibling, first cousin, uncle, aunt, nephew, niece, spouse, brother- or sister-in-law, father- or mother-in-law, son- or daughter-in-law, step-parent, or step-child; consensual sexual or romantic relationship; a close personal friendship; or a significant business relationship.

The policy states that nepotism is prohibited at the University in the employment and educational context. Faculty members and advisors “are cautioned” that romantic relationships with current students are “unwise” and may violate other University policies.

b. **EOAA Policy – Managing Nepotism and Personal Relationships**<sup>49</sup>

EOAA has an administrative policy on nepotism and personal relationships to implement the Board of Regents’ policy. The EOAA policy provides that a “University member who is or will be in a position to engage in a prohibited activity must consult with the Office of Equal Opportunity and Affirmative Action (EOAA) to determine whether or not the relationship violates this policy and to develop an appropriate nepotism agreement.” The policy also provides that EOAA “may grant exceptions to this policy when eliminating the prohibited activities would unreasonably disadvantage one or both of the University members in the personal relationship.”

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<sup>48</sup> Ex. 41

<sup>49</sup> Ex. 44

#### **4. Office of Institutional Compliance -- Reporting and Addressing Misconduct Policy**

In the context of sexual harassment, employees and students will often observe conduct by other members of the University community that violates University policies. The Office of Institutional Compliance has a policy that encourages but does not mandate reporting entitled Reporting and Addressing Concerns of Misconduct.<sup>50</sup> According to its terms, this policy applies when employees (faculty and staff), students, individuals employed by the University, using University resources or facilities, or receiving funds administered by the University and volunteers and other representatives when speaking or acting on behalf of the University “have a good faith belief there has been a violation of local, state, or federal law or University policy governing any University activity. The policy states that employees are “encouraged to resolve their concerns at the most local level, by reporting their concerns to their supervisor or other appropriate contact person within their unit.” The policy states that all University employees and volunteers are required to report to the local police department, county sheriff or local social services agency within 24 hours when they know or have reason to believe that a covered child is being physically or sexually abused or neglected, or has been within the last three years, including abuse and neglect by non-University persons.

This policy includes an accompanying Administrative Procedure.<sup>51</sup> The procedure includes a discussion of when to report, and where to report. It also includes a discussion of the process that will be used to investigate a report and ensure fair treatment of the persons involved.

By and large, witnesses believe that there is a University sexual harassment policy but did not always know how to find it or what it was.

#### **E. Training Regarding Sexual Harassment**

During the relevant time frame, the University sponsored training designed to help members of the University community, including faculty, staff and students, understand how to conform to the University’s expectations regarding acceptable behavior and conduct. In particular, the Athletics Department made significant efforts toward training. In fact, the Athletics Department made attendance mandatory and maintained an attendance list of participants. Despite these and other efforts as described below, not all witnesses could recall attending training or, if they recalled attending, they could not recall the subject matters discussed. This is true even when the training records clearly showed that the witness attended a training session.

EOAA offers training throughout the academic year on a variety of topics, including sexual misconduct and sexual assault, sexual harassment, religious accommodation, and incorporating equity and diversity in the search and job performance process. EOAA’s workshops on various topics, including “Sexual Harassment: Awareness, Prevention & Response” and the

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<sup>50</sup> Ex. 45

<sup>51</sup> Ex. 46

“Supervisors/Graduate Students’ Toolkit” are also available to University Departments on a customized basis. EOAA reports that additional training opportunities are currently in progress, including making versions of its current training programs and a new training entitled “Speak Up: Understanding and Preventing Violence” available to all members of the University community through an online training portal.

### **1. Sexual Harassment Training Provided Annually to University Employees and Students**

EOAA offers two workshops that directly address sexual harassment. They are open to all members of the University community and are entitled “Sexual Harassment: Awareness, Prevention & Response” and “Supervisors’ EOAA Toolkit.” Each workshop is typically offered three times during the academic year, twice as in-person training and once as a webinar. The in-person sessions are presented by two EOAA staff members and include a set of PowerPoint slides. These sessions are interactive, allowing attendees to answer various questions and respond to hypothetical scenarios in real time. Webinars are also offered at least once a year. While the content of the webinars is largely the same as the in-person training, this form of training does not provide for interactive discussion between the presenters and participants. Sexual harassment training is not mandatory.

The “Sexual Harassment: Awareness, Prevention & Response” workshop is approximately two hours long. The EOAA website describes the program as follows: “In this workshop, we will define and identify sexual harassment and learn the signs of potential sexual harassment. We will also discuss strategies for preventing and responding to sexual harassment, including the formal complaint process and corrective action that can help remedy sexual harassment situations in the classroom or on the job.”<sup>52</sup>

The “Supervisors’ EOAA Toolkit” workshop is approximately 90 minutes long. The EOAA website states: “This workshop provides practical tools for supervisors to identify prevent and respond to potential discrimination, harassment, retaliation and nepotism. In this highly interactive workshop, supervisors will practice identifying inappropriate behaviors in hypothetical scenarios. Supervisors will also learn effective strategies for responding to complaints from supervisees, and will practice these strategies in team role-playing activities.”<sup>53</sup> Although geared towards supervisors, the program is open to all members of the University community. These programs and others offered by EOAA are advertised by e-mail with registration available on EOAA website.

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<sup>52</sup> See <https://diversity.umn.edu/eoaa/courseschedule>

<sup>53</sup> *Id.*

## 2. Sexual Harassment Training Provided to Athletics Department Employees and Students

According to EOAA, the Athletics Department has sought additional training more frequently than most University Departments.<sup>54</sup> In 2013, 2014, and 2015 the Athletics Department asked for, and EOAA provided, sexual harassment training and required all staff to attend at least one of the sessions. EOAA held the following training sessions for the Athletics Department 2012-2015:

### a. December 2013 Training for Managers and Head Coaches

On November 7, 2013, a senior administrator in the Athletics Department emailed all managers, head coaches, the senior management team, and others that the Athletics Department was partnering with the Office of Equity and Diversity to provide training “to department managers and head coaches on EOAA at the University of Minnesota.”<sup>55</sup> The senior administrator stated that the training “will be an opportunity to ensure we are all familiar with relevant University policies and procedures and our obligations as managers regarding the well-being of our staff.” The senior administrator further stated that “[i]t is expected that all Department staff who oversee full-time staff be in attendance, so please plan accordingly.”

EOAA conducted the “Supervisor’s EOAA Toolkit”<sup>56</sup> training on December 18, 2013 from 10:30 a.m. to 12 noon in the M Club Room at the TCF Bank Stadium. All attendees were required to sign-in.<sup>57</sup> According to the handwritten attendance sign-in sheet, 54 people attended, including Norwood Teague.<sup>58</sup> The objective of the training was to learn tools to identify, respond to, and prevent potential discrimination, harassment, nepotism, and retaliation.

The presentation began with an explanation of what it means to prohibit discrimination – namely, that the attendees cannot treat someone less favorably because of their membership in a protected class – which was explained to be race, color, creed, national origin, gender, age, marital status, disability, public assistance status, veteran status, sexual orientation, gender identity, and gender expression.

As to harassment, the training defined harassment as “unwelcome conduct related to one’s sexuality, gender, race, religion or other protected identity that influences employment or coaching decisions or creates a hostile work or athletic environment.” Real world examples of harassment in athletics were provided, such as an Iranian-born college basketball player who

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<sup>54</sup> As has been publicly reported, President Kaler has not received sexual harassment training in the recent past.

<sup>55</sup> Ex. 49

<sup>56</sup> Ex. 50

<sup>57</sup> Ex. 52

<sup>58</sup> The External Review notes that Teague’s signature does not appear to be in his handwriting (based on a review of other documents signed by Teague), but witnesses reported seeing him at the training.

alleged that his university's athletic director told an assistant coach to "recruit more terrorists." A key take-away was that comments intended as "jokes" can result in harassment.

The following examples of potentially sexually harassing behaviors were provided:

- unwanted comments on appearance or clothing;
- sexual jokes;
- display of sexually offensive material;
- unwanted physical contact; invasion of personal space; and
- repeated requests for personal information or dates.

Participants engaged in interactive exercises to help them learn to identify sexual harassment, including the following three scenarios in which participants were asked to discuss whether the conduct was sexual harassment.

**Scenario 1:** Athletes commonly use the words fag and homo when joking around with one another in the locker room. A straight athlete, who was not the target of the comments, complains that he was offended.

**Scenario 2:** An assistant coach and an athlete often discuss their sex lives. The assistant coach nicknamed the athlete "Fornicate." The athlete often starts these conversations and has started referring to herself as "Fornicate."

**Scenario 3:** A supervisor often hugs her supervisees and sometimes massages the shoulders of one supervisee who experiences chronic pain.

The presenters also addressed religious accommodation, nepotism, and retaliation, providing additional scenarios for discussion. The presenters then addressed how to respond to discrimination, harassment, nepotism and retaliation. The discussion included how to receive a complaint (listen without interrupting, for example), what to say to the complainant (advise that the person can obtain help from EOAA, HR, and other University resources), what to do after receiving the complaint (contact supervisor, athletics administration, HR and/or EOAA), where to report complaints or improper conduct (supervisor, athletics administration, HR, EOAA, and EthicsPoint). Participants engaged in a role play exercise on receiving a complaint.<sup>59</sup> The session concluded with an explanation of EOAA's role and the provision of contact information, including for personal support.

**b. December 2014 Training for All Coaches and Staff**

During the 2014-2015 academic year, multiple sessions of a similar training were held for all coaches and staff. On November 7, 2014, a senior administrator sent an email to "intercollegiate athletics" saying the Athletics Department was partnering with the Office of Equity and Diversity, Equal Opportunity and Affirmative Action to provide education and

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<sup>59</sup> Ex. 51

training to coaches and staff to learn tools to respond to and prevent potential discrimination, harassment, nepotism and retaliation. On November 18, 2014, a reminder email was sent.<sup>60</sup> The email stated that the training “will be an opportunity to ensure we are all familiar with relevant University policies and procedures and our obligations regarding the well-being of our student-athletes and staff.” The email further stated that “[e]ach staff member is required to attend one of the 60-minute sessions that will be offered in December” except that attendance was optional for those who attended the 2013 session. Six different dates and times when the training would be offered were listed. Each person was asked to confirm their attendance at one of the sessions. Nearly all Athletics Department staff signed up for one of the sessions.

The training was conducted by EOAA. All attendees were required to sign in.<sup>61</sup> Norwood Teague’s name does not appear on any of the sign-in sheets for the six sessions. The presentation was entitled “Athletics Department EOAA Toolkit.”<sup>62</sup> The stated objective was to understand the University’s policies, and resources relating to discrimination, harassment, nepotism, retaliation, and sexual assault. The training was interactive, with the presenters asking various “Quiz Questions” during the session for purposes of discussion. By way of example these included:

**Quiz Question 1:** Student athletes are talking about the new recruits for next year. One person says, “Those kids from Africa are so fast. I just hope they understand the rules.”

Are the students’ comments acceptable?  
If not, what are the concerns?  
What could you do if you observe this conduct?

**Quiz Question 2:** A student-athlete talks to her coach about being uncomfortable with the way the trainer is helping her stretch out her hamstrings.

Is the trainer’s conduct acceptable?  
If not, what are the concerns?  
How should you respond to the concerns?

**Quiz Question 3:** Alex, a student-athlete, is sad about recently breaking up with a long-time partner. An assistant coach gives Alex a hug and invites Alex to get coffee to talk about it.

Is the coach’s conduct acceptable?  
If not, what are the concerns?

**Quiz Question 4:** A coach and some athletes are joking about one of the athletes being “bi-polar.” One person says, “let’s hope he’s mad when we let him on the field.”

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<sup>60</sup> Ex. 53

<sup>61</sup> Exs. 58-63

<sup>62</sup> Ex. 54

Are the comments acceptable?  
If not, what are the concerns?

In addition to viewing the powerpoint attendees received two handouts, “Tips for Supervisors,”<sup>63</sup> and “Tips for Coaches and Reporting Resources.”<sup>64</sup> At the end of the powerpoint, the presenters listed the other training sessions offered by EOAA, including a class about Sexual Harassment, which addresses strategies for identifying, preventing, and responding to sexual harassment.

A senior administrator in the Athletics Department followed up in an effort to see that all members of the Athletics Department received the training. The senior administrator sent 17 separate individual memos to 17 individuals stating, “We do not have record of you attending the EEOA training that was scheduled for the athletic department. Attached are documents that were included in these trainings. On campus training dates are posted online at <https://diversity.umn.edu/eoaa/>. Check the website for details for upcoming training and please let us know when you have attended on of these trainings.”

**c. Student Athlete Training**

As reported by the Athletics Department, the Athletics Department also provides relevant training to student athletes including the following:

**Freshman First Year Experience course:** This is a ten week course provided to all freshmen during the fall semester. Course topics include academic skills, self-awareness, identity development, self-authorship, and understanding student-community responsibility through diverse perspectives.<sup>65</sup>

**“STEP UP: Bystander Education and Intervention”:** This program, a joint initiative of the Aurora Center, Boynton Health Service, Housing & Residential Life, Student-Athlete Affairs, Fraternity & Sorority Life, Orientation & First-Year Programs, and the Office for Student Affairs, focuses on bystander intervention as to various topics.<sup>66</sup>

Sports teams and individual student athletes attend, with teams choosing whether to participate and selecting from a menu of topics, including relationship abuse and sexual assault. Participation is mandatory as of this academic year for all student-athletes.

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<sup>63</sup> Ex. 56

<sup>64</sup> Ex. 57

<sup>65</sup> Ex. 65

<sup>66</sup> Ex. 66

In addition, according to the Athletics Department, the topics of sexual harassment and sexual assault have typically been addressed in the spring, often by participating in a class provided by the Aurora Center to all University students.

Individual teams also provide their own training on topics that the team selects, including the use of alcohol, tobacco, and other drugs. This training is not tracked by the Athletics Department centrally, although it reports that at least one team is receiving training on sexual assault and relationship violence during the fall semester of 2015.

In February, 2015, the Athletics Department engaged Elaine Pasqua, a nationally recognized speaker, to present a course entitled “Sex and Excess: Surviving the Party” which, according to the Athletics Department, addressed alcohol abuse, sexual health, and sexual assault prevention. The Athletics Department has engaged Ms. Pasqua to present to all student athletes in February 2016 on the topic of “An Unheard Voice,” which is described as addressing the impact of sexual violence, healthy communication skills and the value of integrity and bystander intervention.

### **3. Perceptions of the Training**

Recollections of attendees were sometimes vague or inconsistent with attendance records. For example, most of the senior leaders, but not all, recalled that they had received sexual harassment training. Many of them could not identify reporting channels, although all of them were confident they could navigate an issue if it arose.

Only about half of the Athletics Department staff employees interviewed recalled attending sexual harassment training at some point. Even among those who recalled attending training, there were inconsistencies among their statements concerning who provided the training, whether the training was mandatory or optional, and how often training took place. Additionally, few commented positively about the content of the training. Two employees were particularly critical of the University’s lack of training: One employee requested that the External Review communicate the need for more training to the University. This employee stated that the University is quick to tell individuals they have not handled reports correctly, but yet it does not train employees on how to handle reports of sexual assault or harassment. This employee believes everyone in the Department needs training (coaches, directors, etc), and it should be mandatory at least once a year. The employee noted that sending out a link for a 10 minute online survey, which is what the employee believes the University has historically done, is insufficient. This employee also indicated that he feels much more comfortable in these areas with Beth Goetz as Interim Athletics Director because she has given some of the training and covered it in the staff meetings. This individual further stated that this information was not pursued by Teague. Since Teague’s resignation, the employee has learned that they are supposed to go to EOAA with all issues related to sexual harassment, but before that, he did not understand that to be the case. The employee noted that it took the incident with Teague for information on sexual harassment to be disseminated.

The second employee does not believe the employee had training, and if the employee did, it was not effective because the employee does not remember it. He stated that the Department has not had sexual assault training. There is no general knowledge about where the policies are



or what the process to follow is when responding to a complaint. The employee believes they are expected to learn how to deal with sexual harassment complaints on the job, and to learn by making mistakes. There is mandatory training for athletes, usually in the spring. The employee stated that he did not know that EOAA existed until recently. The employee believes there should be a policy manual for Athletics Department employees to follow, just like there is for student-athletes to help answer questions.

Two contractors who work within the Athletics Department, but who are not University employees, reported that they do not recall attending University sexual harassment training.

There was also inconsistency among interns' recollections regarding attending sexual harassment training. One intern reported having online training when the intern started, but could not recall if it included sexual harassment. Another intern reported that the intern has not had any formal training on sexual harassment at the University. A third intern stated that the intern received paperwork that included information on sexual harassment when the intern started, but denied having any specific training. On the other hand, two of the interns interviewed had a specific recollection of attending sexual harassment training. One recalled an online training that covered sexual harassment, with a follow-up by Human Resources. Another intern recalled attending a one-hour training that was provided by EOAA last year. The intern recalled that attendees were given a packet of different policies that addressed, among other things, what behavior is appropriate in the workplace and how to report a complaint. Another intern stated that the intern was unsure whether the intern attended training on sexual harassment, but the intern believes that harassment is not tolerated in the Athletics Department and that the intern could research the appropriate steps to take if necessary.

#### **F. University Reporting Systems**

The University provides a number of mechanisms for reporting sexual harassment and the related concerns of gender discrimination, sexual assault, and retaliation. Reports can be made to UReport, the Office of Equal Opportunity and Affirmative Action ("EOAA"), supervisory personnel and designated Human Resources/EOAA contacts within each department, the Aurora Center, the Office of Human Resources, the Office of Conflict Resolution, the Student Conflict Resolution Center and the Office of Student Conduct and Academic Integrity.<sup>67</sup> Investigative and alternative resolution services are provided by EOAA, individual departments, and the Office of Conflict Resolution for reports that are made directly or referred by other sources. The University also offers a number of confidential resources for personal support, including the Aurora Center, University Counseling and Consulting Services, Boynton Mental Health, and the Employee Assistance Program.<sup>68</sup>

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<sup>67</sup> Compliance concerns related to the Athletics Department may also be reported to the University's Athletic Compliance Office.

<sup>68</sup> <https://diversity.umn.edu/eoaa/reportingresources>

## 1. UReport<sup>69</sup>

UReport is a confidential reporting system managed by a third party, NAVEXGlobal.<sup>70</sup> UReport is available to faculty, staff and students at all of the University's campuses. Reports may be submitted 24 hours a day 7 days a week either online (through a secure server that is not part of the University's web site or intranet) or by means of a toll-free call in number. The University's Office of Institutional Compliance oversees UReport's operations and refers reports to the appropriate University Department for response.<sup>71</sup>

Reports may be submitted on any topic of concern about misconduct, unlawful activities, or violation of University policies or procedures. Topics that are highlighted on the UReport website include those related to Finance, Research, Employment and Human Resources, Property, Facilities and Equipment, Health and Safety, Athletics, and Student Concerns. Highlighted areas within the Employment and Human Resources category include harassment, equal opportunity, sexual harassment, disability/accommodation concerns, retaliation, nepotism/consensual relations/conflict of interest, misrepresentation of credentials/licenses, hiring, advancement, discipline or termination, and privacy/records concerns. Highlighted areas within Academics include academic misconduct involving student athletes, gender equity/Title IX, and NCAA violations.<sup>72</sup>

During the relevant timeframe, the Office of Institutional Compliance reported that it received numerous confidential complaints regarding the Athletics Department relating to wide variety of topics through the UReport system. Most of the complaints were anonymous. The complaints were then referred to the appropriate office for action.

## 2. EOAA

EOAA has broad-based responsibilities. EOAA is staffed by a Director, an Assistant Director, four Associates to the Director and two support staff. The Director also serves as the University's Title IX Coordinator and Deputy Chief of Staff for the Office of Equity and Diversity. According to its website, EOAA investigates complaints about discrimination; harassment, including sexual harassment; sexual misconduct, sexual assault, stalking, and relationship violence; nepotism; and retaliation.<sup>73</sup> The office also provides educational programming on issues related to discrimination, harassment, sexual violence, bullying,

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<sup>69</sup> UReport was previously known as EthicsPoint and the two names are often used interchangeably.

<sup>70</sup> <http://www.navexglobal.com/>

<sup>71</sup> The Office of Institutional Compliance is responsible for University compliance in a broad range of areas as described on its website, <http://www.compliance.umn.edu/>; these include providing independent and centralized oversight over the University's compliance risk areas, administering the University's individual and institutional conflict of interest review processes, managing and maintaining University administrative policies and processes, and maintaining the President's Delegations of Authority Library.

<sup>72</sup> <https://secure.ethicspoint.com/domain/media/en/gui/9167/index.html>

<sup>73</sup> <https://diversity.umn.edu/eoaa/home>

religious discrimination, and the hiring process. EOAA is also responsible for recommending changes and making revisions to relevant University policies and procedures.

EOAA is not a confidential reporting resource. It serves employees and students and encourages individuals to consult with confidential resources at the University, such as the Aurora Center, University Counseling and Consulting Services, Boynton Mental Health and the Employee Assistance Program for support. EOAA's website provides links to information about these services. EOAA receives complaints in a variety of ways: direct contact from complainants (in person or via e-mail) referrals from departments, referrals from the University's Human Resources office, or by filling out a form for reporting. In some instances it assists departments in investigating complaints; in others, it performs the investigation. EOAA does not initiate an investigation without a complaint. The EOAA website contains information on how complaints may be reported,<sup>74</sup> and describes its process for handling complaints.<sup>75</sup>

Under federal regulations, the University must designate at least one employee to serve as its Title IX coordinator.<sup>76</sup> As the University's Title IX Coordinator, the Director of EOAA has a variety of obligations and responsibilities under federal law. These are generally described by the Office of Civil Rights on its website through a series of "Dear Colleague" letters.<sup>77</sup>

On a semi-annual basis EOAA reports on its work to the Office of General Counsel and the Office of Institutional Compliance. According to data provided by EOAA, it receives more than 200 complaints a year University-wide. For the six month period from January to June 2015, it received 146 complaints, 34 of which related to sexual harassment. It found violation of sexual harassment policy in seven instances. For the 12 month period January to December 2014, it received 287 complaints, 17 of which related to sexual harassment. The EOAA found violation of the sexual harassment policy in three instances. The particular complaints related to sexual harassment and the Athletics Department are discussed below beginning on page 74.

EOAA's approach to reports of possible violations of the University's discrimination, harassment, sexual violence or retaliation policies varies depending on the circumstances. Its processes typically begin with a consultation with an Equal Opportunity Consultant (the "Consultant") about the individual's concerns. The Consultant may be able to resolve the matter in an informal manner by gathering relevant information and exploring resolutions with those involved. A formal investigation, in which interviews are conducted and relevant documents and other materials are reviewed may also be conducted. A formal investigation results in a written report that addresses whether University policies against discrimination, harassment, retaliation or related matters were violated. The report is typically sent to the individual who raised the concerns, the accused party(s), and the responsible administrator(s).

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<sup>74</sup> These reporting options and others are described at <https://diversity.umn.edu/eoaa/reportingresources>

<sup>75</sup> <https://diversity.umn.edu/eoaa/process>

<sup>76</sup> 20 U.S.C. § 1681, et seq.

<sup>77</sup> Ex. 110

EOAA makes recommendations to the responsible administrator(s) concerning responsive action.

In the event of a Title IX complaint involving employee conduct, EOAA's approach is similar to the approach described above. In Title IX complaints involving student conduct, a formal investigation may be conducted; if so, EOAA prepares a report that includes a summary and analysis of the investigation and a conclusion as to whether the Student Code of Conduct and any University policies were violated. The EOAA report is forwarded to the Office of Student Conduct and Academic Integrity ("OSCAI"). OSCAI informs both the reporting party and the accused party of the outcome and a proposed resolution. If both parties agree to the proposed resolution, the process concludes. On the other hand, if either party disagrees with the investigative outcome or the proposed resolution the party may seek a hearing before a panel drawn from the Campus Committee on Student Behavior.<sup>78</sup>

Each University Department has an EOAA coordinator who serves as its main point of contact with the EOAA. Every fall EOAA holds a conference for all of the Department coordinators and sends an e-mail to the Department coordinators reminding them about the EOAA's duties, recent policy changes, training opportunities, and Title IX reporting.<sup>79</sup> It is up to each coordinator to determine how broadly the EOAA e-mail is distributed within the Department. In addition, EOAA publishes a spring newsletter advising on new developments.

Until relatively recently, an Athletics Department Human Relations Generalist was the EOAA coordinator for the Athletics Department. In 2015, the Human Resources Director for the Athletics Department assumed primary responsibility.

### **3. University Human Resources**

The University's Human Resources Department is responsible for a variety of functions, including recruitment and hiring, benefits administration, job classification and pay standards, employee relations, labor relations, and talent development. Its website is a resource for a variety of University forms and policies. Its staff assists departments and individuals with human resources matters. The Human Resources website provides information on how to report suspected violations of University policy to UReport.<sup>80</sup> The office generally refers claims related to discrimination and harassment to EOAA.

### **4. The Aurora Center**

The Aurora Center for Advocacy and Education (the "Aurora Center") provides free and confidential services to students, faculty, staff, and others at the University.<sup>81</sup> Its mission includes partnering with University Departments and creating awareness with respect to sexual

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<sup>78</sup> [www.diversity.umn.edu](http://www.diversity.umn.edu)

<sup>79</sup> Exs. 37-39

<sup>80</sup> <https://www1.umn.edu/ohr/er/reportviolations/index.html>

<sup>81</sup> The Aurora Center also provides services to Augsburg College and to other organizations by contract.

assault, relationship violence, stalking and oppression. Although it does not investigate allegations, its trained advocates assist individuals through reporting and other processes. Its website contains links to the reporting processes provided by EOAA, OSCAI, the University of Minnesota Police Department and the Minneapolis Police Department.<sup>82</sup> Its sexual assault protocol describes the protocols it follows.<sup>83</sup>

The Aurora Center also reported receiving 24 separate confidential complaints regarding the Athletics Department during the 2012 - 2015 timeframe. Only one of the complaints related to sexual harassment.

## **5. Office of Conflict Resolution**

The Office of Conflict Resolution (“Conflict Resolution”) addresses all employment-related matters that may violate a University policy or practice. An employee may file a petition with Conflict Resolution or a complaint with EOAA, but not both. The offices approach the matters differently, as described in the Appendix to the Conflict Resolution for Faculty, P&A, Civil Service and Student Employees Policy entitled, “Filing an Internal Discrimination Complaint.”<sup>84</sup> Conflict Resolution uses a hearing process, rather than an investigative process. The hearing is before a peer panel, which makes the initial determination as to whether a University policy or practice was violated; the determination is forwarded to the Senior Vice President for Academic Affairs who may accept or reject it and determine what action to take. According to the Conflict Resolution website, the Conflict Resolution process typically takes 4-8 months while the EOAA process takes 2-9 months.

The Office of Conflict Resolution reported that it received one complaint from an Athletics Department employee during the 2012 - 2015 timeframe, and the report was not related to sexual harassment.

## **6. Student Conflict Resolution Center**

The SCRC assists students resolve campus-based problems and concerns. It serves approximately 600 students a year. Its services are free and confidential. An ombudsman provides confidential, neutral and informal options, while an advocate provides assistance in connection with formal grievance or disciplinary proceedings brought against students.

## **II. FINDINGS ON THE ATHLETICS DEPARTMENT AND SEXUAL HARASSMENT**

The External Review Team was tasked with addressing four items related to sexual harassment and the Athletics Department. Its findings on each item are set forth below:

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<sup>82</sup> [www1.umn.edu/aurora/index.html](http://www1.umn.edu/aurora/index.html)

<sup>83</sup> [www1.umn.edu/aurora/web-docs/pdf/SARP\\_v.5\\_finaldraft.pdf](http://www1.umn.edu/aurora/web-docs/pdf/SARP_v.5_finaldraft.pdf)

<sup>84</sup> <http://policy.umn.edu/hr/conflictresolution-appb>

## **A. Post-Resignation Complaints – August 8, 2015 - November 30, 2015**

The External Review Team was asked to “review and investigate all allegations of sexual harassment against Teague or other senior leaders in the athletics department come in from any source following Teague’s resignation.” As part of that effort, the External Review Team collected, reviewed and considered various allegations as set forth below. These allegations were made through different reporting systems, primarily UReport, the University’s primary confidential reporting system. As described in more detail at page 65, the UReport system permits anonymous or named reports through an internet portal (found at <https://secure.ethicspoint.com/domain/media/en/gui/9167/>) or by calling a contracted third party (at 866-294-8680).

In the month following Teague’s resignation, there were a series of anonymous complaints regarding Teague, including complaints relating to sexual harassment. The frequency of the complaints during this timeframe was significantly greater than during the prior time period. This increase is not unusual in light of the many efforts made by the University to encourage individuals to report.

The Office of Institutional Compliance (“OIC”) has responsibility for reviewing all reports made through UReport and assuring that they are routed appropriately. At the request of the External Review Team, OIC repeatedly asked each anonymous reporter to contact the External Review Team. In one case, the reporter did so. OIC also regularly monitored the complaints that were submitted following Teague’s resignation to see whether any anonymous reporter subsequently provided additional details and the names of others with information about the reported concern or other matters. None did so. Descriptions and findings as to each are below.

### **1. UReport T-964: August 8, 2015**

On August 8, 2015, an anonymous reporter used the UReport system to make broad and generalized allegations that Teague harassed women at his former employer and young staff members within the University’s Athletics Department. The reporter provided no specifics and did not identify anyone who was the subject of the alleged harassment. The reporter also alleged harassing behavior by another senior leader within the Athletics Department.

Using the UReport system, the External Review Team repeatedly posted a reply to the reporter asking for additional details and asking for the reporter to contact the External Review Team. The reporter did not provide additional details or contact the External Review Team.

As noted above in more detail, the External Review Team made inquiries with VCU who denied that there had been any allegations of sexual harassment involving Teague while he was employed there. The External Review Team also conducted a substantial number of interviews within the Athletics Department, including with young female staff members, and conducted a broad survey of all Athletics Department personnel. Although the External Review Team identified a number of instances of inappropriate communications involving a few Athletics Department personnel, the External Review Team found no evidence to substantiate the above allegation.

## **2. UReport T-965: August 10, 2015**

On August 10, 2015, an anonymous reporter used the UReport system to make an allegation that while at an event at his former employer, Teague was intoxicated and flirted with women who may have been students. The reporter also alleged that another senior leader flirted with women and pinched one and touched the reporter inappropriately. The reporter did not identify anyone who was the subject of the alleged harassment.

Using the UReport system, the External Review Team repeatedly posted a reply to the reporter asking for additional details and asking for the reporter to contact the External Review Team. The reporter did not provide additional details or contact the External Review Team.

The External Review Team made inquiries with Teague's former employer who denied that there had been any allegations of sexual harassment involving Teague while he was employed there. The External Review Team found no evidence to substantiate this allegation.

## **3. UReport T-966: August 10, 2015**

On August 10, 2015, an anonymous reporter who self-identified as a student used the UReport system to make an allegation that Teague exposed his genitals in Teague's office and tried to get the reporter to consume an unknown substance. The reporter did not specify the day or the time of the alleged incident other than approximately four months prior.

Using the UReport system, the External Review Team repeatedly posted a reply to the reporter asking for additional details and asking for the reporter to contact the External Review Team. The reporter did not provide additional details or contact the External Review Team.

As set forth above in detail, the External Review Team conducted a substantial number of interviews within the Athletics Department, including with young female staff members, and conducted a broad survey of all Athletics Department personnel. The External Review Team also interviewed individuals who sat in close proximity with Teague's office and student interns who regularly had contact with Teague. The External Review Team also conducted a broad survey within the Athletics Department. The External Review Team found no evidence to substantiate this allegation.

## **4. UReport O-48: August 10, 2015**

On August 10, 2015, an anonymous reporter called the University's third-party call center to report that the caller had heard that others had experienced sexual harassment by Teague at the universities where he worked previously. The caller also reported that another senior leader within the Athletics Department was inappropriate toward women in the workplace. The caller reported that Teague had made advances on cheerleaders at a prior employer.

Using the UReport system, the External Review Team repeatedly posted a reply to the reporter asking for additional details and asking for the reporter to contact the External Review Team. The reporter did not provide additional details or contact the External Review Team.

As described in more detail above, the External Review Team made inquiries with Teague's former employers and received no information to substantiate the claims. Teague's immediate prior employer denied that there had been any allegations of sexual harassment involving Teague while he was employed there. In addition, the External Review Team conducted a substantial number of interviews within the Athletics Department, including with young female staff members, and conducted a broad survey of all Athletics Department personnel. The External Review Team found no evidence to substantiate this allegation.

#### **5. Anonymous Email to the President: August 10, 2015**

On August 10, 2015, an anonymous reporter using the identifier "The Truth" sent an email to President Kaler alleging broad unspecified instances of misconduct. The email did specifically refer to what is described as a case of sexual harassment involving a senior leader within the Athletics Department exchanging pornographic images with Teague. The email alleged that an Athletics Department administrator made it known that this person was offended, the administrator was fired and the conduct was covered up by senior administrators.

As noted above in more detail, the External Review Team did review the University's handling of the allegations relating to the pictures shown by a senior leader to another employee at a bowl game in late 2012. The External Review Team interviewed the reporting party, the senior leader and those who conducted the investigation. The External Review Team determined that a report was made, the conduct was admitted, and the University addressed the misconduct. Although the University Human Resources did address the issue of retaliation, the investigation was incomplete in some respects.

#### **6. UReport T-972: August 13, 2015**

On August 13, 2015, an anonymous reporter used the UReport system to make broad and generalized allegations of gender inequity, culture of discrimination and inappropriateness. The reporter also alleged a senior leader facilitated and covered up Teague's inappropriate behavior. The reporter also made allegations other than those relating to sexual harassment, which were referred to the University Office of Internal Audit for review.

Using the UReport system, the External Review Team repeatedly posted a reply to the reporter asking for additional details and asking for the reporter to contact the External Review Team. The reporter did not provide additional details or contact the External Review Team.

As set forth in more detail above, the External Review Team conducted a substantial number of interviews of Athletics Department personnel, including with female staff members, and conducted a broad survey of all Athletics Department personnel. Some Athletics Department personnel did perceive potential issues regarding gender and promotion within the Athletics Department. Moreover, one former employee brought a claim against the University for gender discrimination when her contract with the University was not renewed by Teague. Ultimately, the University settled that matter for \$175,000. That said, other Athletics Department personnel, including numerous women, reported a positive climate in which they felt supported. The most senior leader under Teague was a woman, who is now interim



Athletics Director. Although the External Review Team identified a number of instances of inappropriate communications involving a few Athletics Department personnel, the External Review Team did not find evidence to substantiate a finding that there is a climate of discrimination or inappropriate conduct as it pertains to sexual harassment within the Athletics Department.<sup>85</sup>

#### **7. Email from Former Employee to the President: August 19, 2015**

On August 19, 2015, a former employee sent an email to President Kaler asking to speak with him about the circumstances surrounding the non-renewal of his contract. President Kaler wrote back the following day urging him to provide any relevant information to the External Review Team.

The External Review Team communicated with the former employee on several occasions. The former employee spoke with the External Review Team regarding his complaints and offered to provide documents that supported his allegations, but did not do so.

The External Review Team reviewed the University's handling of the allegations related to the pictures shown by a senior leader to another employee at a bowl game in late 2012. The External Review Team interviewed the reporting party, the senior leader and those who conducted the investigation. The External Review Team determined that a report was made, the conduct was admitted to some degree, and the University addressed the conduct by coaching the employee. Although the University Human Resources did address the issue of retaliation, the investigation was incomplete in some respects.<sup>86</sup>

#### **8. Letter to the President: August 28, 2015**

On or about August 28, 2015, a female asking to remain confidential reported sexual harassment by another employee (who was not a senior leader) within the Athletics Department. The letter was forwarded to the External Review Team to address.

The External Review Team interviewed two women in the relevant department, both of whom denied ever witnessing or being subjected to sexual harassment. Both women denied ever having raised a concern about sexual harassment in the Department, confidentially or otherwise. Both women commented positively on the alleged harasser identified in the August 28, 2015 letter, noting that he is always appropriate and that they enjoy working with him.

The External Review Team also interviewed the alleged harasser, who denied engaging in the behavior identified in the August 28, 2015 letter, although he acknowledged telling jokes that are sexual in nature or have a sexual undertone from time to time. The employee stated that he

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<sup>85</sup> The issue of gender equity under Title IX is the subject of an ongoing investigation by the Office of Civil Rights and is beyond the External Review Team's Scope.

<sup>86</sup> See p. 75 of this Report for additional detail.

was unaware that anyone was offended by the jokes, indicated remorse, and said that he would alter his behavior going forward.

#### **9. UReport T-991: August 31, 2015**

On August 31, 2015, an anonymous reporter used the UReport system to make broad allegations that Teague and a senior leader were known to “‘fraternize’ with women”, taking them drinking and talking with them inappropriately. The reporter also alleged that women were treated differently within the Department. The reporter also alleged inappropriate socializing by Teague. The reporter alleged the President and his office were told Teague was “‘problematic” but ignored it. The reporter also made allegations other than those relating to sexual harassment, which were referred to the University Office of Internal Audit for review.

Using the UReport system, the External Review Team repeatedly posted a reply to the reporter asking for additional details and asking for the reporter to contact the External Review Team. The reporter did not provide additional details or contact the External Review Team.

As set forth above in detail, the External Review Team conducted a substantial number of interviews of Athletics Department personnel, including with young female staff members, and conducted a broad survey of all Athletics Department personnel. Some Athletics Department personnel did perceive potential issues regarding gender and promotion within the Athletics Department. Moreover, one former employee brought a claim against the University for gender discrimination when her contract with the University was not renewed by Teague. Ultimately, the University settled that matter for \$175,000. That said, other Athletics Department personnel, including numerous women, reported a positive climate in which they felt supported. The most senior leader under Teague was a woman, who is now interim Athletics Director. Although the External Review Team identified a number of instances of inappropriate communications involving a few Athletics Department personnel, the External Review Team did not find evidence to substantiate a finding that there is climate of discrimination or inappropriate conduct as it pertains to sexual harassment within the Athletics Department.

#### **10. UReport T-996: September 8, 2015**

On September 8, 2015, an anonymous reporter used the UReport system to make broad allegations regarding the Athletics Department under Teague’s management, including unfair hiring practices, inappropriate socializing by Teague and another senior leader and generalized climate issues. The reporter also made allegations other than those relating to sexual harassment, which were referred to other University Departments for review.

Using the UReport system, the External Review Team repeatedly posted a reply to the reporter asking for additional details and asking for the reporter to contact the External Review Team. The reporting party did contact the External Review Team and provided additional details which were considered. The reporting party also withdrew certain allegations as unsubstantiated and acknowledged that others were rumors that she heard. The reporting party had observed no examples of sexual harassment.

As set forth above in greater detail, the External Review Team conducted a substantial number of interviews of Athletics Department personnel, including with female staff members, and conducted a broad survey of all Athletics Department personnel. Some Athletics Department personnel did perceive potential issues regarding gender and promotion within the Athletics Department. Moreover, one former employee brought a claim against the University for gender discrimination when her contract with the University was not renewed by Teague. Ultimately, the University settled that matter for \$175,000. That said, other Athletics Department personnel, including numerous women, reported a positive climate in which they felt supported. The most senior leader under Teague was a woman, who is now interim Athletics Director. Although the External Review Team identified a number of instances of inappropriate communications involving a few Athletics Department personnel, the External Review Team did not find evidence to substantiate a finding that there is a climate of discrimination or inappropriate conduct as it pertains to sexual harassment within the Athletics Department.

#### **11. UReport T-999: September 8, 2015**

On September 8, 2015, an anonymous reporter who self-identified as an employee used the UReport system to make an allegation that a leader within the Athletics Department “slept with a student employee from his office.” The anonymous reporter indicated that this incident occurred “a few years ago.”

Using the UReport system, the External Review Team repeatedly posted a reply to the reporter asking for additional details and asking for the reporter to contact the External Review Team. The reporter did not provide additional details or contact the External Review Team.

The External Review Team reviewed University records reflecting virtually the same allegation against the same leader in 2010 and 2011. Human Resources and EOAA previously investigated these allegations and concluded that the leader had not violated the University’s sexual harassment policy.

The External Review Team conducted a number of interviews within the relevant department and with the subject of the report, and found no evidence of sexual harassment.

#### **B. Confidential Complaints Related to Sexual Harassment and the University’s Response – July 1, 2012-August 7, 2015**

The External Review Team was asked to assess “whether persons who believe they have experienced sexual harassment related to the athletics department are empowered to report it and whether the reports that are made are appropriately addressed.”

Both the witness interviews and the 2015 Athletics Department survey data reflect that individuals in the Athletics Department perceive themselves as empowered to report sexual harassment. Generally, 83% of those responding thought their report would be handled appropriately. However, of the thirty-four individuals who responded that they themselves or someone they knew had made a sexual harassment complaint to the Athletics Department or

another campus resource, only half thought the complaint was handled in a timely manner and less than half thought it was handled in an appropriate manner.

As part of the review, the External Review Team reviewed and considered allegations of sexual harassment related to Athletics Department staff and students during Norwood Teague's tenure, July 2012–August 2015, and how the allegations were handled by the Athletics Department and the University. The External Review Team did not re-investigate the underlying allegations or review claims unrelated to the Scope, but focused on the University's response to reports of sexual harassment.

The University has designated EOAA to investigate allegations of sexual harassment by students and employees, although it recognizes that in some cases these matters may be handled by departmental personnel with or without the assistance of EOAA.<sup>87</sup> Some of the complaints were made directly to EOAA while others were made to Athletics Department staff or other University Departments. Nearly all of the reports were ultimately directed to EOAA. Where the University determined that sexual harassment had occurred, it took action and the employee was subject to some type of official response. Based on its review of relevant documents and witness interviews, the External Review Team identified gaps in the handling of certain complaints and opportunities for improvement in a few instances even where the University ultimately addressed the complaint.

A summary of the reports of sexual harassment and related complaints involving student athletes and staff of the Athletics Department and the External Review Team's assessment of how each was handled is set forth below. In general, EOAA commenced an investigation or other responsive action promptly upon learning of each complaint and the Athletics Department cooperated with its efforts. On the other hand, in several instances the issue of sexual harassment was not promptly identified by Athletics Department staff.

### **1. Allegation of Sexual Harassment and Retaliation by Athletics Department Senior Leaders**

In January 2013, a Director in the Athletics Department alleged that a senior leader showed him pornographic photos on the senior leader's phone during a dinner the evening before a December 2012 bowl game. The Director also alleged that the Director's position was non-renewed in January 2013 in retaliation for making this report and in retaliation for making a report about a different senior athletic leader on a topic not related to sexual harassment.<sup>88</sup>

The 2013 complaint was initially made to a senior administrator in the Athletics Department, who has responsibility for the Department's Human Resources function. The Director of Athletic Compliance was also contacted. An investigation was conducted by a Human

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<sup>87</sup> In one case, described at page 75, a Human Resources Consultant from the University's Human Resources Office assisted with an investigation involving Athletics Department personnel.

<sup>88</sup> The Director subsequently complained that the Director had not been paid the full amount of wages due to him by the University, an allegation that was resolved through a Settlement Agreement, Waiver and Release executed by the Director and the University.

Resources consultant from the University's Office of Human Resources (outside of the Athletics Department) in conjunction with the Athletics Department. EOAA was consulted, but determined that it would not conduct the investigation.

During the investigation, the senior leader admitted showing an inappropriate photograph at the pre-bowl dinner. Nonetheless, certain matters remained in dispute, including the nature and number of photograph(s) shown to the Director, the timing of the Director's complaint, and whether Teague, who was present at the dinner, had also seen the photograph(s). The senior leader and the Director also differed as to whether the Director complained about the photographs(s) at the time or only after the Director learned that the Director's employment contract would not be renewed. The Director identified a third party, not employed by the University, whom the Director alleged also saw the photograph(s) at the dinner and overheard the Director's objections at the time. This person was not interviewed as part of the investigation. The investigation did not obtain a copy of the image(s).

After completing the investigation, based on the interviews, the Human Resources consultant recommended to Teague that the senior leader be coached on "how to handle inappropriate pictures." In accordance with the recommendation, the Athletics Department coached the senior leader to exercise better judgment. The Human Resources consultant concluded that the retaliation claim was without merit.

The External Review Team interviewed several individuals familiar with this matter and reviewed the documentation from the investigation. The External Review Team concludes that the report was investigated and the manner in which it was addressed by the University and the Athletics Department was appropriate. The External Review Team notes that the investigation did not include an interview of the third party or obtain copies of the photo(s) at issue, which could have resolved the disputed issues, but it does not appear that these facts were necessarily material to the outcome or the recommendation. In addition, there is no written record of the verbal coaching, although the senior leader acknowledged that coaching occurred.

## **2. Allegations Concerning Athletic Team**

In late 2013, a complaint from a student athlete was reported to senior management of the Athletics Department regarding an assistant coach's conduct toward a student athlete. Soon after the University began its investigation, the assistant coach resigned.

Subsequently, the University settled a Charge of Discrimination brought by the student athlete with the Minnesota Department of Human Rights. In addition, the U.S. Office of Civil Rights ("OCR") opened an investigation of the University's handling of these events. The OCR and the University entered into a Resolution Agreement on September 18, 2015 to resolve the issues identified by the OCR.

On or about October 15, 2013, during a routine appointment, a student athlete complained to an Athletics Department trainer that she did not want to continue modeling for an assistant coach, an established sculptor, because she found it humiliating. The trainer notified a senior administrator in the Athletics Department. The senior administrator immediately set up a meeting with the trainer and the student and notified the Athletics Department Title IX

coordinator, who then notified Teague. The Athletics Department senior administrators quickly notified EOAA and also suspended the Assistant Coach pending the investigation.

EOAA began an investigation. Teague and the Athletics Department cooperated with that effort. On October 31, 2013 the assistant coach resigned. Nonetheless, on November 5, 2013, EOAA issued a determination that the assistant coach had violated University policy by engaging in unwelcome verbal and physical conduct of a sexual nature and creating an inappropriately sexualized and offensive environment for student athletes. EOAA also issued a determination the same day that the head coach had notice of the assistant coach's sexually harassing behavior and failed to address it.<sup>89</sup>

On November 6, 2013 EOAA wrote the Athletics Director, advising that the Athletics Department should take various actions, including limiting the former assistant coach's access to events. As to the head coach, EOAA made recommendations, including coaching for the head coach about the responsibility to comply with University policy, including non-retaliation obligations.

EOAA also recommended that the Athletics Department meet with the athlete team and staff to advise them of the results of the investigation and remind them that the Athletics Department does not condone retaliation. It further recommended Department-wide sexual harassment training, and that the Department evaluate its staffing structure to identify and address potential issues of nepotism. The Athletics Department took the actions recommended by EOAA. The assistant coach resigned on October 31, 2013.

Following the EOAA determination, an assistant coach and a trainer each filed separate claims of retaliation against the head coach. EOAA reviewed each matter, and found the claim was substantiated in one instance and was not substantiated in the other. By letter of July 7, 2014, the Athletics Department issued a formal letter of reprimand to the head coach, and advised the head coach of additional required actions. The head coach subsequently resigned.

On March 20, 2014, the student athlete filed a complaint against the University with OCR.<sup>90</sup> Following its own investigation, OCR determined that prior to October 15, the student athlete had reported concerns to an assistant coach. Although, the assistant coach notified the head coach and an associate coach that the student athlete did not want to model any more, team personnel did not notify the Athletics Department administration or EOAA or advise the student athlete about reporting options.<sup>91</sup> This OCR finding is consistent with documentation from EOAA's own interviews of team staff in October 2013. As a result of the OCR

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<sup>89</sup> Ex 76

<sup>90</sup> The student athlete also filed a Charge of Discrimination with the Minnesota Department of Human Rights, alleging that the student athlete was subject to unlawful sexual harassment. The matter was settled by mutual agreement in December 2014.

<sup>91</sup> Exs. 72-73

investigation, on September 18, 2015, the University executed a Resolution Agreement with OCR, requiring certain actions by the University.<sup>92</sup>

The External Review Team interviewed witnesses familiar with these incidents and the University's response and reviewed relevant documents. Like OCR, it believes that Athletics Department staff were aware of the assistant coach's conduct and that the student athlete was uncomfortable with the conduct for weeks prior to October 15, 2013, but did not notify senior administrators or EOAA or advise the student athlete of the reporting options. In part, personnel may not have identified the behavior might constitute sexual harassment, because the student athlete may not have labeled it as such originally. Instead, one department employee reported as a possible NCAA violation. While the report to the NCAA Compliance Officer demonstrates a willingness to report compliance concerns, staff did not identify or appear to recognize the issue regarding sexual harassment.

Once the senior leaders were advised of the matter, they contacted EOAA promptly. When it received the complaint EOAA immediately commenced an investigation. The investigation was prompt and addressed both the assistant coach and the head coach. EOAA's recommendations appear to be appropriate to address the conduct of the assistant coach and the head coach and to assure that the coaches' behavior ended and that student athletes were protected. EOAA also appears to have investigated and appropriately addressed the subsequent claims of retaliation, although they appear to have been less prompt.

### **3. Allegation Concerning Student Bracket**

On or about February 2, 2015, EOAA received a complaint from a former student about a student athlete, who had made and posted online a "bracket" entitled "Best Sex Ever" that included the former student's name. The former student also spoke directly with the student athlete, and the student athlete promptly removed the bracket and apologized to the persons whose names were used. The sexual harassment allegation was investigated by EOAA.

On April 1, EOAA issued a report, finding that a violation of the University's sexual harassment policy had occurred. EOAA referred its findings regarding three students to OSCAI on April 1, 2015. As a result of the EOAA report, OSCAI placed the student who made the bracket on disciplinary probation.

The External Review Team interviewed witnesses familiar with this incident and concluded that it was handled appropriately.

### **4. Allegation of Sexual Harassment by Graduate Assistant/Athletic Trainer**

On or about April 6, 2015, EOAA received an allegation of sexual harassment, gender discrimination, and race discrimination from a student athlete. The student athlete alleged that

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<sup>92</sup> Ex. 73

an Athletics Department trainer made inappropriate comments and touched the student athlete inappropriately.

EOAA investigated the allegation and on June 29, 2015, issued a report finding that the trainer had engaged in gender and race discrimination by making an inappropriate comment to the student athlete, but had not engaged in sexual harassment by touching her inappropriately or otherwise. EOAA found that the student athlete reported the concerns to the student athlete's coach and another Athletics Department staff member. Although both tried to address the matter, no one followed up with the student athlete or provided the student athlete with University resources, such as EOAA (which the student found through a separate University resource). EOAA noted that these failures do not violate University policy, but recommended that the Athletics Department clarify reporting responsibilities.<sup>93</sup>

On August 14, 2015, consistent with EOAA's recommendations, the Athletics Department issued a letter to the trainer advising the trainer that the behavior in question was unacceptable and stating that the trainer was expected to refrain from similar behavior in the future, maintain appropriate boundaries, and participate in workshops offered by the Office for Equity and Diversity.

The External Review Team interviewed witnesses familiar with this incident and reviewed EOAA investigative materials. It concludes that the report was investigated and addressed appropriately, but notes that the duration of the investigation exceeded OCR guidelines.

## **5. Allegation Regarding Security Guard**

On or about April 26, 2015, an anonymous report was made through the UReport system, alleging that a security guard at an event asked a student about a personal item, said it looked cute on the student and touched the student inappropriately during a pat down. The reporter did not provide information identifying the security guard. The matter was referred to EOAA for investigation. On April 27, 2015 EOAA contacted the reporter, asking the reporter to meet and share more details, particularly about the security guard's description. EOAA indicated that it would keep the reporter apprised of its progress through UReport if the reporter did not meet with EOAA. On August 26, 2015, EOAA determined no violation had occurred and no action was necessary.

The External Review Team interviewed a witness familiar with this incident and related documentation. The External Review Team concluded that the outcome was appropriate because the security guard was not identified and the reporter provided no additional information, although the duration of the investigation exceeded OCR guidelines.

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<sup>93</sup> Ex. 83



## **6. Allegations Regarding Student Housing Incident**

On the evening of June 21, 2015, a former University student made a complaint to the front desk in a student housing hall that she had been harassed by a group of student athletes. The former student stated that there had been no physical touching, but that they had said things indicating that they expected her to provide sexual favors. She also reported that they threw things at her and that while many student athletes were involved, one student athlete and the student athlete's roommate were the main instigators. She gave their names and room number. The former student provided her email address and her cell phone number and confirmed that she felt safe leaving the building. The receptionist reported the matter to the Hospitality Specialist on Duty who in turn notified the Residential Director on Duty. On June 22, 2015, the Coordinator of Student Conduct, Housing and Residential Life emailed EOAA, describing the report in detail, including the names of the two individuals that the former student identified as the main instigators and providing their room number. She also stated that she thought that the former student would want the matter investigated. The parties agreed that EOAA would reach out to the former student and provide resources to her.

On June 22, 2015, the former student made a second report, sending a detailed account of the incident to an official team email address. The email was received by a student worker who forwarded it to an athletic team staff member in accordance with Department protocol. The subject line in the email is "IMPORTANT – Extremely Inappropriate Player Conduct." In the email, the former student stated that she had gone to a student housing hall the night before to meet a student athlete. As she was leaving, several student athletes confronted the former student and aggressively demanded that she "sexually service them" because the first student athlete was a "team player." She reported that when she refused, they became verbally abusive, that several student athletes filmed her on their iPads and phones even after she asked them to stop, and that they were physically aggressive so that one student athlete held another back to prevent the other from touching her. She also stated that one student athlete helped her leave without being physically harmed, but that student athletes threw things at her as she walked down the hallway. She recounted reporting the incident to the woman at the dormitory's front desk, feeling that she was on the edge of a breakdown due to the emotional trauma she had experienced. She further stated that she wanted to be very clear that she was not physically harmed or sexually assaulted and said that she was willing to be contacted for any further information, if necessary.

### **a. Athletics Department Response**

After discussing the matter with his supervisor, the athletic team staff member responded to the email a few hours after it was received, stating that "it disturbs me to hear of this type of behavior. This will be handled immediately and I will also contact their parents. I met with everyone in [hall] and they will be held accountable..."

In fact, the staff member did not notify the players' parents and acknowledged that his statement to the contrary was inaccurate. Instead, the staff member verbally reprimanded three student athletes and also met with the team's entire freshman class to educate them about the potential consequences of inappropriate behavior. The head coach became aware that there had been a problem of some sort with certain student athletes, and also gave very clear verbal

direction to the players not to behave inappropriately. The staff member and his supervisor did not notify EOAA or senior Athletics Department administrators about the issue or provide specific information to the head coach about the specific allegations. To date, no further action has been taken by the Athletics Department as to the student athletes.

When asked about their response, the staff member and his supervisor explained to EOAA that they believed that since the former student specifically stated that she had not been sexually assaulted or physically harmed, they did not need to advise EOAA or senior leaders of the Athletics Department about the matter. Rather, they felt that stern admonitions to the student athletes involved and to the entire freshman class were the appropriate response.

**b. EOAA Response**

EOAA reports that it typically relies on email to contact individuals who make reports of inappropriate conduct. Accordingly, on June 23, 2015, EOAA located the reporting party's University email account in the University database and e-mailed the reporter to follow up on the report. However, the reporter was a former student who no longer used the "umn.edu" email address, a fact unknown to EOAA. EOAA did not contact the Housing office to determine if the reporter had provided a phone number.

On July 9, 2015, EOAA sent the former student a second email at the same email address, and attached a closing letter. In the letter, EOAA noted that since it had not heard from the former student it assumed the former student was not interested in proceeding with an EOAA investigation at this time and, therefore, EOAA will not begin an investigation. It further stated that without an investigation the University is limited in its ability to respond to the incident and the responsible person(s) will not be subject to discipline. The letter also stated that if the former student wanted the matter pursued, the former student could contact EOAA at any time because there is no time limit on reporting incidents of sexual harassment to EOAA, and described additional options, including reporting the matter to campus or local law enforcement. EOAA asked that the former student report any negative consequences experienced as the result of reporting the incident and provided information about the services of the Aurora Center. EOAA then closed the matter.

On July 16, 2015, EOAA sent an email to Teague and the Athletics Department senior woman administrator (currently the Interim Athletics Director) requesting a meeting with them, noting a "potential pattern" involving a specific team because of five allegations of sexual misconduct, including two allegations of sexual assault, two allegations of sexual harassment, and one allegation of retaliation.<sup>94</sup> Without providing any specifics regarding the student housing incident the email stated that EOAA had not investigated the complaint because the person who reported it did not want to pursue it. Approximately four hours later, Teague responded affirmatively and asked to include the relevant senior administrator in the meeting. EOAA agreed to do so.

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<sup>94</sup> Ex. 85

Internally, EOAA indicated that the meeting could be planned for August or September. On August 28, 2015 EOAA met with the Interim Athletic Director and another senior Athletics Department administrator to discuss how to address concerns of this nature generally and training opportunities related to them. Neither EOAA nor the senior Athletics Department administrators were yet aware of the former student's email to the athletic team email address or the response to it.

On August 31, 2015, EOAA made a new attempt to locate the former student and to re-open its investigation if the former student wanted that. EOAA promptly located the former student's phone number, and spoke with her. The former student told EOAA about the June 22, 2015 email and the Athletics Department response to it. EOAA asked her to forward both emails and also asked the former student to review the roster of student athletes online in an effort to identify those present on the evening of June 21, 2015. In an email of August 31, 2015, the former student identified three individuals that she recalled were present, one of whom she stated was the one that had been held back from touching her. She also identified three others who were present, although she was not clear as to which of them was actively involved and two others who she was not 100% certain as to whether they were there. She also stated that she knew that others were also present but couldn't identify them. As requested, the former student also forwarded the response she had received from the staff member in response to her June 22, 2015 email. EOAA commenced a formal investigation of the complaint and talked with senior Athletics Department administrators that same day.

On September 24, 2015, after interviewing the staff member who received the former student's June 22, 2015 email, his supervisor, and the student athletes believed to have been involved, EOAA issued separate written reports on the conduct of nine student athletes and an overall summary report. EOAA specifically found the reporting former student to be credible. EOAA concluded that a group of student athletes pressured the former student to "engage in sexual acts with them and then deliberately insulted, ridiculed and physically intimidated her when she refused their requests for sexual contact." It also found that one specific student athlete physically threatened the former student, that some student athletes filmed her against her stated wishes and distributed the films to further mock her, and that some of the student athletes threw objects at her as she left and hit her with one of the objects.

EOAA concluded that multiple student athletes subjected the former student to sexual harassment in violation of University policy. It stated, "However, EOAA has insufficient evidence to substantiate a sexual harassment policy violation against any individual at this time. EOAA lacks sufficient information about individual student athletes' specific conduct, in part, because the interviewed student athletes colluded to cover up their behavior by deleting relevant text messages and videos and providing EOAA with false information." EOAA concluded that numerous interviewed student athletes violated the Student Conduct Code by repeatedly and deliberately providing EOAA with false information, conduct that had the serious negative effect of hindering a University sexual harassment investigation. EOAA further concluded that one of the student athletes physically threatened and intimidated the former student in violation of the University's Student Conduct Code.

EOAA's written reports were sent to the Director of the Office of Student Conduct and Academic Integrity ("OSCAI"). In all nine cases EOAA found that the student violated the University's Student Conduct Code, Section VI., Subd. 3<sup>95</sup> by repeatedly and deliberately providing EOAA with false information relating to the events of June 21 and that the student's conduct had the serious negative effect of hindering a University sexual harassment investigation. In each report it noted that it understood that Athletics Department staff spoke to the student before the EOAA interview and encouraged the student to report to EOAA or OSCAI if any staff member influenced the student athlete's statement to EOAA, in which case the University would consider whether a reduced sanction was warranted. As to one student athlete, it also found that the student athlete physically threatened and intimidated the former student in violation of the University's Student Conduct Code, Subd. 6.<sup>96</sup> EOAA stated that it provided these findings so that appropriate responsive action can be taken.

By written letter, the Office of Student Conduct and Academic Integrity proposed that each of the student athletes be placed on probation for the remainder of the academic year, participate in training and complete a written paper. The former student has requested a hearing on this matter and the matter is current pending.

The External Review Team interviewed individuals with knowledge as to how this complaint was handled by the Athletics Department and EOAA and reviewed relevant documents, but did consistent with its Scope, not investigate the underlying allegations made by the former student. Based on its review, the External Review Team concludes that the athletic team staff failed to adequately address the report. First, the staff members failed to escalate the issue. This failure is, in part, the consequence of inadequate and unclear reporting requirements. That said, the failure of the staff member and the supervisor was inconsistent with the EOAA training they had received only months earlier. Second, the athletic team staff member made false statements to the former student.

The complaint was handled appropriately by the Housing staff who escalated it immediately and contacted EOAA the following day. In light of the serious nature of the allegations, the fact that the former student had already identified the primary instigators, provided her name and contact information, and the Coordinator reported that she believed the student wanted the matter investigated, there are significant concerns as to the way in which it was handled.

The External Review Team concludes that while EOAA attempted to handle the serious allegation very promptly, it failed to adequately address it in some respects. Given the serious

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<sup>95</sup> Ex. 43. Section VI, subd. 3, Falsification, provides: "Falsification means willfully providing University offices or officials with false, misleading, or incomplete information; forging or altering without proper authorization official University records or documents or conspiring with or inducing others to forge or alter without proper authorization University records or documents; misusing, altering, forging, falsifying, or transferring to another person University-issued identification; or intentionally making a false report of a bomb, fire, natural disaster, or other emergency to a University official or an emergency service agency."

<sup>96</sup> *Id.* Subd. 6, Harm to Person, provides: "Harm to person means engaging in conduct that endangers or threatens to endanger the physical and/or mental health, safety, or welfare of another person, including, but not limited to, threatening, stalking, harassing, intimidating, or assaulting behavior."

nature of the allegation, the period of more than two months to attempt to call the reporter when the reporter failed to respond to emails, is excessive. Among other things, had EOAA immediately followed up with the specific allegations with the Athletics Department, EOAA may have discovered the reporter's current email address and learned of her email, allowing the investigation to go forward promptly. The External Review Team notes that EOAA did promptly follow-up with the Athletics Department about the generalized concerns of patterns in the Athletics Department, but did not pursue those efforts for over six weeks.

Finally, considering the evidence obtained by EOAA, including the former student's identification of the participants, and the participants' destruction of relevant evidence, as well as EOAA's findings that the former student was credible and the student athletes were not credible, the External Review Team concludes that application of the preponderance of the evidence standard would support a determination that at least some of the identified participants violated the University's sexual harassment policy.

**C. Whether the University Knew or Should Have Known of Allegations of Sexual Harassment By Teague**

In considering whether the University knew or should have known of allegations of sexual harassment by Teague during his tenure, the External Review Team considered all of the information provided by witnesses and documents. None of the University witnesses, including many witnesses who were critical of Teague, identified any prior conduct that could be fairly understood as putting the University on notice that Teague would engage in the conduct that was reported on July 15 or anything similar to it.

A number of witnesses described their perception that Teague did not sufficiently support female athletics or support female leaders within the Department. These perceptions were disputed by many others, including female leaders within the Department and the University. In any event, the nature of this issue, while in some ways related, is qualitatively different than knowledge that an individual will engage in sexually harassing conduct. Even witnesses who believed Teague was not sufficiently supportive of women's athletics reported that they not observe Teague engage in sexually harassing conduct.

One employee reported two instances in which the employee heard Teague make inappropriate comments about women to others. A former employee reported that a senior leader who had shown the former employee pornographic pictures on his phone may have received them from Teague, an allegation denied by other witnesses. Even if true, however, there is no allegation that Teague himself showed such photos to anyone else.

The External Review Team identified information that many in the Athletics Department and the University clearly knew and acknowledged that Teague had an active social life, was known to drink alcohol in the context of socializing, and was known to date different women. There was no evidence that the University had knowledge of anything inappropriate about Teague's conduct or that his advances with women continued after being told that his advances were not wanted. The External Review Team did identify evidence of conduct by Teague similar to his reported conduct on July 15, 2015 with women who were not University

employees or students. These incidents were not reported or otherwise reasonably known to the University until after Teague resigned on August 7, 2015.

The University also was not aware that a complaint concerning salary equity and court time was brought by a female coach while Teague was Athletics Director at VCU, which VCU found to be without merit. The External Review Team concludes that even if University had known of the VCU complaint when Teague was hired, this knowledge would not have provided notice that Teague would later engage in the conduct that occurred on July 15, 2015, or anything similar to it.

**D. Climate of Reporting and Addressing Sexual Harassment in Athletics Department**

The External Review Team was asked to “assess whether persons who believe they have experienced sexual harassment related to the athletics department are empowered to report it and whether the reports that are made are appropriately addressed.” A significant majority of witnesses reported that they would report sexual harassment if they experienced it, although one current employee and a few former employees expressed reluctance to report during Teague’s tenure. There appears to be general willingness to report currently.

The External Review Team found a number of specific instances of verbal communications involving Athletics Department personnel, including senior leaders (some of whom no longer work with the Athletics Department), that were inappropriate and inconsistent with University policies. As noted above, the External Review Team reviewed certain emails and text messages. As a result of that review, the External Review Team identified a number of instances of text and email communications involving Athletics Department personnel, including senior leaders (some of whom no longer work with the Athletics Department), that were inappropriate and inconsistent with University policies. Nevertheless, based on the broad number of witness interviews and the responses to numerous surveys, the External Review Team finds that this type of communications was not a regular part of the environment or considered to be a common part of the climate within the Athletics Department.

Based on witness interviews and the 2015 survey data, the External Review Team concludes that the general climate within the Athletics Department is one that does not condone or tolerate sexual harassment. Only one percent of the respondents contends that they had experienced or seen bias, discrimination or harassment in the Athletics Department based on gender or sex. There are policies that prohibit the conduct and there are periodic communications to enforce those expectations. Athletics Department personnel and student athletes are required by the Athletics Department to undergo training regarding sexual harassment. Moreover, the University has established numerous reporting channels for making reports of different types, including sexual harassment, and those mechanisms are regularly utilized. When there have been instances of conduct that is recognized as sexual harassment, the Athletics Department, working with the University, has generally taken action and has responded, including applying different forms of discipline. The External Review Team concludes that the reports that are made are, by and large, handled appropriately.

### III. ANALYSIS AND FACTUAL FINDINGS REGARDING THE HIRING AND VETTING OF NORWOOD TEAGUE

#### A. Introduction

Joel Maturi's retirement as the University of Minnesota–Twin Cities Campus Athletics Director was announced on February 2, 2012. His last day as Athletics Director was June 30, 2012.

The Athletics Director is selected by, and reports directly to, the University President.<sup>97</sup> President Kaler's office prepared a search plan in mid-February that included among its guiding principles:

- Build on current levels of athletic and competitive success
- Maintain and support a culture of compliance and integrity
- Continue a strong commitment to the principles of gender equity
- Achieve and maintain long term financial stability
- Transparent, consultative, and open decision-making

The search plan provided that a national search firm with a track record of placing Athletics Directors at the University's level would be retained and a Presidential Commission on Athletics, consisting of a four member Search Committee and a twenty five member Search Advisory Committee, would provide guidance to the President and assist with the search process.<sup>98</sup> The Search Plan also included a detailed timeline that included posting the job description in early March, interviews with the Search Committee in late March and April, and on campus interviews of finalist(s) with President Kaler in late April.<sup>99</sup>

On February 21, 2012, President Kaler advised the Board of Regents that Vice President for Research Tim Mulcahy and Professor Mary Jo Kane would co-chair the search for a new Athletics Director.<sup>100</sup> In addition, President Kaler announced that the search would be assisted by Parker Executive Search, its search consultant. The search, as President Kaler described it, was to include a "broadly representative Search Advisory Committee and a smaller, four member Search Committee, with Tim and Mary Jo co-chairing both groups." President Kaler

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<sup>97</sup> The Board of Regents approves the hiring of the Athletics Director.

<sup>98</sup> The University typically relies on search committees when filling senior leader positions. Its Recruitment and Selection of Faculty and Academic Professional and Administrative Employees policy governs the way the University fills academic and administrative positions. The policy requires the use of a search committee to hire a senior or high level leader unless written approval to do otherwise is granted by both the Vice President for the Office of Human Resources and the Director of EOAA. The policy and its accompanying procedures are designed "to enable recruiting, hiring, and appropriately placing the most talented and diverse faculty and P & A employees in compliance with University policy, state and federal laws and regulations, and in as flexible a manner as appropriate." (See <http://policy.umn.edu/hr/recruitfacpa>)

<sup>99</sup> Ex. 86

<sup>100</sup> Ex. 90

further stated, “We want the advisory committee to have a clear and direct line of input to the Search Committee” and that “The Search Committee will participate in confidential applicant screenings, semi-finalist interviews and recommend finalists to [the President] for on-campus interviews.”

After receiving input from the Advisory Committee and other stakeholders about the attributes the University should seek in its next Athletics Director, President Kaler relied on the Search Committee, working in conjunction with the Parker Executive Search firm (“Parker Executive Search”), to interview a select group of individuals for the position and recommend a finalist or finalists to him. During the course of the search, President Kaler was aware of the progress of the search effort but only met and interviewed the one finalist recommended by the Search Committee. President Kaler provided input into the search process through his Chief of Staff, who was a member of the Search Committee, and his Chief of Staff updated President Kaler throughout the process.

The External Review Team interviewed individuals familiar with the 2012 search and with previous searches at the University, including members of the Search Committee, members of the Search Advisory Committee (“Advisory Committee”), Dan Parker, the Chairman of Parker Executive Search, and others. The External Review Team also reviewed and considered relevant documents related to the 2012 search.

## **B. Confidential Nature of the Search**

The Minnesota Government Data Practices Act has significant implications for the hiring and vetting process of applicants for University positions. Under the Data Practices Act, the names of all applicants for a position are private except when considered by the appointing authority to be to be finalists for a position. “Finalists” are individuals who are “selected to be interviewed by the appointing authority prior to selection.”<sup>101</sup> In this case the appointing authority is the University President.

Witnesses involved in the search process, as well as others, reported that it is widely recognized that the most desirable athletics director candidates—typically those who hold a position as Athletics Director at another institution—will not apply without assurances of confidentiality because a public candidacy may jeopardize their ability to perform their current position. The witnesses noted that the industry expectation is that the names of applicants for the position of Athletics Director will be kept confidential. According to numerous witnesses, strong candidates may well withdraw from a search or forego applying for a position rather than risk being an unsuccessful public candidate. Thus, without a confidential process, the candidate pool is likely to be less attractive.

Open records laws differ among states, but the University is not alone in its determination that confidentiality is important for a successful Athletics Director search. For example, in 2012, University of Nebraska’s Chancellor Harvey Perlman explained in reference to its search for an

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<sup>101</sup> Minn. Stat. § 13.43, subd. 3. Names of applicants are also considered public data when “certified as eligible for appointment to a vacancy.”



Athletics Director, “I can tell you that individuals who currently hold high-profile positions in intercollegiate athletics will not participate in a public search, and so I do not intend to hold an open, public search for this position.”<sup>102</sup> That said, not all public institutions have made the same choice. For example, at least two recent Big Ten athletics director searches appear to have made public the names of more than one finalist according to newspaper reports at the time.<sup>103</sup>

Several witnesses explained that the decision to use a small search committee was driven by the desire to maintain confidentiality. The University’s 2012 search process maintained candidate confidentiality by recommending only one finalist to President Kaler, thereby assuring that the names of unsuccessful candidates were not disclosed.

### **C. Role of the Search Committee**

As reflected in the University’s February 21, 2012 announcement, the Search Committee’s role was to conduct confidential semi-finalist interviews and recommend finalists to President Kaler for on-campus interviews.<sup>104</sup> It consisted of one faculty member, one academic administrator, one staff member, and one external stakeholder. The Search Committee was staffed by a member of the President’s Office who had years of experience working in the Athletics Department.

The members of the Search Committee were:

1. Mary Jo Kane, Co-chair, a tenured faculty member in the Kinesiology Department and the Director of the Tucker Center for Research on Girls & Women in Sport. Kane chaired the 2002 Search Committee that selected Joel Maturi as the University’s Athletics Director.
2. John Lindahl, Chairman of Norwest Equity Partners and a major supporter of the University and its athletics programs.
3. Tim Mulcahy, Co-Chair, who at the time was the Vice President for Research at the University. His previous search committee experience included the 2011 Provost search at the University—Twin Cities and the Chancellor search at the University of Minnesota-Rochester.

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<sup>102</sup> See [www.journalstar.com/sports/huskers/national-search-for-ad-will-include-internal-candidates](http://www.journalstar.com/sports/huskers/national-search-for-ad-will-include-internal-candidates) (article in Nebraska Journal Star dated September 26, 2012)

<sup>103</sup> Rutgers had two finalists in 2013. See The Star-Ledger, May 13, 2013, available at [http://www.nj.com/rutgersfootball/index.ssf/2013/05/rutgers\\_two\\_athletic\\_director.html](http://www.nj.com/rutgersfootball/index.ssf/2013/05/rutgers_two_athletic_director.html). The University of Maryland had three finalists in 2010. See The Baltimore Sun, September 7, 2010, available at [http://articles.baltimoresun.com/2010-09-07/sports/bs-sp-terps-anderson-0907-20100907\\_1\\_relationship-with-football-coach-athletic-programs-cohesion](http://articles.baltimoresun.com/2010-09-07/sports/bs-sp-terps-anderson-0907-20100907_1_relationship-with-football-coach-athletic-programs-cohesion)

<sup>104</sup> Ex. 93

4. Amy Phenix, President Kaler's Chief of Staff.<sup>105</sup>

According to a member of the 2002 search committee used in the hiring of Joel Maturi, that search committee was considerably larger. According to one committee member, the 2002 search process was more cumbersome and resulted in leaks of information regarding the search process that compromised its confidentiality.<sup>106</sup> Key leaders of the search process believed that a small committee was necessary to maintain the level of confidentiality that good candidates, including those with Athletics Director jobs at other schools, require. The size of the committee also allowed it to move quickly. According to witnesses close to the search process, Athletics Department personnel were not included on the Search Committee because it was believed that it is not appropriate for an employee to help select the head of the department. The Search Committee believed that the University needed an Athletics Director who was externally focused and, in the final analysis, believed that the 2012 search process was handled well.

**D. Role of the Advisory Committee**

As announced by the University on February 21, 2012, the Advisory Committee was to provide input to the Search Committee. Specifically, "The search advisory committee will identify the qualities desired in a new athletics director, review and finalize the job description, advance names of qualified candidates to the search committee, participate in on-campus interviews and assist with the on-boarding process."<sup>107</sup>

The 25-member group included co-chairs Mary Jo Kane and Tim Mulcahy, five faculty members and representatives of academic leadership, two student-athletes, two coaches, the Director of Athletic Compliance, the Director of Football Operations, nine community members, and three former student-athletes. While the size of the Advisory Committee allowed more people to be involved and included coaches and Athletics Department staff, its role was quite limited. The Advisory Committee was involved in the initial stages of the search process, but had no formal role in identifying qualified candidates, conducting reference checks, or selecting Teague as the finalist. Members of the Advisory Committee did not have access to candidate applications or have information about the candidate pool.

The first meeting of the Advisory Committee was held on Monday, February 27, 2012. The committee's charge was to provide advice and guidance to the President during the search and the transition to a new Athletics Director. Among other things, it was charged with identifying the qualities sought in a new Athletics Director, attending listening sessions with stakeholders, meeting with the search firm, reviewing and providing input on the final job description,

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<sup>105</sup> Phenix also assisted President Kaler in selecting the members of the Search Committee and was the main point of contact with Parker Executive Search.

<sup>106</sup> In fact, one witness recounted that a large search committee was used when Joel Maturi was hired and word of his selection leaked in advance of his hire.

<sup>107</sup> Ex. 93

interviewing finalist(s) on campus, and helping on-board the new Athletics Director.<sup>108</sup> Dan Parker was present at the meeting and explained the process used by Parker Executive Search. Following this meeting, the job description was finalized and, according to the Search Committee, Parker Executive Search posted the job on March 2, 2012 on its website, the NCAA job site, and the University website.

Between March 5 and 9, 2012, four stakeholder sessions were held, moderated by Co-Chairs Mulcahy and Kane, to get a sense of the attributes that the broader University community sought in the next Athletics Director. The qualities and attributes of the next Athletics Director identified by the Advisory Committee and the stakeholder sessions consisted of six major themes and related qualities and a set of “intangibles.” The six general themes were Integrity, Leadership/Management, Communication, Student-Athlete Focus, Fundraising Acumen, and Commitment to Minnesota. The related qualities included “Commitment to a strong culture of compliance and accountability,” “Proactive in advancing the University’s message,” “Media savvy,” “Engage and collaborate with broader University and external community,” “Commitment to balance among the many sports,” “Track record of fundraising success,” “Ability to relate to Minnesotans,” and “Passion for college athletics Minnesota Gophers.” The identified intangibles included “Competitive,” “Problem-solver,” “High level of social confidence,” “High energy,” “Sense of humor,” “Strong relationship with President Kaler,” “Thick-skinned/broad shoulders,” “Approachable,” “Experience in a large complex organization,” and “Qualities of an Athletics Director in the 21<sup>st</sup> century.”<sup>109</sup>

The Advisory Committee met again on March 20, 2012. Agenda items included reviewing and prioritizing outcomes of the stakeholder engagement meetings, including an expanded list of attributes, and discussing interview questions for candidates.<sup>110</sup> The Advisory Committee did not meet again until the morning of April 23, 2012.

On the morning of April 23, 2012, the Advisory Committee met with Teague, the announced finalist for the position. Teague then participated in separate meetings with the head coaches, senior staff of the Athletics Department, and University senior staff and faculty before being interviewed by President Kaler. Later that day Teague was announced as the University’s Athletics Director.<sup>111</sup>

The witnesses generally agreed that the Advisory Committee, like the Search Committee, believed that there was a need for an Athletics Director who would focus on external relationships, fundraising, and upgrading facilities. Many also voiced the importance of a commitment to gender equity. The Advisory Committee members also largely stated that they did not have a substantive role in the hiring of Teague, and some expressed dissatisfaction with their limited role.

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<sup>108</sup> Exs. 94, 95

<sup>109</sup> Ex. 98

<sup>110</sup> Ex. 99

<sup>111</sup> Ex. 106

## **E. The Search Firm**

To assist it in the search for a new Athletics Director, the University chose Parker Executive Search to identify, attract, and vet qualified candidates in a confidential manner. Many public institutions in the Big Ten have engaged a search firm in recent Athletics Director hires.

Parker Executive Search, located in Atlanta, Georgia, was founded by Dan Parker (“Parker”) more than thirty years ago.<sup>112</sup> According to witnesses, it is well regarded by institutions of higher education. The search firm has, however, been the subject of controversy in at least one recent search.<sup>113</sup> According to Parker, Parker Executive Search only represents institutions, not individual candidates, in the searches it conducts. Thus, individuals cannot engage the firm to act on their behalf and cannot purchase its services. Also according to Parker, its assisted searches are open to any candidate and it considers all who apply for a position, including internal candidates. Parker Executive Search provides a secure website to search committees so members can see candidate information on an ongoing basis. The firm makes all candidate information available to search committees and regards the committees as its clients.

According to Parker, Parker Executive Search brings a fresh group of candidates to each search and provides recommendations based on what the search committee identifies as its needs, but the firm does not make a recommendation to hire any particular person. Instead, the firm provides a panel of candidates, reviews them with the search committee, but the search committee chooses the candidates to interview. While Parker Executive Search arranges and attends the interviews and reviews the search committee’s interview questions for legality, the interviews are conducted exclusively by the search committee.

On February 6, 2012, Parker Executive Search submitted an Executive Search Proposal for the University’s Director of Athletics position. It proposed that, among other things, it would perform background work to understand the University’s goals and the Athletics Department’s current structure, assist the Search Committee in preparing the job specifications, develop a timeline, assist with advertising for the position, aggressively recruit potential candidates, conduct original research, assess candidate qualifications, coordinate interview and travel logistics, assist with interview preparation, conduct extensive background and reference checks, recruit the preferred candidate, and assist the University with negotiations.

Although President Kaler had not worked with Parker Executive Search previously, he was aware of the firm and talked to a former Athletics Department employee and others about it as a choice to assist with the search process. President Kaler’s office considered other search firms before selecting Parker Executive Search. President Kaler’s office requested, and was granted, an exception to the University’s bidding process to hire Parker Executive Search. On February 21, 2012, President Kaler signed a Letter of Understanding with Parker Executive

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<sup>112</sup> See [www.parkersearch.com](http://www.parkersearch.com). Parker Executive Search has conducted other University of Minnesota searches, including the head football and basketball coach searches, and the Athletics Director search at University of Minnesota-Duluth.

<sup>113</sup> See [www.USAToday.com/story/sports/ncaaf/2013/06/06](http://www.USAToday.com/story/sports/ncaaf/2013/06/06) (“Search Firm Comes Under Scrutiny After Rutgers Flap”)

Search.<sup>114</sup> The University paid \$110,222.30 in fees and expenses to Parker Executive Search in connection with the search.

The Letter of Understanding stated that Parker Executive Search would conduct background investigations on final candidates as follows:

- Obtain written permission from each candidate to conduct background investigations
- Conduct criminal, credit, and motor vehicle investigations
- Confirm candidates' degrees
- Conduct a NCAA sanctions review for past major infractions, and secondary infractions to the extent the information is available
- Conduct media reviews for potentially controversial areas of concern
- Have candidates sign a statement of accuracy of vita and/or bio
- Reference checking for each candidate

The Letter of Understanding further provided that Parker Executive Search will conduct reference checks on final candidates as follows:

We speak directly with individuals who are in positions to evaluate the candidate's performance in recent years, references that will include both those supplied by the individual, as well as additional reference contacts. We also encourage the President and other administrators to make reference calls at the appropriate time.<sup>115</sup>

The Letter of Understanding included a timeline that projected that a new Athletics Director would be announced on April 18, 2012.

#### **F. The Search Process and Selection of Teague**

Parker Executive Search took the lead in identifying and recruiting candidates, but members of the University community also reached out to encourage qualified candidates to apply. Parker Executive Search arranged for advertising for the position to begin on March 2, 2012. Each candidate was asked to provide written responses to the following questions (the "Candidate Questionnaire"):

1. Please describe your current position and responsibilities. Also, what do you consider to be your most significant accomplishments in your current position and career?

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<sup>114</sup> Ex. 92

<sup>115</sup> These are largely the same terms as set forth in the Parker Executive Search Proposal. The key difference is that the Proposal encouraged the Search Committee to make reference calls at the appropriate time while the Letter of Understanding encouraged the President and other administrators to do so.

2. Why are you interested in the Director of Athletics position at the University of Minnesota? Please share your vision for the Universities athletic department and how you would approach these objectives?
3. What qualities do you look for when hiring coaches and other staff? Tell us about your record in hiring and promoting minority candidates?
4. How will you assure that coaches abide by the letter and spirit of the law while winning championships? (NCAA, Big Ten Conference, and University rules and regulations)
5. Please describe your abilities and experience in enhancing support for an athletic department among its many constituents. Specifically, describe your fund and friend raising experience? (Please list all major accomplishments, and leadership roles)
6. Please describe your involvement in your conference, NCAA, University and Community. What leadership roles specifically are you currently holding or have held for the University, Conference or NCAA in the past?
7. How do you differentiate yourself from other potential candidates?
8. Please respond to each of the following:
  - a. Are you open to relocation to Minneapolis, Minn?
  - b. What is your total compensation? What was your 2010 W-2?
  - c. Do you have any specific compensation requests?
  - d. Do you have any specific personal or professional accommodations with which you would require assistance before making a decision concerning this opportunity?
  - e. Are you involved in any other searches at this time?<sup>116</sup>

According to Parker, there were approximately thirty applicants for the University position, including internal applicants. Parker Executive Search discussed many, but not all, of them with the Search Committee. Information about the candidates was available to the Search Committee on Parker Executive Search's web portal and members of the Search Committee were encouraged to check the portal periodically to review the information that was posted about candidates. Some Search Committee members recalled that one of the candidates presented by Parker Executive Search had incurred an NCAA infraction. Because the Search Committee was not willing to consider a candidate with any infractions, the name was removed from the list of applicants under review.

On March 12, 2012, Teague applied for the Athletics Director position by submitting a cover letter and his resume. He also provided responses to the Candidate Questionnaire.<sup>117</sup> In

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<sup>116</sup> Ex. 100

<sup>117</sup> Ex. 101

response to the question concerning his most significant accomplishments, he stated under the heading “Compliance,” “I am pleased to say that we have no major violations during my leadership of VCU athletics. Moreover, we have built our compliance area so that it operates seamlessly and collaboratively with coaches, while doing an excellent job of keeping us compliant.”<sup>118</sup>

On March 23, 2012 and April 10, 2012 Parker Executive Search and the Search Committee discussed candidates by conference call. The Search Committee then met and identified six candidates to interview. Parker Executive Search scheduled and attended the interviews. One candidate withdrew very shortly before the interviews, reducing the number of candidates actually interviewed to five.

The Search Committee conducted one two-hour interview of each candidate on April 18 and 20, 2012, using nearly identical questions for each candidate.<sup>119</sup> The questions addressed topics including “Knowledge of Minnesota,” “Managing People and Organizations,” “Communications and External Relations,” “Academic Life,” “Honesty and Integrity,” “Change Management,” “Decision Making,” Leadership and Vision,” and “Self-Awareness.” Under the topic of “Diversity,” the questions included:

- “How do you create a culture that values diversity? Tell us specifically how you have advanced diversity in your current role.”
- “Minnesota has a broad based program. How do you balance the needs of revenue and non-revenue sports.”
- “How have you promoted gender equity in intercollegiate athletics? How do you personally support women’s programs and participation?”

Following the interview, the Search Committee unanimously selected a single finalist, Norwood Teague. Some members of the Search Committee remarked that Teague gave one of the best interviews they had ever seen. One member said it was clear Teague had done his homework because he talked about the Tucker Center, the Athletics Department budget, and a visit he had made to the University on his own a week or so before the interview to learn more about the school and the community. The member noted that the issue was raised that Teague was coming from a school without a football program, but the University had a new stadium and had hired Jerry Kill as Head Football Coach, which decreased concern about this issue. Several witnesses commented that Teague seemed eager to come to the Big Ten and had demonstrated success with the VCU basketball program. Search Committee members indicated that they recommended Teague based on his background in fundraising and his recruitment of the basketball coach, Shaka Smart, who had led the VCU men’s basketball program to the Final Four in 2011. The committee also believed that Teague would interact well with the community.

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<sup>118</sup> *Id.*

<sup>119</sup> Ex. 102

As part of the hiring process, on April 20, 2012, Teague signed a statement provided by Parker Executive Search stating the following:

Statement of Accuracy

I, Norwood Teague, certify that all information, verbal and written, given to Parker Executive Search, representing the University of Minnesota in its search for the next Director of Athletics is completely accurate and truthful.

Reference Authorization

I, Norwood Teague, give the Search Committee, representing the University of Minnesota in its search for the next Director of Athletics, authorization to contact references not specifically provided on my reference list, at the appropriate stage of the process. Parker Executive Search will notify you prior to any reference calls.

Potential Issues

As it relates to your candidacy for this opportunity, are there any potential issues of controversy or concern we should be aware of, i.e., legal, work-related, credit issues, civil litigation suits, etc.

Teague indicated “no”, and signed his name<sup>120</sup>

Teague returned the form to Parker Executive Search that same day.

After the interviews, the committee met with President Kaler, discussed the candidates, and explained their recommendation. President Kaler was familiar with information about the candidates and agreed with the committee’s recommendation.

**G. The Vetting of Teague**

Members of the Search Committee and Parker voiced different understandings of their respective responsibilities regarding vetting and background checking.

The Search Committee members recall that they relied on Parker Executive Search to handle all vetting and background checks, on-list and off-list reference checks, and to uncover any issues related to sexual harassment, gender equity, NCAA violations, and integrity. Some stated that this was to ensure confidentiality. They further stated that the Search Committee emphasized in candidate interviews and in conversations with Parker Executive Search that the University wanted there to be no NCAA compliance issues, and that support for Title IX compliance, gender equity, and women’s sports was mandatory. The Search Committee members also stated that they asked Parker Executive Search to look at any issues about

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<sup>120</sup> Ex. 104



complaints, involvement in lawsuits, and any negative publicity. Two witnesses stated that the committee was not responsible for checking references, but could check references off the record if it so chose.

According to Parker, Parker Executive Search insists that search committees do their own vetting, including checks of on-list and off-list references, in addition to the firm's review. The Search Committee members did not recall any meetings or conversations about roles with regard to the vetting process, nor did they recall that Parker Executive Search insisted on the Search Committee doing its own vetting. Aside from President Kaler's Chief of Staff, the Search Committee members did not review the agreement between Parker Executive Search and the University. They understood that Parker Executive Search was responsible for background checks and speaking with Teague's listed references as well as other individuals with knowledge about Teague.

On April 23, 2012 Parker Executive Search delivered its completed Candidate Background Report<sup>121</sup> on Teague. The Candidate Background Report was provided to the University and states, among other things, that "Parker Executive Search believes the information in this Candidate Background Report to be accurate, but cannot warrant same, as some information is beyond our ability to verify." The Candidate Background Report confirmed that Teague holds a B.A. in Political Science from the University of North Carolina and an M.A. in Sports Administration from Ohio University. It provided a report of credit, criminal and motor vehicle reports that were conducted<sup>122</sup> and a list of references that were contacted (including a VCU President emeritus), along with a summary of the comments received from each. Parker reported that Parker Executive Search talked to eight or ten references in total. With respect to the additional references that Parker Executive Search identified and contacted, Parker reported that he spoke with others throughout the NCAA and orally shared with the Search Committee information from those "off-list" references. According to Parker, Parker Executive Search does not cleanse or editorialize the background information it provides to the search committee. At the time, Parker Executive Search indicated it had no concerns with Teague, noting that Teague was the Regional Athletics Director of the Year selected by peers and industry leaders and his references were positive.

The Candidate Background Report further provides that Teague signed the Statement of Accuracy and that he responded in the negative to the question regarding Potential Issues of Concern. It also provided that "A media search for any unusual and/or controversial articles concerning **Norwood Teague** was conducted using Factiva.com and Google.com. No articles of concern were found: [sic]" and that "After a National Collegiate Athletics Association search, **Norwood Teague** is clear of any past major infractions."<sup>123</sup> Members of the Search Committee generally reported that Parker's background check of Teague was sufficient.

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<sup>121</sup> Ex. 107

<sup>122</sup> Parker Executive Search engaged a third party, Kroll, to perform the criminal, credit, and Department of Motor Vehicle reviews.

<sup>123</sup> Ex. 107 (emphasis in original)

While the Candidate Background Report does not state that Teague had authorized the Search Committee to contact references not specifically provided by him, the Search Committee understood that it was authorized to do so. Following the selection of Teague as the sole finalist, the Search Committee asked one of its members to “do extra due diligence.” The member called two Athletics Directors at other universities and reported receiving only positive feedback about Teague.

#### **H. Hiring of Teague**

On April 23, 2012, after being announced as the sole finalist Teague met with the Search Advisory Committee, the head coaches, and senior staff of the Athletics Department. He also participated in an open meeting for University senior staff and faculty before he was interviewed by President Kaler. He was announced as the new Athletics Director later that day.<sup>124</sup> On May 11, 2012, the Board of Regents approved Teague’s appointment as Director of Athletics with an effective date of June 18, 2012.<sup>125</sup>

#### **I. The VCU Internal Complaint**

Neither the Search Committee nor Parker Executive Search was aware at the time of Teague’s hire that he had been the subject of an internal complaint at VCU while serving as its Athletics Director.

In November 2011, the VCU women’s basketball coach made an internal complaint of inequitable salary for herself and unequal treatment of the men’s and women’s basketball teams. The complaint did not allege sexual harassment, other forms of sex discrimination, or retaliation. The complaint was investigated by VCU’s Office of Institutional Equity and determined to be without merit. Teague was advised of the outcome in December, 2011. After leaving VCU, the women’s basketball coach<sup>126</sup> continued to press VCU for financial compensation and, ultimately, in June 2012, she and VCU entered into a settlement agreement resulting in a payment to her.<sup>127</sup> In response to a query from the External Review Team, VCU has confirmed that Teague was never the subject of a sexual harassment complaint while at VCU.<sup>128</sup>

Teague did not disclose the complaint during the vetting and hiring process. The University learned of the VCU internal complaint when Teague later disclosed information about it to one

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<sup>124</sup> Ex. 106

<sup>125</sup> Ex. 108

<sup>126</sup> The External Review attempted to contact the former VCU basketball coach both by telephone and email, but she did not respond.

<sup>127</sup> See [www.richmond.com/news/local/city-of-richmond/article](http://www.richmond.com/news/local/city-of-richmond/article) (“VCU paid \$125K settlement to former women’s basketball coach”).

<sup>128</sup> Ex. 24

of his subordinates. She subsequently filed a charge of discrimination against the University when her contract was not renewed by Teague.<sup>129</sup>

## **J. Findings**

The External Review Team concludes that the hiring and vetting process that resulted in Norwood Teague's hire was generally consistent with comparable searches. The length of the process (approximately 11 weeks) and its confidential nature are consistent with Athletics Director searches at comparable institutions.<sup>130</sup> The chart below provides comparative information on search committee composition from other Big Ten schools that have conducted Athletics Director Searches in recent years.<sup>131</sup>

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<sup>129</sup> On or about March 18, 2013, the University of Minnesota's Office of General Counsel received a Charge of Discrimination from the U.S. Equal Employment Opportunity Commission which stated, among other things: "In June of 2012, Norwood Teague became the Athletics Director and my direct supervisor. Teague was previously employed by Virginia Commonwealth University (VCU) where the women's basketball coach filed a gender discrimination complaint against him. He disclosed to me that VCU had paid her \$125,000 to settle the complaint, and that because of this situation, he was sensitive about gender issues." After receiving the Charge, the University attempted to verify the allegation, but it was unable to learn additional information. Although it denied liability, the University settled the Charge for \$175,000.

<sup>130</sup> For example, at University of Iowa in 2006, 8 weeks and 3 days elapsed between the resignation of AD Bowsby and the announcement of AD Barta. Bowsby to Leave for Stanford (April 25, 2006), available at <http://www.hawkeyesports.com/genrel/042506aab.html>, Iowa names Wyoming's Gary Barta athletic director (June 23, 2006), available at [http://globegazette.com/news/iowa-names-wyoming-s-gary-barta-athletic-director/article\\_643fb90c-ea22-5b23-b153-b2e7a290b047.html](http://globegazette.com/news/iowa-names-wyoming-s-gary-barta-athletic-director/article_643fb90c-ea22-5b23-b153-b2e7a290b047.html). At University of Illinois in 2011, 13 weeks and 3 days elapsed between the resignation of AD Guenther and the announcement of AD Thomas. Illinois AD Guenther announces retirement (May 16, 2011), available at [http://articles.chicagotribune.com/2011-05-16/sports/ct-spt-0517-illinois-guenther--20110516\\_1\\_dana-brenner-ron-guenther-bubba-cunningham](http://articles.chicagotribune.com/2011-05-16/sports/ct-spt-0517-illinois-guenther--20110516_1_dana-brenner-ron-guenther-bubba-cunningham), Mike Thomas named Illinois athletics director (Aug. 18, 2011), available at <https://insideillinois.info/blog/view/6371/210076>. At University of Maryland in 2010, 10 weeks and 4 days elapsed between the resignation of AD Yow and the announcement of AD Anderson. Debbie Yow resigns: Maryland issues statement (June 25, 2010), available at [http://voices.washingtonpost.com/terrapins-insider/2010/06/debbie\\_yow\\_resigns\\_maryland\\_is.html](http://voices.washingtonpost.com/terrapins-insider/2010/06/debbie_yow_resigns_maryland_is.html), Terps AD Anderson vows to build 'cohesion' (Sep. 7, 2010), available at [http://articles.baltimoresun.com/2010-09-07/sports/bs-sp-terps-anderson-0907-20100907\\_1\\_relationship-with-football-coach-athletic-programs-cohesion](http://articles.baltimoresun.com/2010-09-07/sports/bs-sp-terps-anderson-0907-20100907_1_relationship-with-football-coach-athletic-programs-cohesion).

<sup>131</sup> Letter from Rutgers President Robert L. Barchi (April 18, 2013), available at <http://president.rutgers.edu/public-remarks/letters/membership-athletic-director-search-committee>; Committee Named to Search for Athletics Director (Jan. 13, 2005), available at <http://www.ohiostatebuckeyes.com/genrel/011305aab.html>; Penn State announces search committee to find its next athletic director (June 26, 2014), available at: [http://www.pennlive.com/pennstatefootball/index.ssf/2014/06/penn\\_state\\_announces\\_search\\_co.html](http://www.pennlive.com/pennstatefootball/index.ssf/2014/06/penn_state_announces_search_co.html); What The Search Committee Must Consider (May 22, 2011), available at <http://illiniboard.com/2011/05/22/what-the-search-committee-must-consider/>; IU names search committee for new AD (Aug. 1, 2008), available at <http://newsinfo.iu.edu/news-archive/8607.html>; UI Names Search Committee for Director of Athletics (May 11, 2006), available at <http://www.news-releases.uiowa.edu/2006/may/051106AD-search.html>; Former Michigan football assistant coach part of athletic director search, The Ann Arbor News (Nov. 23, 2009), available at <http://www.annarbor.com/sports/former-michigan-assistant-coach-heading-athletic-director-search/>; Nebraska AD Tom Osborne to retire, The Daily Nebraskan (Sep. 26, 2012), available at [http://www.dailynebraskan.com/sports/nebraska-ad-tom-osborne-to-retire/article\\_ad2d2534-0803-11e2-8dd6-0019bb30f31a.html](http://www.dailynebraskan.com/sports/nebraska-ad-tom-osborne-to-retire/article_ad2d2534-0803-11e2-8dd6-0019bb30f31a.html); Maryland begins search for athletic director, The Baltimore Sun (July 16, 2010), available at:

<b>University</b>	<b>Year</b>	<b>Size of Search Committee</b>	<b>Athletics Department Personnel on Search Committee</b>
Rutgers	2013	6-person Executive Committee; 28-person Advisory Committee	None
Ohio State	2005	15 3 ex officio	3
Penn State	2014	7	2
Illinois	2011	10	5
Indiana University	2009	13	2
University of Iowa	2006	14	2
University of Michigan	2010	5	1
University of Nebraska	2013	Advisory group with 12-15 members advised the president.	Advisory group included coaches
University of Maryland	2010	17	At least 2 head coaches publicly identified.

As noted above, the size of the Search Committee was smaller than many comparable searches, although the particular history of a larger committee in the prior Athletics Director search is a reasonable justification for this choice. The decision to rely on fewer people, however, necessarily results in fewer eyes on the vetting process with a narrower set of experiences.

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[http://articles.baltimoresun.com/2010-07-16/sports/bs-sp-maryland-athletic-director-sear20100716\\_1\\_million-athletics-budget-debbie-yow-17-member-search-committee](http://articles.baltimoresun.com/2010-07-16/sports/bs-sp-maryland-athletic-director-sear20100716_1_million-athletics-budget-debbie-yow-17-member-search-committee).

The External Review Team also finds that the roles and responsibilities for the vetting of candidates were not fully understood or clarified by those involved. Among other things, the Search Committee's statement of nearly complete reliance on the search firm for vetting appears at odds with the Letter of Understanding and Parker's expressed view. That said, the Search Committee did contact two off-list references and was satisfied that there were no issues of concern related to Teague.

The question posed to Teague, "As it relates to your candidacy for this opportunity, are there any potential issues of controversy or concern we should be aware of, i.e., legal, work-related, credit issues, civil litigation suits, etc.," was ambiguous, leaving it to the applicant's judgment to determine the disclosures that were required. A different candidate might have answered this question differently, but no other question posed to Teague on the form or on the Candidate Questionnaire clearly required the disclosure of the VCU claim, which had been found to be without merit by VCU.

The External Review Team concludes that had the form or the Candidate Questionnaire clearly called for the disclosure of all prior complaints, including those with and without merit, the Search Committee should have expected to learn of the existence of the VCU complaint. However, it is unclear what impact, if any, the disclosure of an internal complaint regarding salary and court-time would have had on the selection process on April 20, 2012, particularly where the former employer found the complaint to be without merit. Moreover, even if University had known of the VCU complaint when Teague was hired, which it did not, or the University had learned more about the nature or lack of merit of the complaint when its existence was disclosed to it in 2013, this knowledge would not have foreshadowed that Teague would later engage in conduct of the type that occurred on July 15, 2015. It appears unlikely that additional vetting by the Search Committee or Parker Executive Search would have uncovered evidence of conduct that Teague had engaged in sexual harassment while at his prior employers.

*[Remainder of page intentionally left blank]*

## **RECOMMENDATIONS**

Establishing and maintaining an effective sexual harassment prevention program is a challenging undertaking for any university. Even the best programs require vigilance to continually assess and evaluate the program's effectiveness along with a willingness to modify the program's components to enhance its performance. For a large, complex public institution like the University, the challenge is to create and maintain a program that is sufficiently robust to serve the varied needs of students, staff, and faculty while at the same time being accessible and easily understood.

The key components of an effective sexual harassment program—policies that describe behavioral expectations, training for prevention, known reporting mechanisms, and systems to promptly addressing sexual harassment when it occurs—already exist at the University. The University's efforts have been effective in many ways. Nonetheless, as the complexity and visibility of the issue of sexual harassment grows, certain enhancements are in order.

The Recommendations are not intended, and should not be read to suggest, that if one or more of them had been in effect the events of July 15, 2015 or other events identified in this report would necessarily have been prevented. Rather, they are provided to help a good program become a better program.

As set forth above, the Scope of the External Review was limited to the Athletics Department. In that light, the following recommendations pertain to the Athletics Department. The University may consider separately whether these recommendations have broader applicability to some or all components of the University not within the scope of the External Review. Careful thought and consideration should be given to the ways in which the Recommendations are implemented so as to enhance their impact.

### **I. TRAINING AND RESOURCES FOR ADDRESSING SEXUAL HARASSMENT WITHIN THE ATHLETICS DEPARTMENT**

#### **A. *Utilization of the Athletics Department EOAA Coordinator.***

1. Consistent with EOAA practice, the Athletics Department has designated a member of its staff as the EOAA Coordinator. The External Review Team recommends that the University assure that the EOAA Coordinator's responsibilities are clearly set forth as part of the staff member's job description and that the staff member's performance as EOAA Coordinator be evaluated as part of his or her annual performance review. Ideally, the EOAA Coordinator will have or develop the skill set and the type of access within the organization that is necessary to provide effective assistance to students and employees who need it, but not so highly placed as to be viewed as inaccessible.
2. The External Review Team recommends that the EOAA Coordinator's role and visibility be enhanced. Among other things, the EOAA

Coordinator should participate in providing sexual harassment training within the Athletics Department and serve as a resource for EOAA and Department personnel in assessing and addressing issues that arise.

- B. *Annual Training.* The External Review Team recommends that the Athletics Department continue its in-person sexual harassment training and formalize a policy requiring annual training for all personnel. Care should be taken to assure that the content of the training varies sufficiently from year to year to maintain interest while also providing basic information for new hires and provide examples that reflect current issues.
1. The External Review Team recommends that separate training sessions be provided for: (1) supervisors and managers, (2) coaches and trainers, and (3) other personnel so that the unique issues that arise for each group can be effectively addressed.
  2. The External Review Team recommends that the training (1) address how to identify sexual harassment, particularly in situations that present possible NCAA or other policy violations as well, (2) provide interactive exercises related to identifying sexual harassment that also require participants to identify the appropriate response and how that response will be communicated to those involved, (3) address the policy on mandatory reporting described below, (4) address instances within the Athletics Department of past violations of the sexual harassment policy or mandatory reporting policy and the sanctions that were imposed (without identifying the specifics those who were involved), (5) address a broad range of examples, including male-on-female, female-on-male, and same sex harassment, and (6) discuss legal remedies and other sanctions that can apply when a matter is not appropriately reported.
  3. The External Review Team recommends that the Athletics Department EOAA Coordinator work with EOAA to develop one-page reporting Notification Procedure documents to assist personnel and clarify where, when, and how reports are to be made.
  4. The External Review Team recommends that comprehensive sexual harassment training for all student athletes be provided in the fall of each year.
  5. The External Review Team recommends that all staff and students be asked to evaluate the training they receive in writing and that their comments be considered by EOAA.
  6. The External Review Team recommends that EOAA consult with appropriate University resources on ways in which its training may be modified so that trainees recall the contents more consistently.

C. *Communications.*

1. The External Review Team recommends that EOAA and the University continue the current practice of regular communications with the University community addressing the issue of sexual harassment and identifying the available resources and reporting mechanisms.
2. The External Review Team recommends that the Athletics Department no less than twice a year send internal joint communications from the Athletics Director and the Athletics Department EOAA coordinator explaining the importance of an environment that does not tolerate harassment, reminding personnel of their reporting obligations, and explaining how to make a report.

**II. REPORTING AND HANDLING OF ALLEGATIONS OF SEXUAL HARASSMENT WITHIN THE ATHLETICS DEPARTMENT**

A. *Mandatory Reporting.* The External Review Team recommends that the Athletics Department adopt a policy mandating that all Department personnel report to EOAA when they have a reasonable basis to believe there has been a violation of the sexual harassment policy related to the Athletics Department.

B. *Handling of Reports Exclusively By EOAA.* The External Review Team recommends that the Athletics Department adopt a clear policy that all reports of sexual harassment related to the Athletics Department shall be handled by EOAA.

C. *EOAA Practices and Protocols for Investigations Involving the Athletics Department:*

1. The External Review Team recommends that EOAA develop timeframes for investigating reports of sexual harassment, publish those timeframes on its website, and notify reporters of those timeframes when a report is received.

2. The External Review Team recommends that EOAA adopt a policy that it will investigate all reports of circumstances reasonably suggesting a violation of the University's sexual harassment policy even if the reporter declines to proceed, and include as part of its investigation whether Athletics Department personnel had a reasonable basis to believe there had been a violation of the sexual harassment policy but failed to report it.

3. The External Review Team recommends that EOAA establish a formal practice to attempt to communicate with reporters by all available means known to the University and communicate with the reporter using the best mode of communication, taking into consideration the reporter's preference.

4. The External Review Team recommends that EOAA establish a standardized practice for providing updates to reporters, the subject of the allegation, and the Athletics Department during the course of an investigation. EOAA should



enhance its standardized communications with reporters to inquire whether the reporter is in need of additional supporting measures and to direct them to the available resources as appropriate.

5. The External Review Team recommends that EOAA establish formal written processes and procedures for its investigations, including:

- a. A written statement that its determinations are governed by a preponderance of the evidence standard. The statement should also include the consequences for a failure to cooperate with the investigation or for providing false information.
- b. A full written set of standardized documents to be used for each investigation, including an indication of how the investigation file will be maintained.

6. The External Review Team recommends that EOAA develop a clear policy to provide written notification to the reporter, the subject of the complaint, and the Athletics Department regarding the outcome of all investigations.

7. The External Review Team recommends that EOAA formally track the outcome and implementation, or failure to implement, its recommendations following an investigation.

D. *Athletics Department Sanctions.* The External Review Team recommends that the Athletics Department develop guidelines for personnel and student athletes for violations of the sexual harassment policy. As to student athletes, the possible sanctions should include suspension and/or dismissal from the team, consistent with the Athletics Department Student-Athlete Code of Conduct.

### **III. MONITORING & AUDITING OF SEXUAL HARASSMENT WITHIN THE ATHLETICS DEPARTMENT**

A. *Develop Enhanced Systems or Procedures for Tracking Reports.* The External Review Team recommends that EOAA develop enhanced systems or procedures for tracking reports of sexual harassment within the Athletics Department.

B. *Provide Reports to the Athletics Department on Complaints.* The External Review Team recommends that EOAA, in conjunction with its semi-annual reporting to the University Office of Institutional Compliance, provide the Athletics Department a brief, written update on complaints arising from the Athletics Department, status updates regarding ongoing investigations, and results of investigations completed during the prior six months. At a minimum, those reports should be directed to the Athletics Director and the Athletics Department EOAA Coordinator., and the Athletics Department senior woman administrator.

C. *Issue a Comprehensive Annual Report.* The External Review Team recommends that EOAA issue a comprehensive annual report addressing the issue of sexual

harassment at the University as do many other colleges and universities. The annual report should include the number of complaints for the year and de-identified information regarding the handling and outcomes of those investigations, including any sanctions for substantiated claims.

D. *Include Questions Regarding Sexual Harassment in Annual Survey.* The External Review Team recommends that the Athletics Department include questions regarding sexual harassment, handling of reports of sexual harassment, and the effectiveness of the training it has provide in its annual surveys for student athletes. At a minimum, the EOAA Coordinator should review those responses.

E. *Plan for an Annual Assessment.* The External Review Team recommends that, consistent with its obligations in the OCR Resolution Agreement, the University plan for an annual assessment to review the University's and the Athletics Department's ongoing response to reports of sexual harassment and the effectiveness of its program. As part of that effort, the assessment should review and assess best practices developed at comparable universities. At a minimum, this assessment should be directed to the Athletics Director and the President of the University.

F. *Conduct An Audit.* The External Review Team recommends that the University conduct an audit within two years to evaluate the University's and the Athletics Department's handling of allegations of sexual harassment within the Athletics Department. At a minimum, this assessment should be directed to the Athletics Director and the President of the University.

#### **IV. UNIVERSITY POLICIES RELATING TO SEXUAL HARASSMENT WITHIN THE ATHLETICS DEPARTMENT**

Although the OCR investigation described in this Report related to a specific Athletics Department team, the resolution of that investigation with the University has broader implications to University policy, which are noted here, that are also relevant to the External Review:

A. *Develop a Single Policy.* Consistent with the OCR Resolution Agreement, the External Review Team recommends that the University develop a single sexual harassment policy. The External Review Team recommends that this policy explicitly state that it applies to all University-sponsored events both on campus and off-campus.

B. *Adopt Mandatory Reporting.* Consistent with the OCR Resolution Agreement, the External Review Team recommends that the University adopt a mandatory reporting requirement for personnel who learn of a violation of the sexual harassment policy or have a good faith belief that a violation has occurred.

C. *Policy Should Address Third Parties.* Consistent with the OCR Resolution Agreement, the External Review Team recommends that the University develop and adopt a policy that addresses claims of sexual harassment by individuals who are not the targets of specific conduct, but who work or study in environments where sexual harassment or favoritism based on sex occurs.

## V. HIRING AND VETTING OF ATHLETICS DIRECTORS

A. *Clear Delineation of Responsibilities Regarding Selection and Vetting.* The External Review Team recommends that any Search Committee involved with the selection of an Athletics Director have a clear memorandum of understanding with the search firm setting forth responsibilities and actions regarding the selection process and particularized vetting tasks.

B. *Written Disclosures.* The External Review Team recommends that candidates be required to disclose in writing any current or prior instances where the candidate was the subject of a formal or informal complaint involving NCAA violations, Title IX or Office of Civil Rights allegations, claims of discrimination or harassment (including internal complaints regardless of merit), or any administrative or civil proceeding related to the candidate's work assignment.

C. *Timely Receipt of Background Check Information.* The External Review Team recommends that the University take steps to assure that the Search Committee receives the results of background checks, reference checks, and other vetting, whether performed by an external search firm or the University itself, sufficiently in advance of a hiring decision to allow a full opportunity to explore the meaning of the information it receives and evaluate its impact.

D. *Advise All Candidates in Writing to Provide Complete and Accurate Information.* The External Review Team recommends that all candidates be advised in writing that the failure to provide complete and accurate information during the hiring process and, if selected, during University employment, will result in appropriate sanctions by the University.

E. *Consider Whether to Use In-Depth Interviewing Process with Multiple Interviewers.* The External Review Team recommends that the University assess whether candidates should be subject to multiple in-depth interviews by a broad group of interviewers before a finalist or finalists are identified, and consider ways in which additional data on candidates can be obtained.

Dated: December 2, 2015

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**ADDENDUM A**  
**LIST OF WITNESSES INTERVIEWED**

<b>INTERVIEWS</b>		
	<b>Name</b>	<b>Title</b>
1.	Allen, Clyde	Former University of Minnesota Regent
2.	Allison, Rayla	Senior Lecturer, Department of Kinesiology
3.	Allister, Jessica	Head coach, Softball
4.	Anderson, John	Head coach, Men's Baseball
5.	Aronson, Ann	Deputy Chief of Staff, University Relations, Office of the President
6.	Bahl, Chris	Former Associate Athletic Director
7.	Benedict, David	Chief Operating Officer, Auburn University Athletics Department (former U of M Deputy Athletic Director)
8.	Benrud, Brent	Senior Associate General Counsel
9.	Bingle, Matt	Director of Women's Cross Country and Women's Track and Field
10.	Borton, Pam	Former head coach, Women's Basketball
11.	Brady, Linda	Former Athletics Department Faculty Representative
12.	Brod, Laura	Member, Board of Regents; Chair, Oversight Committee
13.	Brown, Kathryn	Vice President, Office of Human Resources
14.	Bruett, J.T.	Director of McNamara Academic Center for Student Athletes; Former Director of Compliance
15.	Budke, Tricia A.	Human Resources Director, Athletics Department
16.	Bunce, Dick	Former Director of Internal Audit for Virginia Commonwealth University and Senior Advisor to the President
17.	Carlson, John	Head coach, Men's Golf
18.	Cegles, Vic	Director of External Relations, Golden Gopher Fund
19.	Chandler, Mike	Sales & Service Supervisor, Athletics Department

<b>INTERVIEWS</b>		
	<b>Name</b>	<b>Title</b>
20.	Clark, Adam	Director of Football Operations
21.	Dady, Erin	Special Assistant to the President
22.	Downing, Ellen	Non/Exempt Temporary or Casual Intercollegiate Athletics
23.	Eichele, Katie	Director, The Aurora Center
24.	Ellis, Mike	Former Executive Associate Athletic Director <sup>132</sup>
25.	Ellison, Scott	Associate Athletic Director/Facilities
26.	Eull, Liz	Deputy Chief of Staff, Office of the President
27.	Frobenius, John	Former University of Minnesota Regent
28.	Frost, Brad	Head coach, Women's Hockey
29.	Gabrielson, Julie	Principal Office & Admin. Specialist, Athletics Department
30.	Gerlach, Greg	General Manager, Gopher Sports Properties
31.	Gislason, Lori	Director of Equipment Rooms
32.	Goetz, Beth	Interim Athletics Director
33.	Golan, Stefanie	Head coach, Soccer
34.	Grim, Teresa	Account Executive, Gopher Sports Properties
35.	Halloran, Michael	Assistant Athletic Director for Development
36.	Handel, Randy	Associate Athletic Director, Golden Gopher Fund
37.	Hansen, Jennifer	Head coach, Women's Gymnastics
38.	Hartmann, Douglas	Department of Sociology; Chair, Faculty Academic Oversight Committee on Intercollegiate Athletics
39.	Hewitt, Kim	Director, Office of Equal Opportunity and Affirmative Action

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<sup>132</sup> At the time of his interview, he was then a senior leader in the Athletics Department.

<b>INTERVIEWS</b>		
	<b>Name</b>	<b>Title</b>
40.	Hoffoss, Deb	Former Athletics Department Employee
41.	Holck, Brent	Assistant Athletic Director/Sales & Service
42.	Holck, Jessica	Associate Director of Events, Athletics Department
43.	Holleran, Lynn	Former Director, McNamara Academic Center for Student Athletes
44.	Hoover, Emily	Department of Horticultural Science; Faculty Representative to Athletics Department
45.	Horgan, Brian	Department of Horticultural Science; Chair, Advisory Committee on Athletics
46.	Howell, Chris	Executive Assistant, Athletics Department
47.	Johnson, Dean	Chair, Board of Regents
48.	Jones, Jeff	Director of Player Personnel, Football
49.	Kaler, Eric W.	President
50.	Kane, Mary Jo	Department of Kinesiology; Co-Chair, 2012 Athletic Director Search Committee
51.	Keiser, Jeff	Assistant Athletic Director/Creative Services
52.	Kill, Jerry	Former head coach, Football
53.	Klatt, Gail	Office of Internal Audit, Associate Vice President
54.	Kremer, Kelly	head coach, Men's and Women's Swimming & Diving
55.	LeCrom, Carrie	Executive Director, Center for Sport Leadership, Virginia Commonwealth University
56.	Leo, Perry	Department of Aerospace Engineering and Mechanics; Faculty Representative to Athletics Department
57.	Lindahl, John	Member, 2012 Athletic Director Search Committee
58.	Lucas, Peggy	Member, Board of Regents
59.	Lucia, Don	Head coach, Men's Hockey

<b>INTERVIEWS</b>		
	<b>Name</b>	<b>Title</b>
60.	Malkerson, Elizabeth A. ("Becky")	Executive Vice President and Chief Advancement Officer, UofM Foundation
61.	Marisam, Tina	Assistant Director, Office of Equal Opportunity and Affirmative Action
62.	Maturi, Joel	Former UofM Athletic Director
63.	McCutcheon, Hugh	Head coach, Women's Volleyball
64.	McGinnis, Tom	Senior Associate Athletic Director/CFO
65.	Mulcahy, Tim	Former UofM Vice President for Research; Co-Chair, 2012 Athletic Director Search Committee
66.	Nelson, Dana	Premium Service & Events Coordinator, Event Management
67.	Noll, Deb	Assistant Athletic Director for Development, Golden Gopher Fund
68.	Novak, Moira	Director of Athletic Medicine
69.	O'Brien, Dan	Senior Associate Athletic Director/Football
70.	Omari, Abdul	Member, Board of Regents; Member, Oversight Committee
71.	Overline, Mike	Office of Human Resources Consultant
72.	Owens III, Peyton N.	Assistant Athletic Director/Student- Athlete Development/Diversity & Inclusion
73.	Parker, Dan	Chairman, Parker Executive Search
74.	Phenix, Amy	Chief of Staff, Office of the President
75.	Pitino, Richard	Head coach, Men's Basketball
76.	Redman, Michele	Head coach, Women's Golf
77.	Rider, Jo	Executive Office & Administrative Specialist, Athletics Department
78.	Rosha, Darrin	Member, Board of Regents
79.	Ryan, Marc	Senior Associate Athletic Director
80.	Sahaydak, Tiffany	Former Soccer Coach at Virginia Commonwealth University

<b>INTERVIEWS</b>		
	<b>Name</b>	<b>Title</b>
81.	Schutter, Lindsay	Premium Service & Events Coordinator, Event Management
82.	Sears, Corrie	Assistant Athletic Director for Marketing
83.	Sheffert, Mark W.	Chairman and CEO, Manchester Companies, Inc.
84.	Showers, Julie	Director, Office of Conflict Resolution
85.	Shtuk, Anna	Business Analyst, Sales & Service
86.	Smith, Tracy	Deputy General Counsel
87.	Soares, Shannon	Former Head Women's Field Hockey Coach at Virginia Commonwealth University
88.	Stollings, Marlene	Head coach, Women's Basketball
89.	Stuckert, Kathryn ("Kate")	Human Resources Director, Academic Affairs & Provost Office
90.	Sullivan, Regina	Former UofM Associate Athletic Director
91.	Werle, Chris	Senior Associate Athletic Director/Strategic Communications
92.	Wright, Sofia Hiort	Senior Associate Athletic Director, Senior Women's Administrator, Virginia Commonwealth University
93.	Yehlen, Jenny	Assistant Athletic Director/Chief of Staff
94.	Intern	Golden Gopher Fund, Intern 2015-2016
95.	Intern	Golden Gopher Fund, Intern 2012-2013
96.	Intern	Golden Gopher Fund, Intern 2014-2015
97.	Intern	Golden Gopher Fund, Intern 2012-2013
98.	Intern	Athletics Department Intern
99.	Intern	Golden Gopher Fund, Intern
100.	Intern	Sales and Service, Intern
101.	Intern	Golden Gopher Intern, 2015-2016
102.	Intern	Golden Gopher Intern, 2013-2014



<b>INTERVIEWS</b>		
	<b>Name</b>	<b>Title</b>
103.	Student	Re: Complaint against a Coach
104.	Student	Student Athlete
105.	Student	Re: Complaint

**ADDENDUM B SURVEY GRAPHICS**

**Internal Audit/EOAA/External Review 2015 Survey  
Athletics Department – Twin Cities**

<b>Question</b>	<b>Number of Responses</b>	<b>Agree %</b>	<b>Disagree %</b>
1. Management demonstrates the importance of integrity and ethical behavior to their employees	380	94	6
2. Management is open to employee suggestions to improve productivity and quality.	372	89	11
3. Management overrides University policies, procedures or work place rules (e.g. takes shortcuts that are contrary to policy)	345	10	90
4. Management has the knowledge, skills, and training to effectively perform their duties.	374	94	6
5. Non-management (support) staff has the knowledge, skills, and training to effectively perform their duties.	373	92	8
6. Management effectively monitors and provides oversight and direction for the activities in my unit.	377	88	12
7. Management is concerned with and responsive to customer feedback or suggestions.	351	88	12
8. I understand workplace policies and rules, and have an effective resource for obtaining clarification of policies when needed.	382	95	5
9. Management has not effectively communicated my job duties and responsibilities to me.	382	9	91
10. Management would take appropriate corrective action if policy, procedure, or work place rule violations were detected.	378	92	8
11. I believe I would be protected from retaliation if I report a suspected violation.	367	84	16
12. I am familiar with how to report violations of law or policy, including the University's confidential reporting line.	374	74	26
13. Staff in the athletic department is respected regardless of their gender/sex.	383	89	11
14. I have not seen or experienced bias, discrimination or harassment in the athletic department related to my gender/sex.	384	99	1
15. I am not aware of other people who have experienced bias, discrimination, or harassment in the athletic department related to their gender/sex.	369	85	15
16. I can freely share my ideas, opinions and believes in the athletic department without regard to my gender/sex	378	91	9

*Continued on next page.*

## Internal Audit/EOAA/External Review 2015 Survey Athletics Department – Twin Cities (continued)

Question	Number of Responses	Agree %	Disagree %
17. Hiring, promotional, and other workplace decisions in the athletic department are not based on a person's gender/sex.	375	84	16
18. I or someone I know has made a sex discrimination or sexual harassment complaint to an administrator in the athletic department or to another campus resource.	232	15	85
Thirty-four (34) individuals who responded in the affirmative to the above were asked to answer the following three questions:			
18a. Was the complaint resolved in a timely manner?	30	50	50
18b. Was the complaint resolved in an appropriate manner?	28	46	54
18c. Were you subjected to any type of retaliation because you made a complaint?	28	36	64
Respondents who did not make a complaint were asked to answer the following three questions:			
18d. If you were to experience or witness sex discrimination or sexual harassment in the athletic department, would you know how to make a complaint to the appropriate office or administrator?	263	83	17
18e. If you were to make a complaint of sex discrimination or sexual harassment in the athletic department, do you believe the complaint would be resolved in an appropriate manner?	267	83	17
18f. If you were to make a complaint of sex discrimination or sexual harassment in the athletic department, do you believe you would be subject of any type of retaliation?	197	19	81
19. Staff in the athletic department is respected regardless of their race, age, religion, disability, marital status, national origin, sexual orientation or gender identity.	376	90	10
20. I have not seen or experienced bias, discrimination, or harassment in the athletic department related to race, age, religion, disability, marital status, national origin, sexual orientation or gender identity.	374	88	12
21. The climate in the athletic department does not discourage reporting concerns related to race, age, religion, disability, marital status, national origin, sexual orientation or gender identity.	368	85	15

## Survey Comparisons

Question	2015 Athletics Twin Cities (385 of 802)		2015 U of M (1,476 of 2,316)		2015 Athletics UMD (49 of 64)		2011 Athletics Twin Cities (143 of 202)	
	Agree %	Disagree %	Agree %	Disagree %	Agree %	Disagree %	Agree %	Disagree %
1. Management Demonstrates the importance of integrity and ethical behavior to their employees.	94	6	87	13	83	17	91	9
3. Management overrides University policies, procedures or work place rules (e.g. takes shortcuts that are contrary to policy)	10	90	18	82	10	90	14	86
8. I understand workplace policies and rules, and have an effective resource for obtaining clarification of policies when needed.	95	5	91	9	88	12	95	5
10. Management would take appropriate corrective action if policy, procedure, or work place rule violations were detected.	92	8	88	12	88	13	91	9
11. I believe I would be protected from retaliation if I report a suspected violation.	84	16	75	15	74	26	77	23
12. I am familiar with how to report violations of law or policy, including the University's confidential reporting line.	74	26	67	33	64	36	88	12

## Athletics Department – Twin Cities 2014 Sports Team Survey

### Men's Teams

Question	Baseball (14)	Men's Basketball (8)	Men's Cross Country (17)	Football (78)	Men's Gymnastics (20)	Men's Hockey (17)	Men's Swim (25)	Men's Tennis (10)	Men's Track & Field (40)	Wrestling (23)
<b>Q.54:</b> The Athletic Department is committed to providing a safe and inclusive environment for all student athletes.	4.14	4.86	4.35	4.42	4.45	4.41	4.4	4.6	3.98	4.74
<b>Q.57:</b> I was never subject to any form of abuse or hazing.	4.14	4.86	4.29	4.72	4.55	4.18	4.68	4.8	4.6	4.87

### Women's Teams

Question	Women's Basketball (10)	Women's Cross Country (51)	Women's Golf (8)	Women's Gymnastics (14)	Women's Hockey (21)	Women's Rowing (25)	Soccer (26)	Softball (22)	Women's Swim (23)	Women's Tennis (10)	Women's Track & Field (77)	Volleyball (14)
<b>Q.54:</b> The Athletic Department is committed to providing a safe and inclusive environment for all student athletes.	4.4	4.47	4.5	3.79	4.71	4.27	4.65	4.82	4.48	4.9	4.39	4.71
<b>Q.57:</b> I was never subject to any form of abuse or hazing.	4.3	4.84	4.88	4.36	4.81	4.55	4.81	4.95	4.9	5	4.79	4.57

### Answers given on a scale of 1-5

1 = Below Average   2 = Average   3 = Good   4 = Very Good   5 = Excellent

The number below the team is the number of respondents.

## 2013 Athletic Department Employee Engagement Survey Results Summary

Dimension Measured	% Favorable	% Neutral	% Unfavorable	% Favorable Difference	
				Total University	Total Campus
Commitment and Dedication	72	17	11	-1	0
Clear and Promising Direction	60	22	18	-3	-3
Commitment to Excellence	76	13	12	-1	-1
Confidence in Leaders	65	21	15	-3	-3
Development Opportunities	73	19	8	-12	-11
Respect & Recognition	74	15	12	-2	-1
Effective Environment	52	30	19	-15	-15
Authority & Empowerment	65	22	14	-5	-5
Clear Expectations & Feedback	56	28	16	-1	-2
Collaboration	72	15	14	-3	-2
Support & Resources	58	27	15	-9	-9
Work, Structure, & Process	51	29	20	-8	-8

## 2014 Athletic Department Employee Engagement Survey Results Summary

Dimension Measured	% Favorable	% Neutral	% Unfavorable	% Favorable Difference		
				2013 Athletic Department	2014 Total University	2014 Total Campus
Commitment and Dedication	77	15	8	+5	+3	+4
Clear and Promising Direction	76	17	8	0	+11	+12
Commitment to Excellence	78	19	4	+5	-5	-5
Confidence in Leaders	75	16	10	+10	+8	+7
Development Opportunities	61	25	14	+5	+3	+2
Respect & Recognition	69	20	11	+4	-2	-2
Effective Environment	69	18	13	+9	+6	+6
Authority & Empowerment	82	12	7	+8	+2	+2
Clear Expectations & Feedback	78	13	9	+6	+5	+5
Collaboration	62	25	13	+10	-1	-1
Support & Resources	65	24	11	+7	-4	-4
Work, Structure, & Process	63	23	15	+12	+4	+4

## 2013 Athletic Department Employee Engagement Survey Specific Question Results

Dimension/Question	# of Valid Responses	% Favorable	% Neutral	% Unfavorable	% Favorable Difference	
					Total University	Total Campus
<b>Confidence in Leaders</b>	-	65	21	15	-3	-3
Rate the overall trust and confidence you have in your college's leadership team.*	187	52	34	14	-6	-6
There is open and honest communication between me and my manager/supervisor.	188	77	8	15	-1	-1
<b>Respect and Recognition</b>	-	65	22	14	-5	-5
I am treated with respect as an individual.	186	79	13	8	-1	-1
Overall, my department demonstrates a strong commitment to diversity and inclusion.	180	63	22	14	-7	-6

\*Due to the nature of this question, participants were presented with response choices of "very good," "good," "neutral," "bad," and "very bad," rather than the "agree"/"disagree" form of responses standard for other questions in the survey.



## 2014 Athletic Department Employee Engagement Survey Specific Question Results

Dimension/Question	# of Valid Responses	% Favorable	% Neutral	% Unfavorable	% Favorable Difference		
					2013 Athletic Department	Total University	Total Campus
<b>Confidence in Leaders</b>	-	75	16	10	+10	+8	+7
Rate the overall trust and confidence you have in your college's leadership team.*	197	72	16	13	+20	+13	+12
There is open and honest communication between me and my manager/supervisor.	206	77	16	7	0	+2	+1
<b>Respect and Recognition</b>	-	69	20	11	+4	-2	-2
I am treated with respect as an individual.	207	79	13	8	0	-5	-5
Overall, my department demonstrates a strong commitment to diversity and inclusion.	203	72	19	9	+9	+3	+3

\*Due to the nature of this question, participants were presented with response choices of "very good," "good," "neutral," "bad," and "very bad," rather than the "agree"/"disagree" form of responses standard for other questions in the survey.

## 2013 Athletic Department Employee Engagement Survey All Question Results

Dimension/Question	# of Valid Responses	% Favorable	% Neutral	% Unfavorable	% Favorable Difference	
					Total University	Total Campus
My department or immediate work group has a strategy and goals that address our most important challenges and opportunities.	188	75	12	13	0	+1
I understand what I can do to support my department's strategy and goals.	188	76	14	11	-3	-3
The people in my department are committed to delivering high quality services.	188	73	18	9	-14	-13
Rate your department on the quality of customer support (i.e., responsiveness, flexibility, turnaround) provided.	188	73	20	6	-9	-8
Rate your department on being innovative in how work is done (using new technologies or creative approaches to improve internal effectiveness).	174	60	30	10	-7	-7
Rate the overall trust and confidence you have in your college's leadership team.	187	52	34	14	-6	-6
There is good cooperation and teamwork within my department.	187	62	22	16	-14	-13
There is good cooperation and sharing of ideas between my department and other departments.	179	42	37	21	-16	-16
There is open and honest communication between me and my manager/supervisor.	188	77	8	15	-1	-1
My job provides me the opportunity to do challenging and interesting work.	186	83	8	9	+4	+4
I have enough authority to carry out my job effectively.	188	77	12	11	0	+1
I am encouraged to be innovative to find more effective ways of doing things.	187	70	18	13	-5	-4

Continued on next page.

## 2013 Athletic Department Employee Engagement Survey All Question Results (continued)

Dimension/Question	# of Valid Responses	% Favorable	% Neutral	% Unfavorable	% Favorable Difference	
					Total University	Total Campus
In my work, I am able to make full use of my skills and abilities.	188	68	12	21	+4	+4
I understand the results expected of me in my work.	187	83	9	8	-1	0
Rate your opportunities to achieve your personal career objectives at your campus (Crookston, Duluth, Morris, Rochester, Twin Cities).	180	58	30	12	+3	+2
Rate your opportunities for learning and development.	165	61	26	13	-4	-5
My manager/supervisor provides clear and regular feedback on how well I do my work.	188	60	21	19	-5	-5
My manager/supervisor coaches me in my development.	183	48	29	23	-4	-4
I feel motivated to go beyond my formal job responsibilities.	188	73	13	13	+2	+3
I have the resources I need to do my job effectively.	186	54	26	19	-15	-16
I have the information I need to do my job well.	187	70	20	10	-4	-4
My department proactively identifies and eliminates barriers to getting work done efficiently.	184	34	40	26	-14	-13
I receive the training I need to handle my present job well.	182	65	23	13	-3	-3
New employees receive the training they need to do their jobs well.	172	43	40	17	-14	-14
There is an equitable distribution of workload within my department.	185	42	28	30	-9	-9
Conditions in my job allow me to be as productive as I can be.	186	56	27	16	-6	-5

Continued on next page.

## 2013 Athletic Department Employee Engagement Survey All Question Results (continued)

Dimension/Question	# of Valid Responses	% Favorable	% Neutral	% Unfavorable	% Favorable Difference	
					Total University	Total Campus
I am treated with respect as an individual.	186	79	13	8	-1	-1
I receive recognition when I do a good job.	188	53	27	20	-12	-12
My department demonstrates a commitment to supporting my overall well being.	186	63	24	13	-2	-2
Overall, my department demonstrates a strong commitment to diversity and inclusion.	180	63	22	14	-7	-6
I feel proud to work on my campus of the University of Minnesota	185	86	12	2	+4	+4
I would recommend my campus to family or friends as a place to work.	186	74	19	7	-3	-2
Given your choice, how long would you plan to continue working at your campus?	186	53	24	23	-7	-6

## 2014 Athletic Department Employee Engagement Survey All Question Results

Dimension/Question	# of Valid Responses	% Favorable	% Neutral	% Unfavorable	% Favorable Difference		
					2013 Athletic Department	Total University	Total Campus
My department has a strategy and goals that address our most important challenges and opportunities.	205	72	20	8	-3	+10	+11
I understand what I can do to support my department's strategy and goals.	204	79	14	7	+3	+11	+12
The people in my department are committed to delivering high quality services.	203	80	14	6	+7	-3	-3
Rate your department on the quality of customer support (i.e., responsiveness, flexibility, turnaround) provided.	196	76	23	1	+3	-7	-6
Rate your department on being innovative in how work is done (using new technologies or creative approaches to improve internal effectiveness).	202	74	20	6	+14	+6	+6
Rate the overall trust and confidence you have in your college's leadership team.	197	72	16	13	+20	+13	+12
There is good cooperation and teamwork within my department.	204	71	19	10	+9	+1	+1
There is good cooperation and sharing of ideas between my department and other departments.	197	53	31	16	+11	-2	-3
There is open and honest communication between me and my manager/supervisor.	206	77	16	7	0	+2	+1
My job provides me the opportunity to do challenging and interesting work.	205	86	9	5	+3	+8	+8
I have enough authority to carry out my job effectively.	207	82	10	8	+5	+2	+2

Continued on next page.

## 2014 Athletic Department Employee Engagement Survey All Question Results (continued)

Dimension/Question	# of Valid Responses	% Favorable	% Neutral	% Unfavorable	% Favorable Difference		
					2013 Athletic Department	Total University	Total Campus
I am encouraged to be innovative to find more effective ways of doing things.	207	82	13	6	+12	+3	+3
In my work, I am able to make full use of my skills and abilities.	206	71	13	16	+3	+5	+6
I understand the results expected of me in my work.	206	87	8	4	+4	+2	+2
Rate your opportunities to achieve your personal career objectives at the University of Minnesota (your campus).	196	65	23	12	+7	+10	+9
Rate your opportunities for learning and development.	203	61	26	14	0	-6	-7
My manager/supervisor provides clear and regular feedback on how well I do my work.	206	68	18	14	+8	+7	+7
My manager/supervisor coaches me in my development.	205	57	26	17	+9	+5	+4
I feel motivated to go beyond my formal job responsibilities.	205	76	16	8	+3	+6	+7
I have the resources I need to do my job effectively.	207	57	24	19	+3	-13	-13
I have the information I need to do my job well.	205	73	20	8	+3	-2	-2
My department proactively identifies and eliminates barriers to getting work done efficiently.	204	57	28	14	+23	+8	+8
I receive the training I need to handle my present job well.	205	70	22	7	+5	-2	-2

Continued on next page.

**2014 Athletic Department Employee Engagement Survey All Question Results (continued)**

Dimension/Question	# of Valid Responses	% Favorable	% Neutral	% Unfavorable	% Favorable Difference		
					2013 Athletic Department	Total University	Total Campus
New employees receive the training they need to do their jobs well.	191	61	29	10	+18	+2	+2
There is an equitable distribution of workload within my department.	200	51	26	24	+9	+2	+2
Conditions in my job allow me to be as productive as I can be.	206	60	21	18	+4	+1	+1
I am treated with respect as an individual.	207	79	13	8	0	-5	-5
I receive recognition when I do a good job.	205	58	25	17	+5	-10	-10
My department demonstrates a commitment to supporting my overall well being.	203	66	24	10	+3	+2	+2
Overall, my department demonstrates a strong commitment to diversity and inclusion.	203	72	19	9	+9	+3	+3
I feel proud to work on my campus of the University of Minnesota	203	91	8	1	+5	+6	+6
I would recommend my campus to family or friends as a place to work.	200	85	13	2	+11	+5	+5
Given your choice, how long would you plan to continue working at your campus?	202	56	24	19	+3	-4	-3
The information from this survey will be used constructively.	196	50	35	15	-	+2	+2
I participated in a feedback meeting about the previous survey results.	148	35	26	39	-	-21	-22
Action was taken on issues raised in the last survey.	139	29	47	24	-	-6	-7

**ADDENDUM C**  
**LIST OF EXHIBITS**

The Exhibits referenced in this Report are in the separate volume entitled Exhibits to Report of the External Review Sexual Harassment and the Athletics Department December 2, 2015 that accompanies this Report. The Table of Contents to that separate volume is below.

Exhibit No.	Title of Document	Page No.
<b>I. ATHLETICS DEPARTMENT</b>		
1	Athletics Department Organization Chart as of July 2015	1
2	Annual Intercollegiate Athletics Report to the Board of Regents, dated 07/08/15	2
3	Letter from President E. Kaler to N. Teague, dated 07/22/15	12
4	Letter from N. Teague to President E. Kaler, dated 08/06/15	14
5	Letter from President E. Kaler to N. Teague, dated 08/06/15	15
6	Email from N. Teague, dated 08/07/15	16
7	Public Statement by N. Teague to Star Tribune, dated 08/08/15	19
<b>II. EXTERNAL REVIEW</b>		
8	Letter from W. Donohue to K. Schanfield, dated 08/19/15	20
9	Biographies of K. Schanfield and J. Dixon	24
10	Memo from President E. Kaler to Board of Regents, dated 08/12/15	25
11	Public Statement by President E. Kaler regarding External Review, dated 08/14/15	28
12	Letter from K. Schanfield and J. Dixon to N. Teague, dated 08/24/15	31
13	Email from B. O'Brien to T. Smith and K. Schanfield, dated 09/22/15	33
14	Letter from K. Schanfield to B. O'Brien, dated 10/12/15	36
15	Letter from B. O'Brien to K. Schanfield, dated 10/16/15	38
16	Letter from K. Schanfield to B. O'Brien, dated 10/19/15	42
17	Letter from K. Schanfield to R. Robbins, dated 09/18/15	43
18	Letter from R. Robbins to K. Schanfield, dated 09/22/15	45
19	Letter from E. Pontius to Office of General Counsel, Arizona State University, date 08/28/15	47
20	Email from S. Copeland, Arizona State University, to E. Pontius and B. Tozer, dated 09/01/15	48



<b>Exhibit No.</b>	<b>Title of Document</b>	<b>Page No.</b>
21	Letter from E. Pontius to Office of Human Resources, University of North Carolina – Chapel Hill, dated 08/28/15	49
22	Letter from A. Privett, University of North Carolina – Chapel Hill, to E. Pontius, dated 09/03/15	50
23	Letter from E. Pontius to University Public Affairs, Virginia Commonwealth University, dated 08/31/15	51
24	Email from L. Ugincius, Virginia Commonwealth University, to B. Tozer, dated 09/02/15	52
25	Email from B. Goetz to ICA Staff, dated 08/17/15	53
<b>III. SURVEYS</b>		
26	Memo from G. Klatt and B. Goetz to Employees of Intercollegiate Athletics re: Employee Survey, dated 09/15/15	54
27	Report on the AAU Campus Climate Survey on Sexual Assault and Misconduct, The University of Minnesota-Twin Cities, dated 09/21/15	58
28	2015 Athletics Department Survey Summary Chart	188
29	2014 Sports Team Survey Questions	189
<b>IV. ATHLETICS DEPARTMENT AND SEXUAL HARASSMENT</b>		
<b>A. Tone at the Top</b>		
30	Email from President E. Kaler to “Colleagues” re: A Culture of Compliance, dated 09/11/15	191
31	Email from President E. Kaler to “Colleagues” re: Code of Conduct and UReport, dated 09/01/15	192
32	Email from President E. Kaler to Colleagues announcing Resignation of N. Teague, dated 08/07/15	193
33	Statement from President E. Kaler on Gopher Athletics Director Norwood Teague’s Resignation, dated 08/07/15	194
34	Email from President E. Kaler to “Colleagues” re: Ensuring Athletics Compliance, dated 09/16/14	197
35	Email from President E. Kaler to “Colleagues” re Compliance, dated September 2013	198
36	Email from President E. Kaler to Colleagues re: Compliance, dated August 2012	199

<b>Exhibit No.</b>	<b>Title of Document</b>	<b>Page No.</b>
37	Letter from K. Hewitt, EOAA, to “faculty and staff members” re: EOAA resources, 09/18/12	200
38	Letter from K. Hewitt, EOAA, to “all” re: EOAA resources, 09/12/13	202
39	Letter from K. Hewitt, EOAA, to “Colleagues” re: EOAA resources, Fall 2014	205
<b>B. Relevant University Policies</b>		
40	Board of Regents Policy – Code of Conduct	207
41	Board of Regents Policy – Nepotism and Personal Relationships	211
42	Board of Regents Policy – Sexual Harassment	213
43	Board of Regents Policy – Student Conduct Code	215
44	Administrative Policy – Managing Nepotism and Personal Relationships	222
45	Administrative Policy – Reporting and Addressing Concerns of Misconduct	225
46	Administrative Procedure – Reporting and Addressing Concerns of Misconduct	230
47	Administrative Policy – Sexual Harassment	233
48	Intercollegiate Athletics Student –Athlete Code of Conduct	236
<b>C. Relevant Training</b>		
49	Email from T. McGinnis re: EOAA Training, dated 11/07/13	242
50	Supervisors' EOAA Toolkit PowerPoint, dated 12/18/13	243
51	EOAA Training Role Play exercise, dated 2013	279
52	Supervisors EOAA Toolkit Attendance, dated 12/18/13	281
53	Email from T. McGinnis re: Reminder to Sign up for Training, dated 11/18/14	283
54	Athletics Department EOAA Toolkit PowerPoint, dated December 2014	285
55	Handout Quiz Questions, dated 2014	307
56	Handout Tips for Supervisors 2014	308
57	Handout Tips for Coaches, dated 2014	310
58	EOAA Training Session 1 Attendance, dated 12/04/14	312
59	EOAA Training Session 2 Attendance, dated 12/04/14	314
60	EOAA Training Session 3 Attendance, dated 12/16/14	316
61	EOAA Training Session 4 Attendance, dated 12/16/14	317

<b>Exhibit No.</b>	<b>Title of Document</b>	<b>Page No.</b>
62	EOAA Training Session 5 Attendance, dated 12/17/14	319
63	EOAA Training Session 6 Attendance, dated 12/17/14	320
64	EOAA Toolkit PowerPoint, dated 02/24/15	321
65	OUE 1086 The First Year Experience Fall 2015	344
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100	Director of Athletics Candidate Questionnaire	493
101	Responses of N. Teague to Director of Athletics Candidate Questionnaire	494
102	Athletics Director – Interview Questions	499
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108	Letter from B. Steeves to N. Teague, dated 05/14/12	517
109	Letter from R. Robbins to President E. Kaler, dated 08/21/15	518

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110	Letter from R. Ali, Assistant Secretary for Civil Rights, U. S. Department of Education, to "Dear Colleague," dated 04/04/11	526

UNIVERSITY OF MINNESOTA  
REPORT OF THE EXTERNAL REVIEW  
SEXUAL HARASSMENT AND THE ATHLETICS DEPARTMENT  
DECEMBER 2, 2015

## **Exhibits**

*Redacted Pursuant to Minnesota Government Data Practices Act  
Minn. Ch. 13*

Submitted by  
Karen Schanfield and Joseph Dixon  
Fredrikson & Byron, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, Minnesota 55402-1425

<b>Exhibit No.</b>	<b>Title of Document</b>	<b>Page No.</b>
<b>I. ATHLETICS DEPARTMENT</b>		
1	Athletics Department Organization Chart as of July 2015	1
2	Annual Intercollegiate Athletics Report to the Board of Regents, dated 07/08/15	2
3	Letter from President E. Kaler to N. Teague, dated 07/22/15	12
4	Letter from N. Teague to President E. Kaler, dated 08/06/15	14
5	Letter from President E. Kaler to N. Teague, dated 08/06/15	15
6	Email from N. Teague, dated 08/07/15	16
7	Public Statement by N. Teague to Star Tribune, dated 08/08/15	19
<b>II. EXTERNAL REVIEW</b>		
8	Letter from W. Donohue to K. Schanfield, dated 08/19/15	20
9	Biographies of K. Schanfield and J. Dixon	24
10	Memo from President E. Kaler to Board of Regents, dated 08/12/15	25
11	Public Statement by President E. Kaler regarding External Review, dated 08/14/15	28
12	Letter from K. Schanfield and J. Dixon to N. Teague, dated 08/24/15	31
13	Email from B. O'Brien to T. Smith and K. Schanfield, dated 09/22/15	33
14	Letter from K. Schanfield to B. O'Brien, dated 10/12/15	36
15	Letter from B. O'Brien to K. Schanfield, dated 10/16/15	38
16	Letter from K. Schanfield to B. O'Brien, dated 10/19/15	42
17	Letter from K. Schanfield to R. Robbins, dated 09/18/15	43
18	Letter from R. Robbins to K. Schanfield, dated 09/22/15	45
19	Letter from E. Pontius to Office of General Counsel, Arizona State University, date 08/28/15	47
20	Email from S. Copeland, Arizona State University, to E. Pontius and B. Tozer, dated 09/01/15	48
21	Letter from E. Pontius to Office of Human Resources, University of North Carolina – Chapel Hill, dated 08/28/15	49
22	Letter from A. Privett, University of North Carolina – Chapel Hill, to E. Pontius, dated 09/03/15	50
23	Letter from E. Pontius to University Public Affairs, Virginia Commonwealth University, dated 08/31/15	51

<b>Exhibit No.</b>	<b>Title of Document</b>	<b>Page No.</b>
24	Email from L. Ugincius, Virginia Commonwealth University, to B. Tozer, dated 09/02/15	52
25	Email from B. Goetz to ICA Staff, dated 08/17/15	53
<b>III. SURVEYS</b>		
26	Memo from G. Klatt and B. Goetz to Employees of Intercollegiate Athletics re: Employee Survey, dated 09/15/15	54
27	Report on the AAU Campus Climate Survey on Sexual Assault and Misconduct, The University of Minnesota- Twin Cities, dated 09/21/15	58
28	2015 Athletics Department Survey Summary Chart	188
29	2014 Sports Team Survey Questions	189
<b>IV. ATHLETICS DEPARTMENT AND SEXUAL HARASSMENT</b>		
<b>A. Tone at the Top</b>		
30	Email from President E. Kaler to “Colleagues” re: A Culture of Compliance, dated 09/11/15	191
31	Email from President E. Kaler to “Colleagues” re: Code of Conduct and UReport, dated 09/01/15	192
32	Email from President E. Kaler to Colleagues announcing Resignation of N. Teague, dated 08/07/15	193
33	Statement from President E. Kaler on Gopher Athletics Director Norwood Teague’s Resignation, dated 08/07/15	194
34	Email from President E. Kaler to “Colleagues” re: Ensuring Athletics Compliance, dated 09/16/14	197
35	Email from President E. Kaler to “Colleagues” re Compliance, dated September 2013	198
36	Email from President E. Kaler to Colleagues re: Compliance, dated August 2012	199
37	Letter from K. Hewitt, EOAA, to “faculty and staff members” re: EOAA resources, 09/18/12	200
38	Letter from K. Hewitt, EOAA, to “all” re: EOAA resources, 09/12/13	202
39	Letter from K. Hewitt, EOAA, to “Colleagues” re: EOAA resources, Fall 2014	205

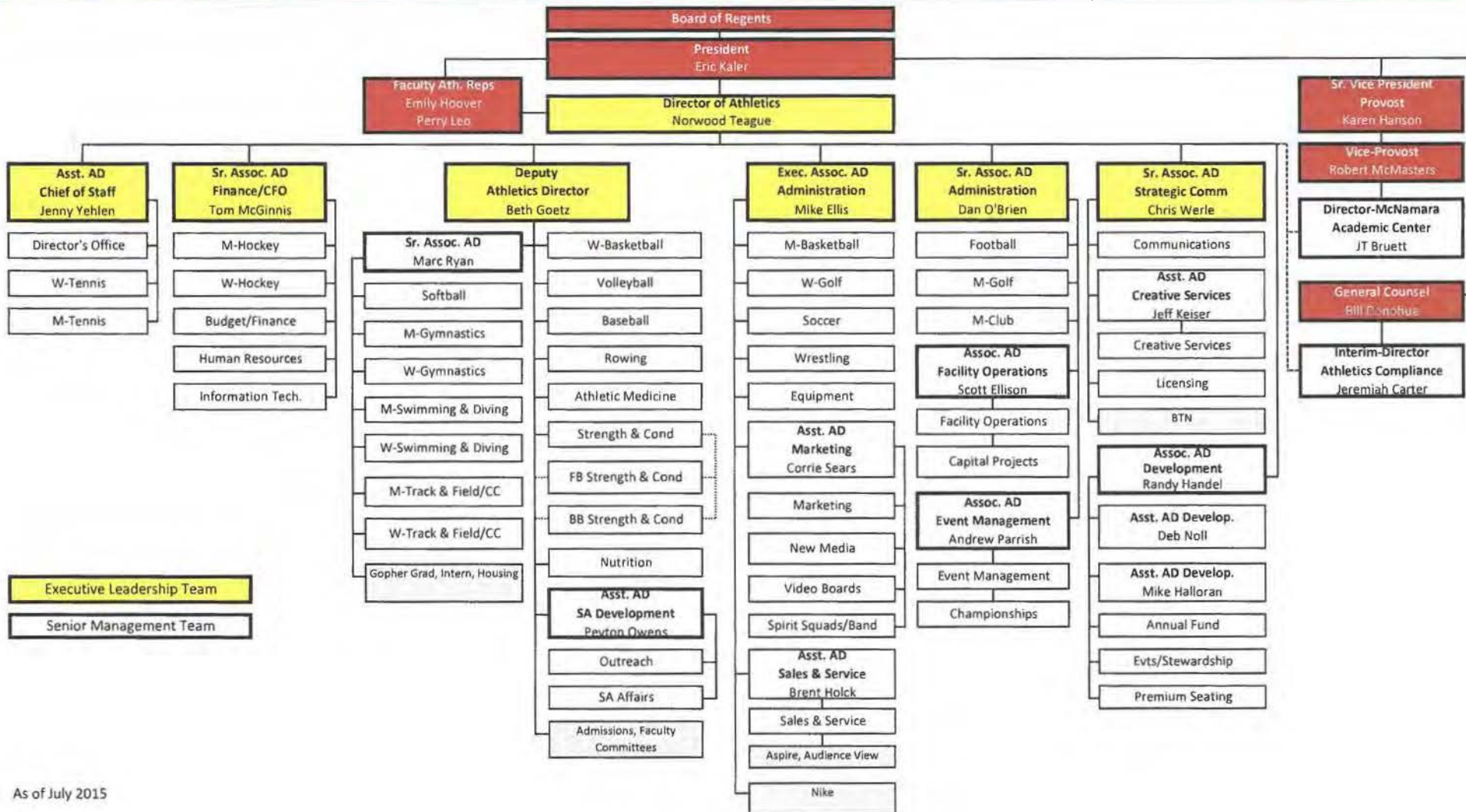


<b>Exhibit No.</b>	<b>Title of Document</b>	<b>Page No.</b>
<b>B. Relevant University Policies</b>		
40	Board of Regents Policy – Code of Conduct	207
41	Board of Regents Policy – Nepotism and Personal Relationships	211
42	Board of Regents Policy – Sexual Harassment	213
43	Board of Regents Policy – Student Conduct Code	215
44	Administrative Policy – Managing Nepotism and Personal Relationships	222
45	Administrative Policy – Reporting and Addressing Concerns of Misconduct	225
46	Administrative Procedure – Reporting and Addressing Concerns of Misconduct	230
47	Administrative Policy – Sexual Harassment	233
48	Intercollegiate Athletics Student –Athlete Code of Conduct	236
<b>C. Relevant Training</b>		
49	Email from T. McGinnis re: EOAA Training, dated 11/07/13	242
50	Supervisors' EOAA Toolkit PowerPoint, dated 12/18/13	243
51	EOAA Training Role Play exercise, dated 2013	279
52	Supervisors EOAA Toolkit Attendance, dated 12/18/13	281
53	Email from T. McGinnis re: Reminder to Sign up for Training, dated 11/18/14	283
54	Athletics Department EOAA Toolkit PowerPoint, dated December 2014	285
55	Handout Quiz Questions, dated 2014	307
56	Handout Tips for Supervisors 2014	308
57	Handout Tips for Coaches, dated 2014	310
58	EOAA Training Session 1 Attendance, dated 12/04/14	312
59	EOAA Training Session 2 Attendance, dated 12/04/14	314
60	EOAA Training Session 3 Attendance, dated 12/16/14	316
61	EOAA Training Session 4 Attendance, dated 12/16/14	317
62	EOAA Training Session 5 Attendance, dated 12/17/14	319
63	EOAA Training Session 6 Attendance, dated 12/17/14	320
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# Department of Athletics



As of July 2015

Executive Leadership Team

Senior Management Team

# Annual Intercollegiate Athletics Report

Presentation to the Board of Regents  
July 8, 2015





UNIVERSITY OF MINNESOTA  
Driven to Discover

## Vision & Values

### VISION

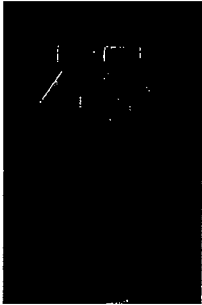

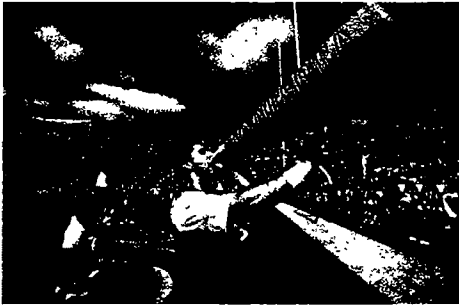
INVEST | LEAD | WIN



# Vision

## INVEST

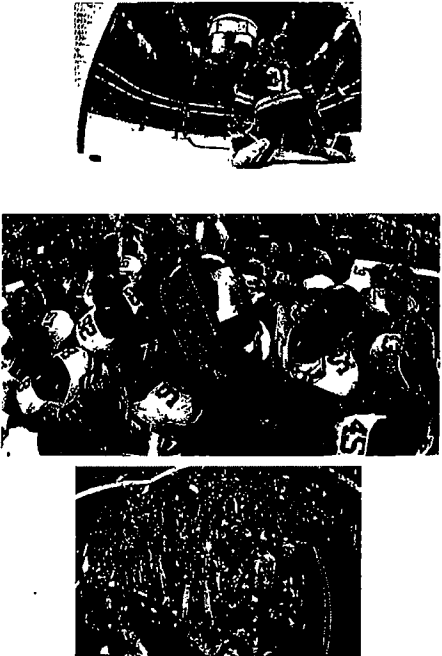
- Make student-athlete well-being a top priority
- Transform our training, academic and nutritional infrastructure
- Create a first-class collegiate atmosphere and fan experience
- Recruit, hire, develop and retain a superior staff



# Vision

## LEAD

- Be an industry leader with innovative ideas
- Think big, be bold



# Vision

## WIN

- Football, basketball and hockey success are essential
- All sports perennially contend for Big Ten championships
- Develop leaders and connect our student-athletes to impactful careers
- Graduate our student-athletes with a lifelong connection to the University

# Vision & Values

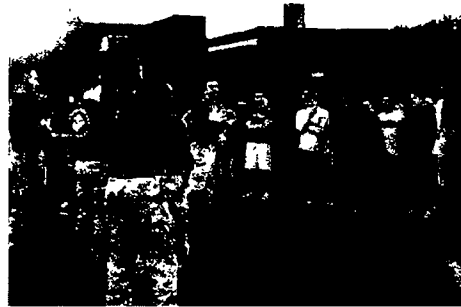
## VALUES

INTEGRITY | TEAMWORK | COMMITMENT

# Values

## INTEGRITY

- Achieve our goals with unwavering ethics



# Values

## TEAMWORK

- Establish unifying relationships in the department
- Respect each other's role and practice direct and honest communication





# Values

## COMMITMENT

- Recognize and reward hard work and passion



# Key Facts

- 25 programs
- More than 725 student-athletes
- Department budget of \$107.2M

## **Student-Athlete Academic Progress**

- Ranked fifth among all Football Bowl Series (FBS) institutions with highest percentage of teams earning Academic Progress Rate (APR) awards
- For the second year in a row, Minnesota was the highest ranking public institution in the country behind only privates Northwestern, Notre Dame, Duke and Stanford
- Fifteen Gopher programs posted perfect APR scores for the single year
- Eight teams posted perfect multi-year APR scores, just one below the all-time high for Gopher Athletics

## **Student-Athlete Academic Progress**

- Thirteen teams received the NCAA Public Recognition Award; the highest number Minnesota has ever achieved
- Average cumulative grade point average for all Gopher student-athletes is a 3.27
- Twenty-four Gopher teams have cumulative grade point averages above a 3.0 following the spring 2015 semester; 19 teams recorded a spring term GPA above a 3.0
- 304 student-athletes recognized as Academic All-Big Ten, 20 Academic All-District (2<sup>nd</sup> nationally) and six Academic All-Americans (8<sup>th</sup> nationally)

## Athletic Accomplishments

- Women's Ice Hockey won its 3rd national title in the past four years
  - Minnesota now has more NCAA titles in women's hockey (6) than any other program in the nation
- Men's Tennis won a share of its first Big Ten regular-season title since 1995 thanks, in part, to a 12-0 home record
  - Leandro Toledo was named B1G Player of the Year and Geoff Young was B1G Coach of the Year
- Women's Basketball reached its first NCAA tournament in six years in Coach Stollings' first season
  - The team finished 23-10 overall, its most victories in 10 years, and 11-7 in the B1G, matching the most league wins in the last decade
- Extraordinary 2014 football season included road wins over Nebraska and Michigan, first New Year's Day bowl game since 1962 and Jerry Kill being named B1G Coach of the Year

## Athletic Accomplishments

- Men's Hockey captured its 4th straight regular season conference title, a first in program history, and the team's first B1G tournament win
- The Softball team matched its highest win total ever (49), led the nation in road wins (20) and finished with its highest winning percentage of all time (.817)
  - Sara Groenewegen was named 2015 B1G Player of the Year and finalist for National Player of the Year
- Luca Wieland was 2015 NCAA heptathlon champion (indoor) setting a new school record with 6,070 points, then claimed the B1G decathlon championship
- The Gopher Women's Swimming and Diving team won its fourth straight B1G title and Kierra Smith (200 breaststroke) and Yu Zhou (3 meter diving) won individual NCAA titles
  - The Gophers swept individual Big Ten honors this year; Swimmer of the Year (Kierra Smith); Diver of the Year (Yu Zhou); Swimming Coach of the Year (Kelly Kremer); Diving Coach of the Year (Wenbo Chen)

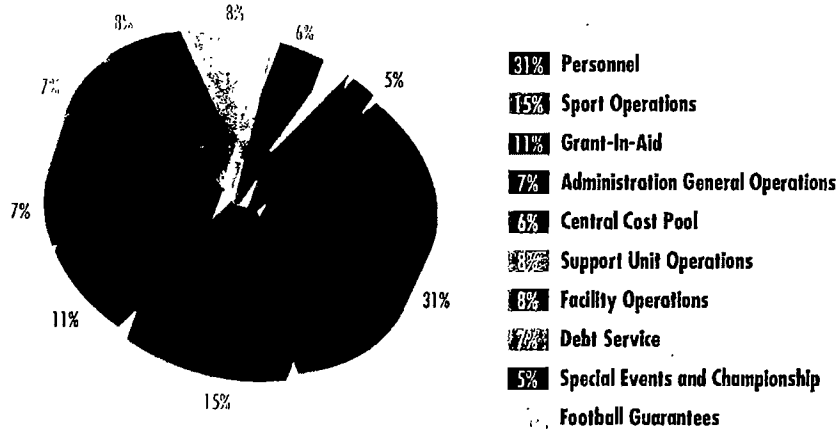
## Financial Update

- FY2015 Expenses/Revenues (budgeted)
  - \$ 96M
    - Major Expenses
      - Compensation – \$30.6M
      - Grant in Aid – \$9.5M
      - Sport Operations – \$15M
      - Support Unit Operations – \$8.8M
      - Facility Operation – \$7.5M
    - Major Revenues
      - Ticket Sales – \$22.5M
      - NCAA and Conference Distributions – \$32.2M
      - Development (realized) – \$16.6M

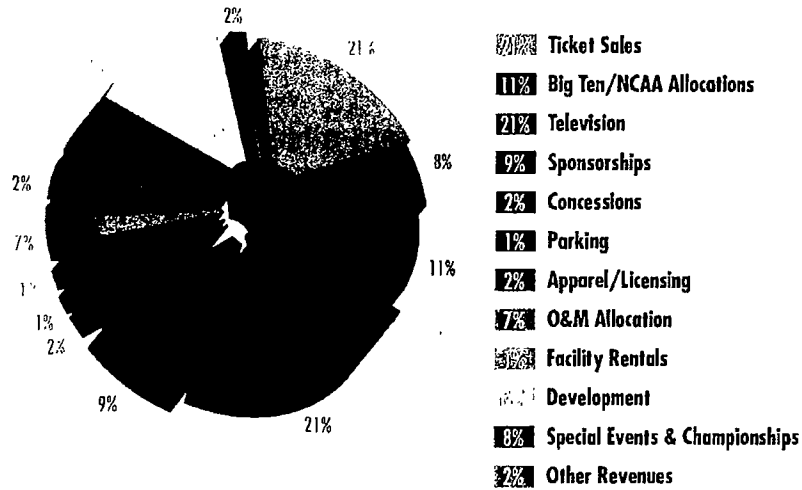
## Financial Update

- FY2016 Budget
  - \$107.2M
- Contributing Factors
  - Scholarship Seating Program adjustments
  - Concerts and Special Events
  - Compensation costs
  - Continued transportation cost increases impacting team and recruiting travel
  - Budgeted increase in post-season/championship expenses
  - Grant-in-Aid (COA, increases in scholarships, room, board)
- B1G Rankings
  - Fourth-highest number of sports programs (25)
  - Fourth-most student-athletes (725)
  - Sixth-highest budgeted revenue
  - Fifth place in Learfield Directors Cup within the conference

### FY 2016 Expenses • \$107.2 Million



### FY 2016 Revenues • \$107.3 Million



## Facilities Overview

- **Current Facilities Updates**
  - TCF Bank Stadium, Williams Arena, Mariucci Arena, Siebert Field, Baseline Tennis Center, and Aquatic Center used by student, campus and community organizations
  - Williams Arena roof repair completed
  - New video board installed in Sports Pavilion for volleyball, wrestling and men's/women's gymnastics competition
  - Mariucci Arena updates on schedule
  - Completed successful Vikings partnership in 2014-15 and preparing for 2015-16 schedule

## Facilities Overview

- **Athletes' Village**
  - **Long-term vision for the student-athlete experience**
    - Nutrition, training and academic resources designed to provide the support and experience Gopher student-athletes deserve and that Big Ten athletic programs require to remain competitive
    - Lagging well behind peers and conference rivals in student-athlete support
  - **Fundraising campaign at \$70M at end of first year**
    - Outreach continues to private and corporate donors

**CONFIDENTIAL PERSONNEL INFORMATION**

July 22, 2015

Norwood Teague  
Athletic Director  
Intercollegiate Athletics, University of Minnesota  
516 15th Ave SE, Room 250 BFAB  
Minneapolis, MN 55455

Dear Norwood,

I am writing to follow up on our July 17 conversation about your actions at the Senior Leadership Team retreat on July 16, 2015, where you became overly intoxicated and made sexual advances to two female colleagues. While the circumstances have not yet been fully investigated, I appreciate your acknowledgement of these events when we talked, and your openness to taking the actions we agreed on.

As we discussed, such behavior is unacceptable. I am concerned that your drinking was excessive and impaired your judgment. I requested and you agreed to seek an alcohol abuse screening assessment from a qualified health care professional and share the results with me. If recommended, I expect you will take any additional actions needed to be healthy.

In addition, you will not contact either of the two women who were subject to your advances either in person or through electronic or other written means unless professionally required. Likewise, you will refrain from making any inappropriate sexual advances, either verbal or in writing, including through social media, text messages or other forms of electronic communication in general in the context of your role as the Athletic Director. The University of Minnesota takes its commitment to creating an environment that is free of sexual harassment very seriously. Enclosed is a copy of the Board of Regents policy against Sexual Harassment.

This letter documents our discussions and my actions to date, but may not represent my final action on this matter. You are a valued member of our team, and I care for you and your success at work and in life. You are also a role model and mentor to our student-athletes and are highly visible in the internal and external community. As you know, it is essential for you to hold yourself to the highest professional standards and demonstrate integrity in all of your interactions. I will bear these and other considerations in mind as I consider the appropriate outcome.

**Exhibit 3**

Finally, I remind you that the University specifically prohibits retaliation against anyone who reports sexual harassment or who participates in an investigation of retaliation. In this situation, certain kinds of actions by you could be considered retaliatory such as complaining about the reports of your behavior, speaking negatively about anyone associated with the complaints or even ignoring the individual(s) who reported the sexual harassment. Please be mindful of your conduct in this area, and if you are concerned or have specific questions about retaliation please direct them to Kimberly Hewitt, Office of Affirmative Action and Equal Opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Kaler", with a long horizontal flourish extending to the right.

Eric W. Kaler  
President

EWK:ap



August 6, 2015

Dr. Eric Kaler  
University of Minnesota  
Minneapolis, MN 55413

Dear Dr. Kaler,

The purpose of this letter is to officially resign the position of Director of Athletics at the University of Minnesota effective August 7, 2015.

Sincerely,

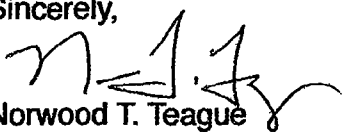
  
Norwood T. Teague

Exhibit 4


# UNIVERSITY OF MINNESOTA

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*Office of the President*

*202 Morrill Hall  
100 Church Street S.E.  
Minneapolis, MN 55455-0110*

August 6, 2015

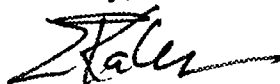
Norwood Teague  


Dear Norwood:

By this letter, I accept your resignation as Athletic Director at the University of Minnesota. Your last day of employment will be Friday, August 7, 2015.

As discussed, the University will pay out your accrued, unused paid leave, and as well as your earned but unpaid bonuses. The University will also cover COBRA payments of three months to ensure your continued access to health insurance during this period of time. You have agreed to be available during the next month to provide assistance with transition if requested by the University. The University will pay you at your currently hourly rate (\$285.00) for any assistance you provide.

Sincerely,

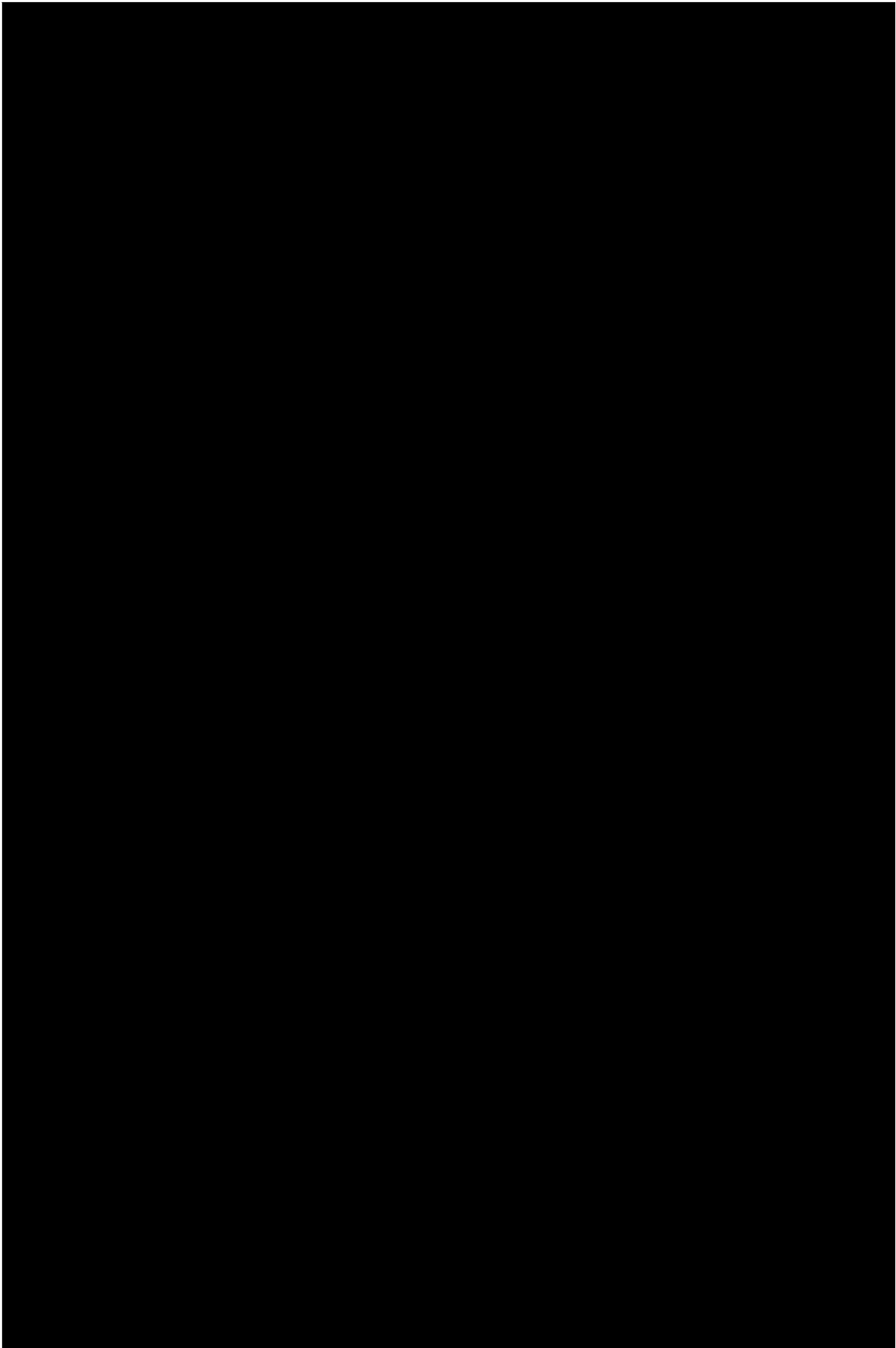


Eric W. Kaler  
President

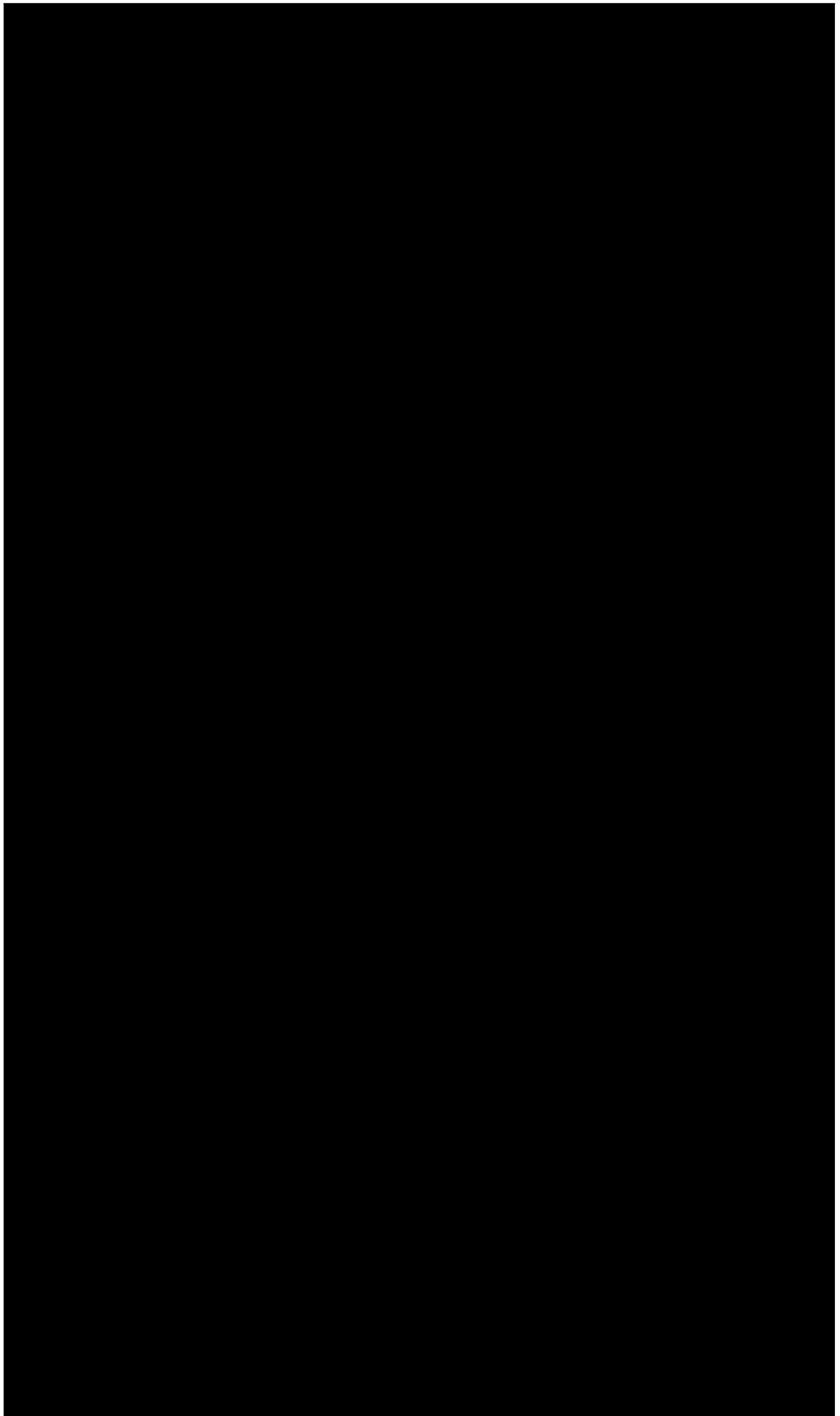
EWK:cs

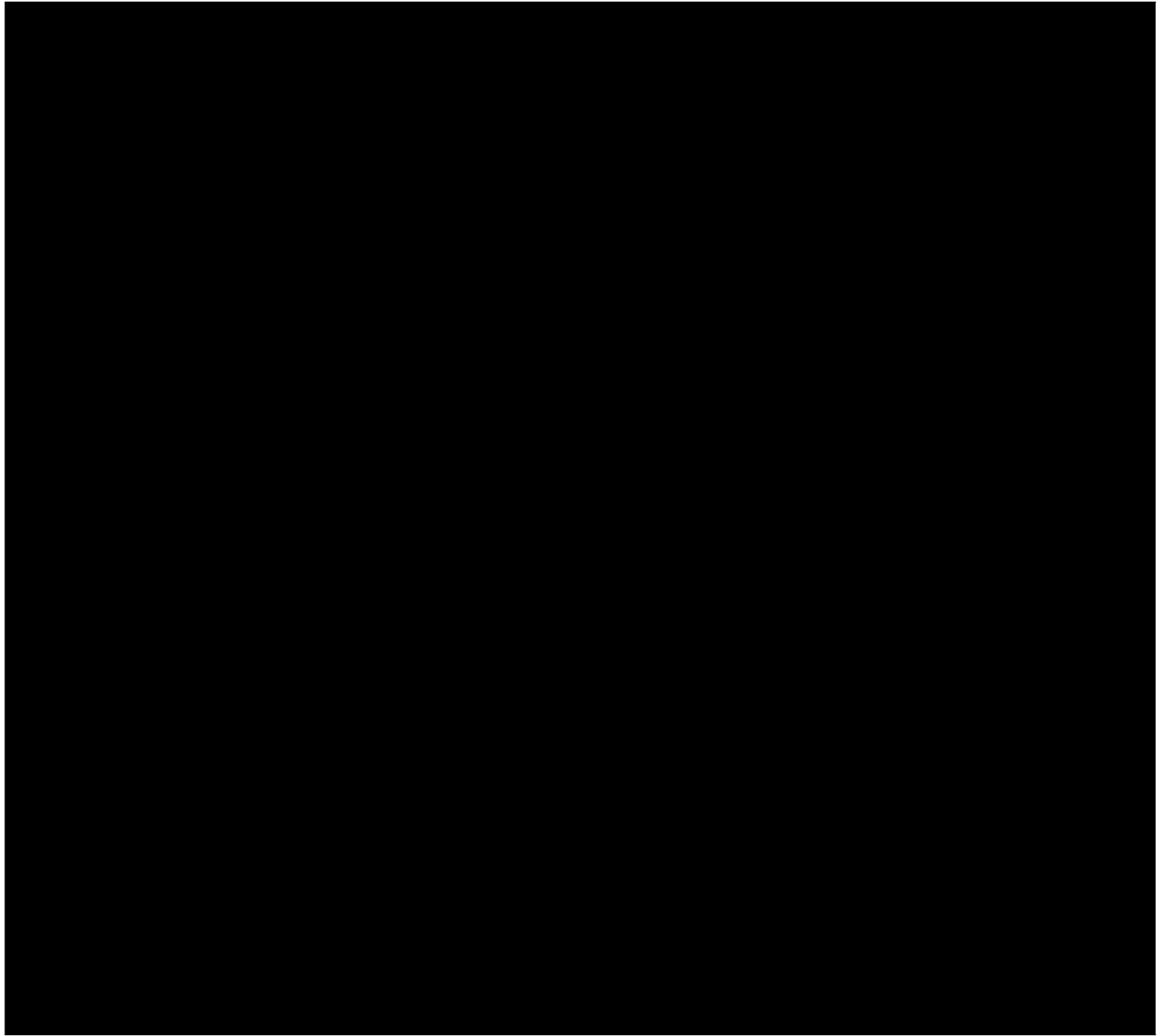
c: William Donohue, general counsel, Office of the General Counsel  
Kathryn Brown, vice president, Office of Human Resources

**Exhibit 5**



**Exhibit 6**





GOPHERS

# Norwood Teague's statement to reporters

AUGUST 8, 2015 — 6:56AM

This statement was sent to Star Tribune columnist Chip Scoggins via text message Friday morning.

"After careful consideration, I have decided to leave the University of Minnesota. At a recent University event, I had entirely too much to drink. I behaved badly toward nice people, including sending truly inappropriate texts. I am embarrassed and apologize for my offensive behavior. This behavior neither reflects my true character nor the values of the University. I am extremely proud of our accomplishments during my tenure here, and I don't want my personal life to impact the University's reputation. I have taken immediate steps to obtain help with my alcohol issues, and I take full responsibility for my actions. As I reflect on my time at the University of Minnesota, it has been a wonderful three years serving our student-athletes, coaches, and the University. This is a great place with terrific people, and together we have accomplished a great deal. I have informed Dr. Kaler, who I believe is the best university leader in the country, that I need to step away to reassess my career and life options. While I am proud of the accomplishments, I want to take stock of my life and get professional help for my alcohol issues. I wish the University and all Golden Gophers well, and I will be pulling for you always."

## Read more:

[Our main story on Teague's resignation \(http://www.startribune.com/norwood-teague-resigns-as-athletic-director/321038541/\)](http://www.startribune.com/norwood-teague-resigns-as-athletic-director/321038541/)

[President Eric Kaler's letter announcing Teague's resignation \(http://www.startribune.com/president-eric-kaler-s-letter-announcing-teague-s-resignation/321037881/\)](http://www.startribune.com/president-eric-kaler-s-letter-announcing-teague-s-resignation/321037881/)

[A timeline of athletic directors at the University of Minnesota \(http://www.startribune.com/minnesota-athletic-directors-through-the-years/321045341/\)](http://www.startribune.com/minnesota-athletic-directors-through-the-years/321045341/)

[What we know about interim athletic director Beth Goetz \(http://www.startribune.com/interim-ad-beth-goetz-arrived-from-butler-two-years-ago/321042751/\)](http://www.startribune.com/interim-ad-beth-goetz-arrived-from-butler-two-years-ago/321042751/)



(<http://stmedia.startribune.com/images/9+gal+ufot100613.ji>)  
MARLIN LEVISON, DML - STAR TRIBUNE

Norwood Teague

**Exhibit 7**

# UNIVERSITY OF MINNESOTA

---

*Office of the General Counsel*

*360 McNamara Alumni Center  
200 Oak Street S.E.  
Minneapolis, MN 55455  
Office: 612-624-4100  
Fax: 612-626-9624*

August 19, 2015

Karen G. Schanfield  
Fredrikson & Byron, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, Minnesota 55402-1425

RE: Independent Review

Dear Karen:

This letter agreement confirms our discussions and serves as your retainer on behalf of Regents of the University of Minnesota ("University") with respect to the above-referenced matter.

1. Scope of Engagement. Pursuant to this agreement you and your colleague Joseph T. Dixon, as attorneys representing the University, will be responsible for conducting an independent review and for providing legal advice to the University as part of that review. It is our intention that your review be thorough and objective. Your review on behalf of the University will be overseen by a committee designated by the University. We will ask you to provide periodic reports to the oversight committee and meet with the group to discuss your progress. On a day to day basis either I or Deputy General Counsel Tracy M. Smith will assist you. As appropriate, we ask that written communications related to this matter, including e-mails and correspondence, should be copied to myself and Ms. Smith. Your review should include the following:

- Review and investigate all allegations of sexual harassment against Teague or other senior leaders in the athletics department that come in after Teague's resignation.
- Review and address any EthicsPoint complaints regarding sexual harassment in the athletics department.

**Driven to Discover<sup>SM</sup>**

**Exhibit 8**

- Review whether the University knew or should have known of allegations of sexual harassment by Norwood Teague, but failed to address it.
- Review the University's vetting of Teague during his hiring process.
- Assess the climate in the athletics department regarding the reporting and addressing of sexual harassment.

2. Termination of Agreement. While it is our expectation that this engagement will last throughout the course of this project, the University reserves the right to terminate this agreement with or without cause. In the case of termination, the University will pay for all work performed in accordance with this agreement.

3. Billing. In accordance with our discussions, the University will pay Fredrikson & Byron, P.A. at its usual and customary rates for attorneys or paralegals as of the date of this letter with a discount of 10% on all fees. You should utilize as appropriate less expensive resources within your office to provide this representation to reduce the overall cost to the University. All services provided under this agreement shall be provided at rates current as of the date of this agreement, which shall not be changed except upon written consent of the University, which shall be in the sole discretion of the University. Including the ten percent (10%) discount, Ms. Schanfield's current hourly rate is Four Hundred Forty-Five and No/100 Dollars (\$445.00), and Mr. Dixon's is Four Hundred Forty-One and No/100 Dollars (\$441.00). You should submit bills on a monthly basis to the Office of the General Counsel indicating all fees and expenses. Invoices should detail all activity with hourly breakdowns as associated with the activity, detail all expense items, and specifically calculate the discounts required by this retainer. The University will pay expenses consistent with University policy as set forth in Exhibit A.

Please submit receipts for any expense in excess of \$25.00. Invoices should be directed to the following:

Karen Wagner, Administrative Director  
Office of the General Counsel  
360 McNamara Alumni Center  
200 Oak Street S.E.  
Minneapolis, MN 55455-2006

4. Budget. Based on discussions with us and after you are more familiar with the required tasks and their scope, we ask you to submit a budget estimate of the fees, costs and disbursements for the remainder of this representation. Please submit this budget estimate no later than thirty days from the date of this letter.



Karen G. Schanfield  
August 19, 2015  
Page 3

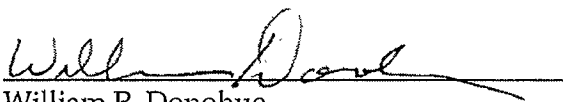
5. Conflict of Interest. As a condition of this representation, Fredrikson & Byron, P.A. will scrupulously adhere to all applicable conflict of interest rules, particularly the consultation requirements contained in Rule 1.7 of the Minnesota Rules of Professional Conduct. In addition, during the course of this representation, neither you nor anyone in your firm will represent any client with respect to any litigation, claim, arbitration or other similar contested matter in which the University is an adverse party.

Enclosed are two (2) originals of this agreement. Please sign and date each agreement, and return one (1) original to me at the above address.

We very much appreciate working with you and your colleagues on this important project.

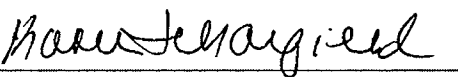
Sincerely,

Regents of the University of Minnesota

By:   
William P. Donohue  
General Counsel

I agree to the above terms of representation.

FREDRIKSON & BYRON, P.A.

By:   
Karen G. Schanfield

Date: Aug. 20, 2015

WPD:nl  
Enclosure

cc: Dean E. Johnson, Chair, Board of Regents  
Erik W. Kaler, President  
Tracy M. Smith, Deputy General Counsel  
Karen Wagner, Administrative Director

EXHIBIT A  
Office of the General Counsel (OGC)  
University of Minnesota

*All expenses must be detailed on your invoices.  
University policy requires receipts for all expenses of \$25 or more.*

The following is a list of expenses the University of Minnesota will pay in conjunction with your representation of the University. If there is an expense that you believe is appropriate for the University to pay but it is not listed, you must seek and obtain approval from the OGC attorney in charge of the matter before you incur or obligate for the expense.

Expense Description	Basis of Charge	University Will Pay
<b>MAIL/DELIVERY</b>		
Federal Express Delivery Services	Per delivery	Actual cost
Other Express Delivery Services	Per delivery	Actual cost
Postage	Weight/class	Actual cost
<b>COPIES</b>		
Photocopy (for preapproval, speak with the OGC attorney in charge of matter)		
inside copies (Preapproval required for amounts in excess of \$500 per matter)	Per Page	\$0.10
Outside copies (Preapproval required for amounts in excess of \$500 per project)	Per Invoice	Actual cost
Document Binding	Per booklet	\$1.50
<b>COMMUNICATIONS</b>		
Long Distance Expenses	Per call	Actual cost + tax
Cellular Phone Expenses	Per call	Actual cost + tax
Facsimile – Incoming	Per page	No charge
Facsimile – Outgoing	Per page	No charge
<b>RESEARCH/DATA MANAGEMENT</b>		
On-Line Database Usage (Lexis/Westlaw/Dialog, etc.)	Per Search	No Charge
Reports, Searches, Certificates	Per invoice	Actual cost
Filing, Recordation Fees	Per invoice	Actual cost
Depositions, Transcripts, Service of Process	Per invoice	Actual cost
<b>TRAVEL / PER DIEM</b>		
**All travel outside local area requires preapproval from OGC attorney		
**All travel expenses require receipts which are to be sent with invoice		
Airline Travel - Coach Only	Per invoice	Actual cost
Auto Travel-Personal Vehicle	Per actual mile	Current Government Rate
**Traveler is responsible for insuring personal vehicle		
Auto Travel - Rental Vehicle	Per invoice	Actual cost
Hotels – 150% of the Federal GSA lodging per diem rate. See <a href="http://www.gsa.gov">www.gsa.gov</a>	Per invoice	Actual cost
Meals – while on preapproved travel only	Per day	**Meal Rates range
Meal per diem rates range from \$46-\$71 depending on the city. For the current U.S. General Services Administration / Domestic Per Diem Rates (by city and year), refer to the GSA web site <a href="http://www.gsa.gov">www.gsa.gov</a>		
NOTE: **Expenditures for alcoholic beverages are not reimbursable		
<b>Partial Day Reimbursement While in Overnight Travel Status</b>		
If overnight travel includes <u>partial</u> day travel, the following breakdowns apply:		
Meals & Incidentals	\$46 \$51 \$56 \$61 \$66 \$71	
Breakfast	\$7 \$8 \$9 \$10 \$11 \$12	
Lunch	\$11 \$12 \$13 \$15 \$16 \$18	
Dinner	\$23 \$26 \$29 \$31 \$34 \$36	
Incidentals	\$5 \$5 \$5 \$5 \$5 \$5	
<b>OTHER</b>		
Staff Overtime	Preapproval required	Actual cost
Outside Professional Services	Preapproval required	Actual cost
Special Supplies (supplies other than those ordinarily used in the practice of law)	Preapproval required	Actual cost
Business Meeting Meals	Preapproval required	

### **Karen G. Schanfield**

Karen is an experienced labor and employment lawyer. She represents and advises both public sector and private sector clients in various industries on a broad range of workplace matters. Karen has handled several high profile matters, including the investigation of top public officials for alleged sexual harassment, the termination of executives for illegal conduct, and whistleblower claims.

Karen began her legal career with the Office of the Minnesota Attorney General where she worked from 1978-1982. She then joined the University of Minnesota Office of the General Counsel, serving until 1988. She has been in private practice for the last 27 years. Karen's practice includes working with colleges and universities on matters such as the denial of tenure and promotion, termination of faculty appointments, employment contracts, academic freedom claims, and student matters. Karen is one of two lawyers who provide independent counsel to the University's Faculty Senate Judicial Committee on issues arising under the University's Tenure Code.

### **Joseph T. Dixon, III**

Joe is an accomplished trial attorney with a unique blend of government and business experience.

Joe has served as the Deputy General Counsel for UnitedHealth Group. In this role he managed significant internal investigations and responded to government inquiries for the enterprise. Joe's experience includes investigating allegations relating to the False Claims Act, privacy breaches, and Foreign Corrupt Practices Act (FCPA)-related concerns, as well as responding to Congressional inquiries. He regularly consulted with, and provided advice to, diverse businesses, compliance teams, the internal audit team, communications and government affairs.

Joe was previously a federal prosecutor for 10 years and served as the Chief of the Fraud and Public Corruption Section for the United States Attorney's Office for the District of Minnesota. In that role, he supervised all federal prosecutions for economic crime and public corruption cases throughout Minnesota.

**Exhibit 9**

**MEMORANDUM**

August 12, 2015

TO: The Honorable Dean Johnson, Chair  
The Honorable David McMillan, Vice Chair  
The Honorable Thomas Anderson  
The Honorable Richard Beeson  
The Honorable Laura Brod  
The Honorable Linda Cohen  
The Honorable Thomas Devine  
The Honorable Michael Hsu  
The Honorable Peggy Lucas  
The Honorable Abdul Omari  
The Honorable Darrin Rosha  
The Honorable Patricia Simmons

FROM: Eric W. Kaler, President



RE: Independent Review

---

As Chair Johnson announced yesterday, we are taking two important actions in the wake of Norwood Teague's resignation.

**I. INDEPENDENT EXTERNAL REVIEW**

We have retained independent, external legal counsel to review issues related to sexual harassment and the athletics department. Karen G. Schanfield of the law firm Fredrikson & Byron P.A. will lead the review. Ms. Schanfield is a well-regarded employment law expert known for leading many high-profile cases. Ms. Schanfield is a University of Minnesota Law School graduate and partner at Fredrikson & Byron. Among other matters, Ms. Schanfield has conducted reviews of allegations of sexual harassment

**Exhibit 10**

and other employment-related claims against several high-level individuals, including the former Adjutant General of the Minnesota National Guard. Ms. Schanfield will work with her law partner, Joseph T. Dixon. Mr. Dixon is a former federal prosecutor who led the U.S. Attorney's prosecution of Tom Petters. Prior to joining Fredrikson & Byron, he served as corporate in-house counsel where he led numerous internal investigations involving allegations of misconduct by high-level executives.

Ms. Schanfield and Mr. Dixon will provide a public, written report to President Kaler, consistent with the Minnesota Government Data Practices Act. The scope of their review will be broad and address key issues and concerns. Specifically, we have asked Ms. Schanfield and Mr. Dixon to:

- 1. Review and investigate all allegations of sexual harassment against Teague or other senior leaders in the athletics department that come in after Teague's resignation.**

The independent counsel will review and investigate all allegations of sexual harassment against Teague or other senior leaders in the athletics department that come in from any source following Teague's resignation.

- 2. Review and address any EthicsPoints complaints regarding sexual harassment in the athletics department.**

The independent counsel will review all reports that are received through the University's confidential reporting mechanism, EthicsPoint, regarding sexual harassment in the athletics department to ensure that all reports are appropriately investigated and reviewed.

- 3. Review whether the University knew or should have known of allegations of sexual harassment by Norwood Teague, but failed to address it.**

The independent counsel will interview athletics department senior leadership and others as appropriate to determine whether there were other allegations of sexual harassment by Norwood Teague and, if so, whether the University knew or should have known of them and failed to appropriately respond.

- 4. Review the University's vetting of Teague during his hiring process.**

The independent counsel will assess whether our executive search firm and the institution appropriately checked into Teague's background. This review will involve both interviews and review of all hiring materials and processes.

**5. Assess the climate in the athletics department regarding the reporting and addressing of sexual harassment.**

The independent counsel will partner with Kimberly Hewitt, the director of our Equal Opportunity and Affirmative Action office, to assess whether persons who believe they have experienced sexual harassment related to the athletics department are empowered to report it and whether the reports that are made are appropriately addressed.

**II. FULL INTERNAL AUDIT OF INTERCOLLEGIATE ATHLETICS**

In addition, I have asked the University's Associate Vice President of Internal Audits Gail Klatt to conduct a full audit of Intercollegiate Athletics. This was part of this year's audit plan, approved by the Board of Regents Audit Committee in June, and that work will now commence immediately with an initial focus on the information most pertinent to the activities surrounding Teague. Ms. Klatt has reached out to the Legislative Auditor and will consult with him, if needed, as the work proceeds.

As these reviews and audits are conducted, we must always keep in mind the interests of the persons who reported Teague's conduct and their courage in bringing forth their complaints. I support them, as I'm sure you do, and throughout this process we must be vigilant in our commitment to ensuring a healthy learning, working, and living environment at the University. Sexual harassment at the University of Minnesota will not be tolerated.

Our actions today to bring in external and independent experts will help to strengthen the culture in Intercollegiate Athletics, help us to learn lessons and, most importantly, to move the University forward.

EWK/kl

c: Brian Steeves, executive director, Office of the Board of Regents  
William Donohue, general counsel, Office of the General Counsel  
Gail Klatt, associate vice president, Office of Internal Audit  
Beth Goetz, interim athletic director, Office of Intercollegiate Athletics



## Office of the President

ERIC W. KALER

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# Actions and clarifications in the wake of the Teague resignation

*Friday, August 14, 2015*

Today, we took two important actions in the wake of Norwood Teague's resignation.

**First, the University has launched an independent external review.** We have retained independent, external legal counsel to review issues related to sexual harassment and the athletics department. And I've asked Board of Regents Chairman Dean Johnson to appoint a member of the Regents to the group overseeing the review.

Karen G. Schanfield, a partner in the law firm Fredrikson & Byron P.A., will lead the review. Ms. Schanfield is a well-regarded employment law expert known for leading many high-profile cases. Ms. Schanfield is a University of Minnesota Law School graduate. Among other matters, Ms. Schanfield has conducted reviews of allegations of sexual harassment and other employment-related claims against several high-level individuals, including the former Adjutant General of the Minnesota National Guard. Ms. Schanfield will work with her law partner, Joseph T. Dixon. Mr. Dixon is a former federal prosecutor who led the U.S. Attorney's prosecution of Tom Petters. Prior to joining Fredrikson & Byron, he served as corporate in-house counsel where he led numerous internal investigations involving allegations of misconduct by high-level executives. Ms. Schanfield and Mr. Dixon will provide a public, written report to the Board and me, consistent with the Minnesota Government Data Practices Act.

**Secondly, we will conduct a full audit of Intercollegiate Athletics.** I have discussed the need for an audit with Legislative Auditor James Nobles, and he has expressed his confidence in University's Associate Vice President of Internal Audits Gail Klatt's independence and ability to conduct a full

**Exhibit 11**

audit of Intercollegiate Athletics. This was already part of this year's audit plan, approved by the University's Board of Regents Audit Committee in June, and that work will now commence immediately with an initial focus on the information most pertinent to the activities surrounding Teague.

Before I detail the range of these reviews, I want to clarify a few things.

Last Friday, during the news conference announcing Teague's resignation, in response to a question, I said, "I view this as the action of one man who was over served and a series of bad events happened." I regret that very poor choice of words because I cannot state strongly enough that Teague is entirely responsible for his behavior, and alcohol use is no excuse. Sexual harassment will not be tolerated at the University of Minnesota, and his resignation was the appropriate result of his actions.

Also, upon his resignation we announced that, as needed for one month following his resignation, we would pay Teague for his time on an hourly basis if the University needed to consult with him for any matters during the transition. We knew that the odds were slim that we would need to contact him for any information and, since that time, we have assessed our needs further and have determined that we do not have any need to seek any information from Norwood. I'm confident that, under interim Athletic Director Beth Goetz and her team, we can carry forward without any input from Teague.

Now, as to the scope of the independent and external review, we have asked Ms. Schanfield and Mr. Dixon to:

**1. Review and investigate all allegations of sexual harassment against Teague or other senior leaders in the athletics department that come in after Teague's resignation.**

The independent counsel will review and investigate all allegations of sexual harassment against Teague or other senior leaders in the athletics department that come in from any source following Teague's resignation.

**2. Review and address any confidential complaints regarding sexual harassment in the athletics department.**

The independent counsel will review all reports that are received through the University's confidential reporting mechanisms regarding sexual harassment in the athletics department to ensure that all reports are appropriately investigated and reviewed.

**3. Review whether the University knew or should have known of allegations of sexual harassment by Norwood Teague, but failed to address it.**

The independent counsel will interview athletics department senior leadership and others as appropriate to determine whether there were other allegations of sexual harassment by Norwood Teague and, if so, whether the



University knew or should have known of them and failed to appropriately respond.

**4. Review the University's vetting of Teague during his hiring process.**

The independent counsel will assess whether our executive search firm and the institution appropriately checked into Teague's background. This review will involve both interviews and review of all hiring materials and processes.

**5. Assess the climate in the athletics department regarding the reporting and addressing of sexual harassment.**

The independent counsel will partner with Kimberly Hewitt, the director of our Equal Opportunity and Affirmative Action office, to assess whether persons who believe they have experienced sexual harassment related to the athletics department are empowered to report it and whether the reports that are made are appropriately addressed.

As these reviews and audits are conducted, we must always keep in mind the interests of the persons who reported Teague's conduct and their courage in bringing forth their complaints. I support them, as I'm sure you do, and throughout this process we at the University must be vigilant in our commitment to ensuring a healthy learning, working, and living environment for our students, faculty and employees. Sexual harassment at the University of Minnesota will not be tolerated.

Our actions today to bring in external and independent experts will help to strengthen the culture in Intercollegiate Athletics, help us to learn lessons and, most importantly, to move the University forward.

[< athletics \(/tags/athletics\) >](#) [< Administration \(/tags/administration\) >](#)

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Twin Cities

The University of Minnesota is an equal opportunity educator and employer.

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August 24, 2015

**PERSONAL AND CONFIDENTIAL**  
**CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

Norwood Teague  


Re: University of Minnesota Athletic Department Review

Dear Mr. Teague:

We are writing on behalf of the University of Minnesota in our role as its outside counsel. The University has retained Fredrikson & Byron P.A. to conduct an independent review of issues related to your conduct while serving as its Athletic Director, the vetting process related to your hire, and certain issues generally related to sexual harassment and the University's Athletics Department. We enclose a copy of a public statement made on August 14, 2015 by University of Minnesota President Eric Kaler to the University's Board of Regents describing the independent review.

We seek your cooperation with this review in several ways:

First, we would like to speak with you about the conduct that precipitated your resignation from the University and the related issues described in the enclosed memorandum. Our objective is to conduct a fair and complete review, and we want to provide you an opportunity to address these matters.

Second, we also ask that you provide the cellphone that you used while employed by the University of Minnesota to us so that we may arrange for its contents to be forensically imaged. We will promptly return the phone to you after doing so. We understand the University paid the contract for your phone service during your employment.

Please contact me upon receipt of this letter so that we may make the necessary arrangements regarding your phone and arrange a mutually agreeable time and place for an interview. If you are represented by counsel, please forward this letter to your counsel and ask that he or she contact me.

Attorneys & Advisors  
main 612.492.7000  
fax 612.492.7077  
www.fredlaw.com

Fredrikson & Byron, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, Minnesota  
55402-1425

**Exhibit 12**


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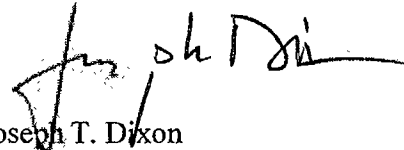
Norwood Teague  
August 24, 2015  
Page 2

We acknowledge that this is a time of transition for you, as well as for the Athletic Department and the University, and appreciate your assistance in completing a thorough independent review.

Sincerely,



Karen G. Schanfield  
**Direct Dial:** 612.492.7357  
**Email:** kschanfield@fredlaw.com



Joseph T. Dixon  
**Direct Dial:** 612.492.7258  
**Email:** jdixon@fredlaw.com

KGS:dls  
Enclosure  
56661170\_2.docx/012216.0118

**From:** Bill O'Brien <bobrien@mojlaw.com>  
**Sent:** Tuesday, September 22, 2015 1:15 PM  
**To:** Tracy Smith; Schanfield, Karen  
**Cc:** Emily Marshall; Joyce Thomas  
**Subject:** RE: Teague follow up

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Tracy --

Thanks for your response. I am unclear, however, about the basis for your client's assertion of the attorney-client privilege or the work-product doctrine to this situation. Attorney-client privilege may, I suppose, protect the University's communications with Karen. I don't though see how it would protect the substantive investigative materials, or even necessarily the findings of her investigation, which is what we are currently asking for.

I don't see how the work-product doctrine applies either. As Minnesota Courts have explained, "to be protected by the [work-product] doctrine, material must contain opinions, conclusions, legal theories, or mental impressions of counsel, and it must have been prepared in anticipation of litigation." *City Pages v. State*, 655 N.W.2d 839, 846 (Minn. Ct. App. 2003), citing *Dennie v. Metro. Med. Ctr.*, 387 N.W.2d 401, 406 (Minn. 1986). There is no pending or anticipated litigation, that we are aware of, related to Mr. Teague. Nor are we seeking, at the moment, opinions, conclusions, theories, or impressions (which presumably could be redacted from the investigation materials) but rather, we want the factual material. And it seems to me that Norwood's right to data about himself per §13.04 Subd. 3 of the MGDPA would entitle him to these materials.

I should add, as well, that there is a significant due process question posed here. Karen, as you know, is requesting to meet with Norwood. Shouldn't he have the opportunity to review the factual material related to the charges against him in connection with making his decision about whether to be interviewed? And for obvious due process and fairness reasons, under no circumstances will I advise him to sit with Karen absent disclosure of the factual material from the investigation that I think he is entitled to.

Could you clarify the basis for your position that the materials Karen's investigation has collected and created, as related to the anonymous complaints against our client, are protected by either attorney client privilege or the work product doctrine and why you believe any such privilege would trump Norwood's statutory rights to the data? Thanks,

Bill

M. William O'Brien  
Fellow, The College of Labor and Employment Lawyers  
MSBA Board Certified Labor and Employment Law Specialist

Miller O'Brien Jensen, P.A.  
120 South Sixth Street, Suite 2400  
Minneapolis, Minnesota 55402  
Telephone: (612) 333-5831

Facsimile: (612) 342-2613  
Website: [www.mojlaw.com](http://www.mojlaw.com)

\*\*\*\*\*CONFIDENTIALITY NOTE\*\*\*\*\*

This transmission contains information that is confidential or legally privileged. It is intended for use only by the person to whom it is directed. If you have received this message in error, please notify us by telephone immediately.

-----Original Message-----

From: Tracy Smith [<mailto:smith229@umn.edu>]  
Sent: Monday, September 21, 2015 5:03 PM  
To: Bill O'Brien; Karen G Schanfield  
Cc: Emily Marshall; Joyce Thomas  
Subject: RE: Teague follow up

Bill,

Thanks for your email. As you know, the University engaged Karen Schanfield to investigate the complaints and perform the external review.

Karen's work is ongoing and is protected by work-product and the attorney-client privilege, which the Board of Regents has not waived. If you have further questions, I would be happy to talk to you. Thanks.

Tracy

Tracy M. Smith  
Deputy General Counsel  
Office of the General Counsel  
University of Minnesota  
360 McNamara Alumni Center  
200 Oak Street SE  
Minneapolis, MN 55455-2006  
Phone: (612) 624-9546  
Fax: (612) 626-9624  
[smith229@umn.edu](mailto:smith229@umn.edu)

-----Original Message-----

From: Bill O'Brien [<mailto:bobrien@mojlaw.com>]  
Sent: Friday, September 18, 2015 10:23 AM  
To: Karen G Schanfield; Tracy Smith

Cc: Emily Marshall; Joyce Thomas  
Subject: Teague follow up

Karen and Tracy --

I would like to review material you have collected and any findings related to the anonymous complaints. I'm particularly concerned about material reaching the public before Norwood has had a chance to review. Can you let me know on this? Thanks,

Bill O'Brien  
[bobrien@mojlaw.com](mailto:bobrien@mojlaw.com)  
612-333-5831  
Sent from my iPad

October 12, 2015

William O'Brien  
Miller O'Brien Jensen, P.A.  
Suite 2400  
120 South Sixth Street  
Minneapolis, MN 55402

Re: University of Minnesota External Review

Dear Bill:

Thank you for speaking with me about Mr. Teague. As you know, we have been retained to review five separate items in the wake of his resignation as Athletic Director at the University of Minnesota.

These are:

- All allegations of sexual harassment against Mr. Teague or other senior Athletic Department leaders that came in after his resignation;
- Any confidential complaints regarding sexual harassment in the Athletic Department;
- Whether the University knew of, or should have known of, allegations of sexual harassment by Mr. Teague but failed to address them;
- The University's vetting of Mr. Teague during his hiring process; and
- The climate in the Athletic Department regarding reporting and addressing sexual harassment.

As you and I discussed, I am again requesting the opportunity to interview Mr. Teague as part of the external review. Please let me know by Friday, October 16, 2015 whether he is agreeable to this request.

Attorneys & Advisors  
main 612.492.7000  
fax 612.492.7077  
www.fredlaw.com

Fredrikson & Byron, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, Minnesota  
55402-1425

**Exhibit 14**

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William O'Brien  
October 12, 2015  
Page 2

Thank you for your consideration.

Sincerely,



Karen G. Schanfield

*Attorney at Law – MSBA Certified Labor and Employment Specialist*

**Fellow, College of Labor and Employment Lawyers**

**Direct Dial:** 612.492.7357

**Email:** kschanfield@fredlaw.com

KGS:dls

57105341\_1.docx/012216.0118

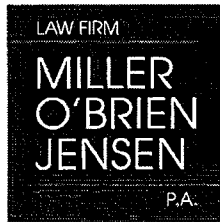


M. William O'Brien

Roger A. Jensen

Timothy J. Louris

Emily L. Marshall



Richard A Miller  
(of Counsel)

Samuel I. Sigal  
1905-1995

120 South Sixth Street, Suite 2400  
Minneapolis, Minnesota 55402  
Office: 612.333.5831  
Fax: 612.342.2613  
www.mojlaw.com

October 16, 2015

Karen G. Schanfield  
Fredrikson & Byron, P.A.  
200 South Sixth Street, Ste. 4000  
Minneapolis, MN 55402-1425

Re: Norwood Teague

Dear Karen:

This is in response to your October 12, 2015 letter requesting an interview with Mr. Teague.

As you know, I have requested, on multiple occasions (see August 26, September 9 and September 22, 2015 attachments), that the University provide me with their investigative file on Mr. Teague, and including information you have turned up as counsel for the University about Mr. Teague. I believe that the MN Government Data Practices Act (and including section 13.04, subdivision 3, among others) requires disclosure to Mr. Teague of investigative material about him.

What's more, as a matter of fairness and due process, I think it only proper that Mr. Teague, as a subject of your investigation, should have an opportunity to review your investigation findings before sitting for an interview.

If Mr. Teague is given the opportunity to review the University's investigative file, he may agree to sit for an interview about the charges against him. If the University maintains its position and continues to refuse to share with Mr. Teague the information they have gathered about him, you should expect he will not sit for an interview. Nor, in good conscience, could I advise him to sit for an interview under these circumstances.

Sincerely,

MILLER O'BRIEN JENSEN, P.A.

M. William O'Brien



Exhibit 15

## Bill O'Brien

---

**From:** Bill O'Brien  
**Sent:** Wednesday, August 26, 2015 10:45 AM  
**To:** 'Tracy Smith'  
**Cc:** Emily Marshall  
**Subject:** Teague

Tracy –

I just want to be sure that Norwood data privacy rights are respected as the U completes its investigation, and that he isn't defamed in the process. There seems to be a good bit of unsubstantiated speculation happening in press accounts. I understand you can't control some of that, but I ask that you counsel your client so that we avoid needless disputes of this sort. I will also want to see all of the investigative material compiled concerning Norwood. Thanks for your help on this.

Bill

*M. William O'Brien*

*Fellow, The College of Labor and Employment Lawyers  
MSBA Board Certified Labor and Employment Law Specialist*

**Miller O'Brien Jensen, P.A.**  
120 South Sixth Street, Suite 2400  
Minneapolis, Minnesota 55402  
Telephone: (612) 333-5831  
Facsimile: (612) 342-2613  
Website: [www.mojlaw.com](http://www.mojlaw.com)



Justice at Work



\*\*\*\*\*CONFIDENTIALITY NOTE\*\*\*\*\*

This transmission contains information that is confidential or legally privileged. It is intended for use only by the person to whom it is directed. If you have received this message in error, please notify us by telephone immediately.

## Bill O'Brien

---

**From:** Bill O'Brien  
**Sent:** Wednesday, September 09, 2015 11:39 AM  
**To:** 'Tracy Smith'  
**Cc:** Schanfield, Karen; Emily Marshall  
**Subject:** RE: Complaints - 8.10.15 email and T-991

Tracy –

Thanks for follow up. I'm wondering too whether I can expect to receive factual material from the investigation, records of any interviews and the like, other documents?e Karen has made a request to speak with Norwood and he will want to see what the investigation has turned up, if anything, before responding to that request.

Bill

*M. William O'Brien*

*Fellow, The College of Labor and Employment Lawyers  
MSBA Board Certified Labor and Employment Law Specialist*

**Miller O'Brien Jensen, P.A.**  
120 South Sixth Street, Suite 2400  
Minneapolis, Minnesota 55402  
Telephone: (612) 333-5831  
Facsimile: (612) 342-2613  
Website: [www.mojlaw.com](http://www.mojlaw.com)



Justice at Work



\*\*\*\*\*CONFIDENTIALITY NOTE\*\*\*\*\*

This transmission contains information that is confidential or legally privileged. It is intended for use only by the person to whom it is directed. If you have received this message in error, please notify us by telephone immediately.

## Joyce Thomas

---

**From:** Bill O'Brien  
**Sent:** Tuesday, September 22, 2015 1:15 PM  
**To:** Tracy Smith; Karen G Schanfield  
**Cc:** Emily Marshall; Joyce Thomas  
**Subject:** RE: Teague follow up

Tracy --

Thanks for your response. I am unclear, however, about the basis for your client's assertion of the attorney-client privilege or the work-product doctrine to this situation. Attorney-client privilege may, I suppose, protect the University's communications with Karen. I don't though see how it would protect the substantive investigative materials, or even necessarily the findings of her investigation, which is what we are currently asking for.

I don't see how the work-product doctrine applies either. As Minnesota Courts have explained, "to be protected by the [work-product] doctrine, material must contain opinions, conclusions, legal theories, or mental impressions of counsel, and it must have been prepared in anticipation of litigation." *City Pages v. State*, 655 N.W.2d 839, 846 (Minn. Ct. App. 2003), citing *Dennie v. Metro. Med. Ctr.*, 387 N.W.2d 401, 406 (Minn. 1986). There is no pending or anticipated litigation, that we are aware of, related to Mr. Teague. Nor are we seeking, at the moment, opinions, conclusions, theories, or impressions (which presumably could be redacted from the investigation materials) but rather, we want the factual material. And it seems to me that Norwood's right to data about himself per §13.04 Subd. 3 of the MGDPA would entitle him to these materials.

I should add, as well, that there is a significant due process question posed here. Karen, as you know, is requesting to meet with Norwood. Shouldn't he have the opportunity to review the factual material related to the charges against him in connection with making his decision about whether to be interviewed? And for obvious due process and fairness reasons, under no circumstances will I advise him to sit with Karen absent disclosure of the factual material from the investigation that I think he is entitled to.

Could you clarify the basis for your position that the materials Karen's investigation has collected and created, as related to the anonymous complaints against our client, are protected by either attorney client privilege or the work product doctrine and why you believe any such privilege would trump Norwood's statutory rights to the data? Thanks,

Bill

M. William O'Brien

Fellow, The College of Labor and Employment Lawyers MSBA Board Certified Labor and Employment Law Specialist

Miller O'Brien Jensen, P.A.

120 South Sixth Street, Suite 2400

Minneapolis, Minnesota 55402

Telephone: (612) 333-5831

Facsimile: (612) 342-2613

Website: [www.mojlaw.com](http://www.mojlaw.com)

October 19, 2015

**VIA EMAIL ONLY**

William O'Brien  
Miller O'Brien Jensen, P.A.  
Suite 2400  
120 South Sixth Street  
Minneapolis, MN 55402  
bobrien@mojlaw.com

Re: University of Minnesota External Review

Dear Bill:

I write in response to your letter of October 16, 2015. As you know, we are not agreeable to sharing our internal work product with you or Mr. Teague. I understand this means that Mr. Teague is therefore unwilling to participate in an interview, but if I have misunderstood in any way, please let me know.

Thank you for your prompt response.

Sincerely,



Karen G. Schanfield  
*Attorney at Law – MSBA Certified Labor and Employment Specialist*  
**Fellow, College of Labor and Employment Lawyers**  
**Direct Dial:** 612.492.7357  
**Email:** kschanfield@fredlaw.com

KGS:dls

57105341\_2.docx/012216.0118

cc: Tracy Smith

Attorneys & Advisors  
main 612.492.7000  
fax 612.492.7077  
www.fredlaw.com

Fredrikson & Byron, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, Minnesota  
55402-1425

**Exhibit 16**

September 18, 2015

***Sent Via E-mail and U.S. Mail***

Richard L. Robbins, Esq.  
Robbins Ross Alloy Belinfante Littlefield LLC  
999 Peachtree St., NE  
Suite 1120  
Atlanta, GA 30309  
rrobbins@robbinsfirm.com

Re: University of Minnesota – Norwood Teague/Athletic Department External Review

Dear Mr. Robbins:

I am writing concerning your representation of Parker Executive Search and specifically its involvement with the University of Minnesota's 2012 search for an athletic director that resulted in the hire of Norwood Teague.

As you may know, our law firm has been retained to conduct an external review of certain matters related to the University of Minnesota athletic department following Mr. Teague's resignation in August of this year. I am the attorney leading the external review. The review includes several areas of inquiry, one of which is the University's search process. As you know, Parker Executive Search played a role in that process.

To conduct a thorough review, we are asking Parker Executive Search to assist us understand its role, and that of the University, in the process.

Specifically, we request the following information at this time:

- All files, documents, notes, recordings, emails, and/or data related to Norwood Teague that were created, received, or maintained electronically or in hard copy by Parker Executive Search at any time prior to the date of Mr. Teague's hire by the University of Minnesota on April 23, 2012.
- Records of any telephone, email, or other contacts made by Parker Executive Search on behalf of the University of Minnesota or any other institution to check references and/or background information concerning Mr. Teague related to his candidacy for any position and any information received in response to those contacts.

Attorneys & Advisors	Fredrikson & Byron, P.A.
main 612.492.7000	200 South Sixth Street, Suite 4000
fax 612.492.7077	Minneapolis, Minnesota
www.fredlaw.com	55402-1425

**Exhibit 17**

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Richard L. Robbins, Esq.  
September 18, 2015 Sent Via E-mail and U.S. Mail  
Page 2

- Information regarding the any discussions between Parker Executive Search and the University of Minnesota regarding additional reference checks that should be undertaken by the University of Minnesota.
- The supporting documentation or other basis for the statement that Beth Cunningham filed an internal complaint with Virginia Commonwealth University in May, 2012. This statement appears on page 4 of your letter to Eric W. Kaler, University of Minnesota President, dated August 21, 2015. The date of Ms. Sullivan's complaint is significant as it is shortly after the date that the University of Minnesota announced Norwood Teague's hire.

In addition to the information described above, we would appreciate the opportunity to speak with Dan Parker and/or Laurie Wilder about the University of Minnesota athletic director search in 2012, particularly as to the role that Parker Executive Search played in checking background and references for candidates.

My colleague, Emily Pontius, attempted to reach you last week, first by calling your direct number, which was redirected to a third party, and then by calling the main number at your law firm. When Ms. Pontius called your law firm, she was told that you were preparing for a trial that would start this week and you would call when you were available. We understand you may be unavailable. Please communicate our request to your client or direct us to someone else who is available to assist in this matter. **If Parker Executive Search is going to assist us understand its role in the vetting process, we would appreciate a response no later than September 25, 2015.** Of course, we are happy to work with your schedule to calendar an interview with Parker Executive Search at a time that is convenient to you.

In closing, we thank you in advance for your cooperation and the cooperation of Parker Executive Search. As a frequent partner in academic and athletic searches, we know that Parker Executive Search fully appreciates the University of Minnesota's desire to learn from the events that resulted in Mr. Teague's resignation and move forward as an even stronger institution.

Very truly yours,



Karen G. Schanfield  
*Attorney at Law – MSBA Certified Labor and Employment Specialist*  
Fellow, College of Labor and Employment Lawyers  
Direct Dial: 612.492.7357  
Email: kschanfield@fredlaw.com

KGS:dls  
56860879\_4.docx/012216.0118

# ROBBINS

LITIGATION AND REGULATORY LAW

RICHARD L. ROBBINS  
DIRECT LINE: 678-701-9320  
Email: rrobbins@robbinsfirm.com

September 22, 2015

## VIA EMAIL

Karen G. Schanfield  
Fredrikson & Byron, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, Minnesota 55402-1425  
[kschanfield@fredlaw.com](mailto:kschanfield@fredlaw.com)

Re: University of Minnesota –  
Norwood Teague/Athletic Department External Review

Dear Ms. Schanfield:

This is in response to your letter of September 18, 2015. I apologize for the delay in responding, but I was in a jury trial last week which did not end until late Friday night.

Parker Executive Search is willing to cooperate to the extent appropriate. Parker Executive Search, like other search firms, conducts its searches in a highly confidential manner. Both the educational institutions with which it works, as well as the candidates, expect these searches to be handled and preserved confidentially. The documents you request are confidential and Parker Executive Search believes that it is inappropriate to produce them. We believe that it is intrusive for the firm as well as inconsistent with its confidential processes.

This is especially true when the President of the University unfortunately mentioned the possibility of legal action against Parker Executive Search. We are concerned about engaging in what would essentially be a "discovery" process for use in potential litigation.

Under its arrangement with the University of Minnesota, Parker Executive Search delivered a detailed report dated April 23, 2012. This report disclosed to the University all material information related to Mr. Teague that was in its possession. Parker Executive Search complied fully with its obligations to the University, and the report, as of this date, has not been shown to have any misstatement or omission of any type.

---

ROBBINS·ROSS·ALLOY·BELINFANTE·LITTLEFIELD<sup>LLC</sup>  
999 PEACHTREE ST., NE · SUITE 1120 · ATLANTA, GA 30309 · [www.robbinsfirm.com](http://www.robbinsfirm.com)

**Exhibit 18**



Karen G. Schanfield  
September 22, 2015  
Page -2-

We are willing to arrange for a phone interview with you and Dan Parker regarding the work performed by Parker Executive Search. I would be on the phone call to represent Parker Executive Search and to ensure that the interview goes appropriately and smoothly. If this is acceptable to you, please advise and our offices can schedule a mutually agreeable time and date.

We look forward to hearing from you.

Sincerely yours,



Richard L. Robbins

/sdm

cc: Parker Executive Search

August 28, 2015

**VIA EMAIL**

Office of General Counsel  
Arizona State University  
P.O. Box 877405  
Tempe, AZ 85287-7405  
ogcmail@asu.edu

Re: Records Request Regarding Norwood Teague

Dear Office of General Counsel:

I am requesting copies of public records under the Arizona Public Records Law, A.R.S. § 39-121.01. I would like an electronic copy of any and all records related to:

Any complaints, formal or informal, written or oral, inclusive of complaints within the University and to external parties that Norwood Teague discriminated against or harassed individuals on the basis of sex or gender while an employee of Arizona State University.

I request that all charges and fees for supplying the requested records be estimated in advance. I also request that, pursuant to A.R.S. § 39-121.01(E), that you “promptly respond” to my request.


If you have any questions or require additional information in order to process my request, please do not hesitate to contact me at (515) 242-8914. You may also contact Benjamin Tozer of my office at (612) 492-7444.

Thank you in advance for your cooperation with this request.

Sincerely,

/s/Emily S. Pontius  
Emily S. Pontius  
Direct Dial: 515.242.8914  
Email: epontius@fredlaw.com

**Exhibit 19**



---

**From:** Suzanne Copeland [mailto:Suzanne.Copeland@asu.edu]  
**Sent:** Tuesday, September 01, 2015 5:37 PM  
**To:** Pontius, Emily  
**Cc:** Tozer, Benjamin  
**Subject:** Public Records Requests to Arizona State University--Response

Mr. Pontius and Mr. Tozer:

Your public records request dated August 28, 2015 requesting documents regarding "any complaints .. that Norwood Teague discriminated against or harassed individuals on the basis of sex or gender while an employee of Arizona State University" was received by the Office of General Counsel at Arizona State University (ASU).

We understand that Mr. Teague was with affiliated Sun Devil Sports Network, approximately 15 years ago, but he was never an ASU employee. Nevertheless, we have confirmed with department(s) which might have responsive documents regarding any complaints referencing Norwood Teague; none have been found.

This response will constitute ASU's full response to your public records request of August 28, 2015.

Suzanne Copeland  
Administrative Associate  
Arizona State University  
Office of General Counsel  
P. O. Box 877405  
Tempe, AZ 85287-7405  
Fax: 480-965-0984  
Direct Line: 480-965-4553

**Exhibit 20**

August 28, 2015

**VIA EMAIL**

UNC-Chapel Hill  
Office of Human Resources  
Attn: HR Records  
Campus Box 1045  
104 Airport Drive  
Chapel Hill, NC 27599-1045  
hr@unc.edu

Re: Records Request Regarding Norwood Teague

Dear Office of Human Resources:

I am requesting copies of public records under the North Carolina Public Records Law, N.C.G.S. § 132-6. I would like an electronic copy of any and all records related to:

Any complaints, formal or informal, written or oral, inclusive of complaints within the University and to external parties that Norwood Teague discriminated against or harassed individuals on the basis of sex or gender while an employee of the University of North Carolina.

I request that all charges and fees for supplying the requested records be estimated in advance. I also request that, pursuant to N.C.G.S. § 132-6(c), that you “shall respond to [this request] as promptly as possible.”

If you have any questions or require additional information in order to process my request, please do not hesitate to contact me at (515) 242-8914. You may also contact Benjamin Tozer of my office at (612) 492-7444.

Thank you in advance for your cooperation with this request.

Sincerely,

/s/Emily S. Pontius  
Emily S. Pontius  
Direct Dial: 515.242.8914  
Email: epontius@fredlaw.com

**Exhibit 21**



THE UNIVERSITY  
of NORTH CAROLINA  
at CHAPEL HILL

OFFICE OF UNIVERSITY COUNSEL

110 BYNUM HALL  
CAMPUS BOX 9105  
222 EAST CAMERON AVENUE  
CHAPEL HILL, NC 27599-9105

T 919.962.1219  
F 919.843.1627

September 3, 2015

Emily S. Pontius  
Fredrikson & Byron, P. A.  
200 South Sixth Street, Suite 4000  
Minneapolis, MN 55402-1425  
515-242-8914  
epontius@fredlaw.com

SENT VIA ELECTRONIC MAIL

Dear Ms. Pontius:

I write in response to your correspondence dated August 28, 2015 (sent to hr@unc.edu). In your correspondence, you wrote:

"I am requesting copies of public records under the North Carolina Public Records Law, N.C.G.S. § 132-6. I would like an electronic copy of any and all records related to: Any complaints, formal or informal, written or oral, inclusive of complaints within the University and to external parties that Norwood Teague discriminated against or harassed individuals on the basis of sex or gender while an employee of the University of North Carolina."

The information that follows is being provided to you in accordance with the North Carolina Public Records Act. You have requested information and records for a former employee that if it exists, would not be subject to inspection by the public. The North Carolina Human Resources Act specifies the limited personnel information and records available for inspection by the public. For more information, please see the University's *Personnel Records and Confidentiality of Personnel Information* available on-line at <http://hr.unc.edu/policies-procedures-systems/spa-employee-policies/personnel-information/personnel-records-and-confidentiality-of-personnel-information/>.

This request has been fully processed and is now closed-out. Please note that public records requests, and responses to those requests, are also public records. The University has dedicated a section of its website to providing information about public records requests as part of its ongoing commitment to transparency and a policy of openness, honesty and cooperation with the public and the news media about public records (see <http://publicrecords.unc.edu>). Public records requests received by the Public Records Office after July 1, 2014, are listed on the University's website at <http://publicrecords.unc.edu/public-records/>. The University's Public Records Policy, also linked from that website, is available at <http://policies.unc.edu/policies/public-records/>.

Sincerely,

Anne M. Privett, NCCP  
Public Records Paralegal

AMP/dqa

cc: Regina J. Stabile, Director, Institutional Records and Reporting Compliance and Public Records Officer

**Exhibit 22**

August 31, 2015

Via Email

University Public Affairs  
P.O. Box 842041  
Richmond, VA 23284  
Phone: (804) 828-1231  
Fax: (804) 828-2018  
FOIAVCU@vcu.edu

Re: Records Request Regarding Norwood Teague

Dear University Public Affairs:

I am requesting copies of public records under the Virginia Freedom of Information Act, Va. Code § 2.2-3700, et seq. I would like an electronic copy of any and all records related to:

Any complaints, formal or informal, written or oral, inclusive of complaints within the University and to external parties that Norwood Teague discriminated against or harassed individuals on the basis of sex or gender while an employee of the Virginia Commonwealth University.

I request that all charges and fees for supplying the requested records be estimated in advance. I also request that, pursuant to Va. Code § 2.2-3704(B), that you respond within five working days.

If you have any questions or require additional information in order to process my request, please do not hesitate to contact me at (515) 242-8914. You may also contact Benjamin Tozer of my office at (612) 492-7444.

Thank you in advance for your cooperation with this request.

Sincerely,

/s/Emily S. Pontius  
Emily S. Pontius  
Direct Dial: 515.242.8914  
Email: epontius@fredlaw.com

**Exhibit 23**

**From:** lugincius@vcu.edu [mailto:lugincius@vcu.edu] **On Behalf Of** VCU FOIAVCU  
**Sent:** Wednesday, September 02, 2015 1:18 PM  
**To:** Tozer, Benjamin  
**Cc:** Pontius, Emily  
**Subject:** Re: FOIA Request

Dear Mr. Tozer,

This office is in receipt of your request for records made in accordance with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). Virginia Commonwealth University is an instrumentality of the Commonwealth of Virginia and, as such, is subject to the provisions of the Virginia Freedom of Information Act. That law places open access requirements on Virginia public institutions with respect to citizens of Virginia. It appears that you are a resident and citizen of Minnesota and, therefore, that you are not a citizen of Virginia.

As a courtesy, however, we will share information we have provided to others who have made similar requests related to Norwood Teague, including representatives of the media, in case this is in line with what you're looking for.

The reports from Minnesota are unfortunate. Norwood Teague left VCU more than three years ago. We are not aware of similar complaints against Teague during his time at VCU, including complaints of sexual harassment.

Please be advised that records responsive to your request regarding Norwood Teague are personnel records excluded from disclosure requirements under the Code of Virginia § 2.2-3705.1(1) and will not be released.

Sincerely,

Leila Ugincius  
University Public Affairs

On Mon, Aug 31, 2015 at 12:16 PM, Tozer, Benjamin <[BTozer@fredlaw.com](mailto:BTozer@fredlaw.com)> wrote:  
Dear University Public Affairs,

Please see the attached written request for records pursuant to the Virginia Freedom of Information Act.

Sincerely,  
Benjamin R. Tozer  
Lawyer  
**Fredrikson & Byron, P. A.**  
200 South Sixth Street, Suite 4000  
Minneapolis, MN 55402-1425  
**Direct: 612-492-7444**  
Main: [612-492-7000](tel:612-492-7000)  
Fax: [612-492-7077](tel:612-492-7077)  
E-mail: [btozer@fredlaw.com](mailto:btozer@fredlaw.com)

**Exhibit 24**

## Google Groups

## Update

Beth <bgoetz@umn.edu>

Aug 17, 2015 9:50 PM

Posted in group: **Intercollegiate Athletics**

ICA Staff,

I had the opportunity to meet with Karen Schanfield and Joe Dixon from Fredrikson and Byron, P.A. today. As you know, they are with the law firm conducting the review President Kaler mentioned Thursday. Karen and Joe assured me that they are committed to a fair and thorough review, just as we are, and I promised our full support as they gather whatever information they need.

Please refer to President Kaler's Friday email if you want to remind yourself of the scope of the review. I ask that you make time if asked to meet with them and that you are cooperative and forthcoming regarding any requests for information. We want to use this opportunity to remind everyone of our transparency and openness.

The University and the Athletic Department are firmly committed to assuring the integrity of the review process. For this reason, you will be instructed not to discuss the contents of your interview with others inside or outside of the University. This review will encourage continued confidence in our department and I welcome anything we may learn in this process that helps us improve how we serve our student-athletes, our fans and each other.

Thank you in advance for your time and cooperation,

Beth

**Exhibit 25**



# UNIVERSITY OF MINNESOTA

---

*Twin Cities Campus*

*Office of Internal Audit  
Office of the President  
Regents Audit Committee*

*1300 South Second Street, Suite 510  
Minneapolis, MN 55454-1015  
612-625-1368  
Fax: 612-625-1512*

**DATE:** September 15, 2015

**TO:** Employees of Intercollegiate Athletics

**FROM:** Gail L. Klatt  
Associate Vice President, Internal Audits

Beth Goetz  
Interim Director, Intercollegiate Athletics

**RE:** Employee Survey

---

The Office of Internal Audit is currently conducting an internal audit of Intercollegiate Athletics (ICA). As an ICA employee, we would like to solicit your views regarding its operations and cultural climate.

Additionally, a special investigation into claims of sexual harassment is also underway. The attached survey is being sent to all employees within ICA and we would greatly appreciate your responses. Your feedback will provide us with important information on ICA operations. In addition to answering the questions on the survey, we invite you to add any other comments you would like to share with us regarding operations and culture of ICA. The results of the survey will be used in our audit and shared with ICA management to look for opportunities to improve operations. Part A of the survey contains the questions included during audits of University units. Part B contains the questions requested for the external assessment/investigation. Please complete both parts.

The survey is entirely electronic, and the results are tabulated by an outside company (Qualtrics). As such, we do not know the identity of any respondents. However, the survey tool contains an area to identify yourself if you like, but that is strictly optional. Your responses will be kept confidential.

Thank you in advance for your participation.

Please click on the following link to access the survey.

Take Survey

**Exhibit 26**

## INTERCOLLEGIATE ATHLETICS EMPLOYEE SURVEY

Instructions: For each statement, select the response that seems most appropriate. If you feel the statement doesn't apply to you or you have no opinion, please select N/A (Not Applicable).

"Management" refers to the leadership team of your unit (such as ticketing, sport offices, etc.) However, if you wish to comment on upper management (such as Athletic Director/Administration office) please use the comments section at the end of the survey (Question 22).

PART A represents the standard questions asked of auditable units.

PART B represents what we have been requested to include in assessing the culture climate of Athletics.

### PART A

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>N/A</b>
1. Management demonstrates the importance of integrity and ethical behavior to their employees.	SA	A	D	SD	N/A
2. Management is open to employee suggestions to improve productivity and quality.	SA	A	D	SD	N/A
3. Management sometimes overrides University policies, procedures or work place rules (e.g. takes shortcuts that are contrary to policy).	SA	A	D	SD	N/A
4. <i>Management</i> has the right knowledge, skills, and training to effectively perform their duties.	SA	A	D	SD	N/A
5. <i>Non-management</i> (support) staff has the right knowledge, skills, and training to effectively perform their duties.	SA	A	D	SD	N/A
6. Management effectively monitors and provides oversight and direction for the activities in my unit.	SA	A	D	SD	N/A
7. Management is concerned with and responsive to customer feedback or suggestions.	SA	A	D	SD	N/A
8. I understand workplace policies and rules, and have an effective resource for obtaining clarification of policies when needed.	SA	A	D	SD	N/A
9. Management has not effectively communicated my job duties and responsibilities to me.	SA	A	D	SD	N/A
10. Management would take appropriate corrective action if policy, procedure, or work place rule violations were detected.	SA	A	D	SD	N/A
11. I believe I would be protected from retaliation if I report a suspected violation.	SA	A	D	SD	N/A
12. I am familiar with how to report violations of law or policy, including the University's confidential reporting line.	SA	A	D	SD	N/A

### PART B

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>N/A</b>
13. Staff in the athletic department is respected regardless of their gender/sex.	SA	A	D	SD	N/A
14. I have not seen or experienced bias, discrimination, or harassment in the athletic department related to my gender/sex.	SA	A	D	SD	N/A
15. I am not aware of other people who have experienced bias, discrimination, or harassment in the athletic department related to	SA	A	D	SD	N/A

their gender/sex.

16. I can freely share my ideas, opinions and beliefs in the athletic department without regard to my gender/sex.	SA	A	D	SD	N/A
17. Hiring, promotional, and other workplace decisions in the athletic department are not based on a person's gender/sex.	SA	A	D	SD	N/A
18. I or someone I know has made a sex discrimination or sexual harassment complaint to an administrator in the athletic department or to another campus resource.	SA	A	D	SD	N/A
<b>IF SA or A, you made a complaint:</b>					
18a. Was the complaint resolved in a timely manner?	SA	A	D	SD	N/A
18b. Was the complaint resolved in an appropriate manner?	SA	A	D	SD	N/A
18c. Were you subjected to any type of retaliation because you made a complaint?	SA	A	D	SD	N/A
<b>IF D or SD, you did not make a complaint:</b>					
18d. If you were to experience or witness sex discrimination or sexual harassment in the athletic department, would you know how to make a complaint to the appropriate office or administrator?	SA	A	D	SD	N/A
18e. If you were to make a complaint of sex discrimination or sexual harassment in the athletic department, do you believe the complaint would be resolved in an appropriate manner?	SA	A	D	SD	N/A
18f. If you were to make a complaint of sex discrimination or sexual harassment in the athletic department, do you believe you would be subject to any type of retaliation?	SA	A	D	SD	N/A
19. Staff in the athletic department is respected regardless of their race, age, religion, disability, marital status, national origin, sexual orientation or gender identity.	SA	A	D	SD	N/A
20. I have not seen or experienced bias, discrimination, or harassment in the athletic department related to race, age, religion, disability, marital status, national origin, sexual orientation or gender identity.	SA	A	D	SD	N/A
21. The climate in the athletic department does not discourage reporting concerns related to race, age, religion, disability, marital status, national origin, sexual orientation or gender identity.	SA	A	D	SD	N/A

**The University has engaged an outside law firm, Fredrikson & Byron, to review the following topics:**

- **All allegations of sexual harassment against Teague or other senior Athletic Department leaders that come in after Teague's resignation.**
- **Any confidential complaints regarding sexual harassment in the Athletic Department.**
- **Whether the University knew of, or should have known of, allegations of sexual harassment by Teague but failed to address them.**
- **The University's vetting of Teague during his hiring process.**
- **The climate in the Athletic Department regarding reporting and addressing sexual harassment.**

If you have relevant information regarding the foregoing topics, please contact Karen Schanfield or Joe Dixon at 612-492-7000 no later than September 30, 2015. Thank you for your assistance.

22. Would you like to tell us anything else about the operations of your department/unit?

NAME (optional) \_\_\_\_\_

# Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct

The University of Minnesota – Twin Cities

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**Exhibit 27**

## Table of Contents

<u>Section</u>		<u>Page</u>
1	Introduction .....	2
2	Methodology.....	2
2.1	Instrument Development .....	2
2.2	Survey Content.....	3
2.3	Sample and Incentives .....	3
2.4	Survey Procedures .....	4
2.5	Response Rates .....	4
2.6	Brief Description of the Sampling Procedure for the University of Minnesota – Twin Cities .....	5
2.7	Brief Description of the Weighting Procedure for the University of Minnesota – Twin Cities .....	7
3	Survey Results .....	9
3.1	Campus Climate around Sexual Assault and Sexual Misconduct .....	9
3.2	Resources Related to Sexual Assault and Sexual Misconduct .....	10
3.3	Frequency and Nature of Victimization by Physical Force or Incapacitation .....	14
3.4	Frequency and Nature of Victimization Due to Coercion or Absence of Affirmative Consent.....	14
3.5	Frequency and Nature of Sexual Harassment, Intimate Partner Violence, and Stalking.....	23
Appendixes		
1	Instrument Development .....	28
2	Human Subjects Protections and Safeguards.....	101
3	Results by Individual Status Code .....	113
4	Non-response Bias Analysis .....	116
5	Email Invitations and Reminders .....	126

# 1. Introduction

This report describes the results of the 2015 *Campus Climate Survey on Sexual Assault and Sexual Misconduct* administered at the University of Minnesota – Twin Cities. The project was designed to address the concerns related to the incidence and prevalence of sexual assault and sexual misconduct at the University of Minnesota – Twin Cities. There were three overall goals of the survey. One was to estimate the incidence and prevalence of different forms of nonconsensual sexual contact, harassment, stalking, and intimate partner violence. The second goal was to collect information on student views related to the climate surrounding sexual assault and misconduct. The third goal was to assess student knowledge and evaluation of school resources and procedures when responding to instances of sexual assault and sexual misconduct. Addressing each of these goals will help the University of Minnesota – Twin Cities create a safer and more accepting campus environment.

The University of Minnesota – Twin Cities participated as part of a consortium of 27 colleges and universities organized by the American Association for Universities (AAU). The research firm Westat led the design effort, carried out the survey, and conducted the analysis presented in this report. The content and methodology of the survey was developed in consultation with a committee of university representatives from the participating schools.

This report includes a description of the survey design and methodology used to conduct the survey, as well as empirical results. For this report we have included descriptive information for selected tables.

## 2. Methodology

### 2.1 Instrument Development

In early November 2014, the AAU Survey Design Team was formed and started on the survey development process. (For a list of Design Team members, see Table A1, Appendix 1.) The team met weekly, sometimes twice a week, to review progress and discuss sections of the questionnaire. Throughout the survey design process, the team received more than 700 comments about the survey for consideration, including those from the Survey Design Team and study coordinators. Disagreements were resolved by consensus. In addition, college students provided feedback on the instrument by participating in: (1) two rounds of cognitive testing conducted at Westat; and (2) pilot administration groups conducted at four participating institutions of higher education (IHEs).

## 2.2 Survey Content

The survey structure is comprised of ten sections (A-J) and concludes with a final debriefing question about the survey experience. A core set of 53 questions was asked of every respondent, including Background (A), Perceptions of Risk (B), Resources (C), Harassment (D), Stalking (E), Sexual Violence (G), Sexual Misconduct Prevention Training (H), Perceptions of Responses to Reporting (I), and Bystander Behavior (J). Questions regarding Sexual Misconduct Prevention Training (H) were asked of students who had enrolled in the university in 2014 or 2015.

Respondents in a partnered relationship or who had been in a partnered relationship since enrolling at the university were asked questions about Intimate Partner Violence/Domestic Violence (F). Additional questions were administered if respondents reported being victimized. For Harassment, Stalking, and Intimate Partner Violence/Domestic Violence (sections D, E and F), follow-up questions were asked for each type of misconduct. These follow-up questions collected information across all reported incidents for each form of victimization. For example, if someone was a victim of Intimate Partner Violence by two different partners, the follow-up questions asked for information across both partners. For Sexual Violence (section G), follow up questions, including a Detailed Incident Form (DIF), were asked for the items covering sexual assault (G1-G5), coercion (G6, G7) and lack of affirmative consent (G8, G9). (For the complete instrument, with annotations, see Appendix 1.)

*The Campus Climate Survey on Sexual Assault and Sexual Misconduct* was administered as a web survey. The use of merge fields throughout the instrument allowed for frequent referencing of the respondent's university within questions and framing language, personalizing the survey experience for students. Further, response options for five questions included university-specific responses: school of enrollment (A5), student organizations (A16), living situation (A17), services and resources (C1), and resources related to sexual assault and sexual misconduct (D10, E8, F8, GA16).

Each page of the web survey included links to general and school-specific frequently asked questions (FAQs) and resources. (For FAQs and resources, see Appendix 2.) All web survey pages also included the Help Desk number to assist students who needed either technical assistance or additional resources.

## 2.3 Sample and Incentives

The University of Minnesota identified 48,440 enrolled students to participate in the *Campus Climate Survey on Sexual Assault & Sexual Misconduct*.

To encourage participation, students were either entered into a drawing or offered a \$5 incentive to complete the survey. A sample of 6,000 students was randomly selected to receive



a \$5 Amazon gift card incentive for submitting the survey. All remaining students were entered into a drawing for a \$500 cash prize if they clicked on the survey link embedded in their invitation or reminder email. Students were not required to complete the survey in order to be entered in the drawing. Students were notified of their eligibility for either the \$5 Amazon gift card or the drawing in the invitation and reminder emails.

## 2.4 Survey Procedures

*The Campus Climate Survey on Sexual Assault and Sexual Misconduct* was launched at the University of Minnesota – Twin Cities on April 17, 2015 and closed three weeks later on May 8, 2015. All enrolled students were offered the opportunity to participate in the survey.

Email invitations to participate in the survey were sent to students' university email addresses through a Westat email account on the first day of data collection, April 17, 2015. Each email included a *unique* link to the student's online survey and was signed by University of Minnesota Vice Provost for Student Affairs and Dean of Students, Dr. Danita M. Brown Young. Westat sent reminder emails, also signed by Dr. Young, on April 24 and May 5 to prompt completion of the survey before the deadline. The University of Minnesota Campus Climate Survey was due on May 8. (For email invitations and reminders, see Appendix 5.)

## 2.5 Response Rates

At the close of data collection, the University of Minnesota – Twin Cities had an overall response rate of 16.6 percent.

**Table 1. Response rates**

N = 48,440	Female			Male			Combined		
	n	resp	%	n	resp	%	n	resp	%
Graduates or Professional	9,075	1,800	19.8	8,297	1,299	15.7	17,372	3,099	17.8
Undergraduates	15,993	3,180	19.9	15,075	1,754	11.6	31,068	4,934	15.9
	25,068	4,980	19.9	23,372	3,053	13.1	<b>48,440</b>	<b>8,033</b>	<b>16.6</b>

A completed survey was defined by two criteria:

- For those with timing information, did it take the respondent at least 5 minutes to fill out the questionnaire?<sup>1</sup>
- For everyone, did the respondent answer at least one question in each of the following sections: sexual harassment (D), stalking (E), and sexual assault/other misconduct (G)?

<sup>1</sup> Timing data was not available for anyone who did not get to the end of the survey and hit the 'submit' button.

The first criterion is to exclude those students who went through the survey so quickly that they could not possibly read and answer the questions.<sup>2</sup>

The second criterion brings in those cases that did not press the 'submit' button at the end of the survey, but did provide responses to most of the questionnaire. We used the victimization sections to define a 'complete' because of the importance of these items to the survey's goals.<sup>3</sup>

The response rate for the incentivized sample – that is, students offered a \$5 gift card upon completion of the survey – was 21.0 percent.

**Table 2. Response rates by incentive condition**

Incentive condition	n	resp	%
\$5 gift card	6,000	1,260	21.0
Drawing	42,440	6,773	16.0

## 2.6 Brief Description of the Sampling Procedure for the University of Minnesota – Twin Cities

A census of 48,440 students was used to conduct the survey. A sample of 6,000 students was selected to receive the \$5 gift card. To select this sample, a systematic sampling procedure was used after sorting the frame by the following variables: Full Time Status, Online Status, Gender, Race/Ethnicity, School, Enrollment Status in Undergraduate/Graduate/Professional/Non-degree Program, Year of Study for Undergraduate Students, and Year in Program for Professional Students. The values for these variables are shown in Table 3. The remainder of the students in the frame were able to enter into a drawing to win \$500. The distribution of each sort variable in the frame is shown in Table 3. Graduate students did not have Year in Program in the frame. Missing gender (0.7%) and missing Year in Program (24.6%) among the professional students were imputed by the hot-deck method.

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<sup>2</sup> When testing the survey, we asked testers to go through the survey as quickly as possible (e.g., skimming the questions and not reading the introduction or instructions). Based on these findings, five minutes was chosen as a cutoff point, below which the survey was not counted as a complete.

<sup>3</sup> This criterion could not be used for Intimate Partner Violence (section F) because of the skip pattern embedded in this section (i.e., student had to have been in a partnered relationship since a student at school).

**Table 3. Frame distributions of sampling sort variables**

Variable	Category	Frequency	Percent
Full Time Status	Full time	38,722	79.94
	Part time	9,718	20.06
Gender	Male	23,372	48.25
	Female	25,068	51.75
Race / Ethnicity	American Indian/Alaska Native	146	0.30
	Asian	3,805	7.86
	Black	1,696	3.50
	Hispanic	1,510	3.12
	Nonresident Alien	6,131	12.66
	Pacific Islander	24	0.05
	Two or more Races	1,325	2.74
	Unknown	1,593	3.29
	White	32,210	66.49
School	Carlson School of Management	4,205	8.68
	Center for Allied Health	158	0.33
	College of Educ/Human Development	4,556	9.41
	College of Food, Agr & Nat Resource Science	2,486	5.13
	College of Continuing Education	4,385	9.05
	College of Biological Sciences	2,122	4.38
	College of Design	1,464	3.02
	College of Liberal Arts	14,550	30.04
	College of Pharmacy	538	1.11
	College of Science and Engineering	7,314	15.10
	College of Veterinary Medicine	465	0.96
	Graduate School	369	0.76
	Humphrey School of Public Affairs	372	0.77
	Law School	751	1.55
	Medical School	2,115	4.37
	Non Degree Coursework	272	0.56
	School of Dentistry	614	1.27
School of Nursing	830	1.71	
School of Public Health	874	1.80	
Enrollment Status	Undergraduate	28,458	58.75
	Graduate	12,169	25.12
	Professional	3,744	7.73
	Non-Degree	4,069	8.40
Year of Study for Undergraduate Students	Graduate/Professional/Non-Degree	19,982	41.25
	Undergraduate Freshman	2,707	5.59
	Undergraduate Sophomore	5,687	11.74
	Undergraduate Junior	7,394	15.26
	Undergraduate Senior	12,670	26.16
Year in Program for Graduate/Professional Students	Undergraduate/Graduate/Non-degree	44,696	92.27
	Professional Year 1	952	1.97
	Professional Year 2	958	1.98
	Professional Year 3	918	1.90
	Professional Year 4	916	1.89

## 2.7 Brief Description of the Weighting Procedure for the University of Minnesota – Twin Cities

The initial step was to create a base-weight for each respondent. A census was conducted at the University of Minnesota – Twin Cities, and a base weight of one was assigned to each respondent. The base weight was adjusted to reflect non-response. This adjustment consisted of a raking procedure that adjusted the base weight to the demographic data available on the frame (Deming and Stephen, 1940; Deville, Särndal, and Sautory, 1993; Cervantes and Brick, 2008). The variables used in the raking procedure are as shown in the following table [make any necessary changes to accommodate the condition of the university-specific frame data]:

**Table 4. Variables used in the raking procedure**

Variable	Description	Variable Value
Incentive Status	This is an indicator variable whether a student was selected into the incentivized program, which offered \$5 Amazon gift card, or not	1: \$5 Amazon gift card 0: Not in incentivized sample
Gender	Two-category gender variable (Male/Female). The frame data only had two categories (male and female), whereas the survey data had 8 categories. To make the frame and the survey data compatible, the survey responses to a non-male/female category were imputed to a male or female category. Transgender male/female cases are coded as ordinary male/female.	1: Male 2: Female
Age Group	Student's age was grouped into four categories, 18-20, 21-23, 24-26, and 27+.	1: 18-20 2: 21-23 3: 24-26 4: 27+
Year in School	This is a combined variable of student affiliation (Undergraduate/Graduate/ Professional) and year of study or year in program. The questionnaire had separate questions on year of study for undergraduates (freshman, sophomore, junior, senior) and graduate/professional students (1 <sup>st</sup> , 2 <sup>nd</sup> , ..., 6+).	1: Undergraduate freshman 2: Undergraduate sophomore 3: Undergraduate junior 4: Undergraduate senior 5: Graduate/Professional year 1 & 2 6: Graduate/Professional year 3 & 4 7: Graduate/Professional year 5 & 6+
Race/Ethnicity	This variable has 5 categories, Hispanic, White, Black, Other race, and Nonresident alien. The frame race/ethnicity categories are grouped this way, and the survey race/ethnicity variables were coded to conform to this categorization.	1: Hispanic 2: White 3: Black 4: Other race 5: Nonresident alien

Missing values in the frame and demographic variables in the survey data were imputed using a hot-deck procedure that randomly allocated responses in the same proportion as those

answered within each imputation class. The highest imputation rate for the frame data was 2 percent, and on the average, 0.75 percent of survey respondents had to be imputed in this way.

The raking procedure adjusts the base weight so that the sum of adjusted weights of the survey respondents for a subgroup is equal to the frame total for that subgroup. Subgroups are defined by each variable used in the raking procedure. Algebraically, this can be expressed as

$$\sum_{k=1}^n I_{gk} w_k = N_g$$

where  $n$  is the respondent sample size (8,033),  $I_{gk}$  is an indicator variable having 1 if respondent  $k$  belongs to subgroup  $g$ , 0 otherwise,  $w_k$  is the adjusted weight for respondent  $k$ , and  $N_g$  is the frame count of subgroup  $g$ .

For example, the weight total for all female respondent students from the survey is equal to the total female count (25,068) in the frame. The same is true for subgroups defined by each variable listed in the above table.

Due to sparse data when cross-classifying the variables used for raking, extreme weights were encountered. A weight was considered extreme when it is less than 1 or greater than four times of the median weight. To address this problem, categories 5, 6, and 7 for the Year in School variable were collapsed for raking purposes (see Table 1). We also collapsed the Race/Ethnicity variable, categories 1 and 3 into one (see Table 1). However, collapsing did not resolve all extreme weight problems, so we used weight trimming as the last resort, where any weight less than one is boosted to one and any weight greater than four times of median weight is trimmed so that they were always greater than one and less than four times the median weight. Three large weights were trimmed by this procedure, and then the raking procedure was run one last time to obtain the final weights that sum to the frame totals.

## References

Deming, W.E., and Stephen, F.F. (1940). On a least squares adjustment of a sampled frequency table. *Annals of Mathematical Statistics*, 14, 427-444.

Cervantes, I. F., and Brick, M. (2008). Empirical Evaluation of Raking Ratio Adjustments for Nonresponse. *Proceedings of the Survey Research Methods Section of the American Statistical Association* (CD-ROM).

Deville, J.C., Särndal, E.E., and Sautory, O. (1993). Generalized raking procedure in survey sampling. *Journal of the American Statistical Association*, 88, 1013-1020.

### 3. Survey Results

This chapter describes the results of the survey. The analyses were guided by the following research questions:

1. What is the campus climate around sexual assault and sexual misconduct?
2. What do students know about and think of resources related to sexual assault and sexual misconduct?
3. What is the frequency and nature of sexual assault?
4. What is the frequency and nature of misconduct because of coercion and absence of affirmative consent?
5. What is the frequency and nature of sexual harassment, intimate partner violence and stalking?

The discussion and tables are organized by these research questions. There is discussion for the tables related to the attitudinal measures related to campus climate (section 3.1), knowledge of campus resources related to sexual assault and misconduct, the prevalence and incidence of nonconsensual sexual contact by physical force, incapacitation (section 3.3), coercion and absence of affirmative consent (section 3.4), harassment, stalking and intimate partner violence (section 3.5). There are tables included in the chapter that are not explicitly discussed, describing the consequences of the victimization experiences, the relationship between the victim and the offender, the location of the incident, information about reporting to an agency/organization.

Most of the discussion and tables are centered on rates by gender and enrollment status. For gender, respondents were asked to identify themselves into one of eight categories.<sup>4</sup> For this analysis, respondents were classified into one of three groups: 1) female, 2) male, and 3) transgender, genderqueer or nonconforming, questioning or not listed (TGQN).<sup>5</sup> Collapsing groups into TGQN helps to maintain adequate sample to generate estimates. Enrollment status was divided into two groups: 1) undergraduate and 2) graduate and professional.

Prior surveys have shown that TGQN and females have significantly higher rates of victimization than males. However, very few campus surveys have produced statistically reliable estimates for those that identify as TGQN because they constitute a very small percentage of the campus population. For the AAU survey approximately 1 percent of the students selected a non-male/female category. While

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<sup>4</sup> These eight categories are: male, female, transgender male, transgender female, genderqueer or non-conforming gender, questioning, not listed and 'decline to state'.

<sup>5</sup> Those who declined to state their gender were randomly allocated using a hot-deck imputation procedure to the male or female categories. Approximately .5 percent of respondents declined to state their gender.

this is a small percentage, the large number of responses to the AAU survey permits estimating rates for this group with adequate statistical precision<sup>6</sup>.

When interpreting the tables, please note the following:

1. An 's' indicates the cell was suppressed for confidentiality reasons.
2. Any non-numeric symbol indicates there was no data for that cell.
3. Comparisons between gender or enrollment status categories are only discussed where those differences were statistically significant at  $p < 0.05$ . Significance tests were conducted using a t-test assuming independent samples.

### 3.1 Campus Climate around Sexual Assault and Sexual Misconduct

Students reported on several topics on the campus climate related to sexual assault and sexual misconduct. They were asked about their expectations regarding the response from the university and peers if they were to report a sexual assault or sexual misconduct; whether they had ever witnessed an incident and whether they intervened; whether they perceive sexual assault or sexual misconduct as a problem on campus; and the likelihood that they would be victimized.

*Response to a report of sexual assault or sexual misconduct.* Students were asked about what might happen if someone were to report a sexual assault or sexual misconduct to an official at University of Minnesota - Twin Cities (Table 1.1). Overall, 57.3 percent of all students believe that it is very or extremely likely that the victim would be supported by other students in making a report. Male students are more optimistic than females, with 62.8 percent of male undergraduate students and 58.7 percent of male graduate students indicating that it is very or extremely likely that other students would support the victim in making a report. This compared to 55.6 percent of female undergraduate students and 51.9 percent of female graduate students. Fewer TGQN students believe that it is very or extremely likely that a student would be supported by other students after making a report of sexual assault or sexual misconduct.

Students were asked about the likelihood that the alleged perpetrator or their associates would retaliate against the victim in response to a report of sexual assault or sexual misconduct. Overall, 20.1 percent indicated that it is very or extremely likely that retaliation would occur. Male students are less inclined to believe that a report would result in retaliation, with 15.7 percent of male undergraduate students and 13.9 percent of male graduate students indicating that it is very likely or extremely likely that this would occur, compared to 26.1 percent of female undergraduate students and 20.5 percent

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<sup>6</sup> While the rates for TGQN students are generally sufficiently large to generate a reliable statistical estimate, the rates by enrollment status are based on relatively small sample sizes. This makes it difficult to compare across groups. In order to make comparisons with this gender group, the text below makes statements referencing estimates for TGQN students summing across enrollment status (referred to as 'Overall' in the text). This overall estimate is not shown in the tables.

of female graduate students). Overall, a notably higher percentage of TGQN students believe that there would be retaliation against the victim in the event of a report.

The survey contained several questions about how campus officials would react to a report of sexual assault or sexual misconduct. Students were asked whether campus officials would take the report seriously. Overall, 63.1 percent said that it is very or extremely likely that the report would be taken seriously by campus officials. Female students are less optimistic than male students in this regard, with 57.2 percent of female undergraduate students and 59.6 percent of female graduate students believing that it is very or extremely likely, compared to 69.7 percent of male undergraduate students and 69.2 percent of male graduate students. TGQN students were least likely to believe that a report of sexual assault or sexual misconduct would be taken seriously.

Students were asked if campus officials would protect the safety of individuals making the report. Overall, 55.3 percent said that it is very or extremely likely that the individual's safety would be protected. Among undergraduate students, females are less optimistic, with 51.5 percent saying that it is very or extremely likely that the individual's safety would be protected, compared to 61.6 percent of male undergraduate students. Fewer TGQN students, overall, believe that a victim would be protected by campus officials after making a report.

Students were asked if they believe that campus officials would conduct a fair investigation in the event of a report. Overall, 48.7 percent indicated that it is very or extremely likely that this would occur. Among undergraduates, females are less optimistic than male students, with 43.8 percent of female undergraduate students saying that it is very or extremely likely that there would be a fair investigation, compared to 53.0 percent of male undergraduates.

Overall, 40.3 percent of students said it was very or extremely likely that campus officials would take action against the offender. Females are less likely than males to believe that campus officials would take action against the offender, with 33.0 percent of female undergraduate students and 33.5 percent of female graduate students saying that it is very or extremely likely that this would occur, compared to 49.0 percent of male undergraduate and 47.5 percent of male graduate students. Overall, fewer TGQN students believe that the campus officials would take action against the offender.

Lastly, 34.0 percent said it was very or extremely likely that campus officials would take action to address factors that may have led to the sexual assault or sexual misconduct on campus. Female students are less inclined to believe this than males, with 32.7 percent of female undergraduate students and 28.2 percent of female graduate students saying that it is very or extremely likely that this would happen, compared to 38.3 percent of male undergraduates and 35.8 percent of male graduate students. Similarly, TGQN students were least likely to believe that the campus officials would take action to address factors.

*Bystander intervention.* Students were asked about different situations related to being a bystander to the occurrence of sexual assault or misconduct, the extent to which they intervened, and the reason for their intervention decision (Table 1.2). Overall, 16.9 percent of the students said they



have suspected that a friend may have been sexually assaulted. Female undergraduate students reported this in the highest proportions (25.6%), followed by undergraduate males and graduate females (16.0% and 10.0%, respectively), and male graduate students having the lowest percentage who had suspected that a friend may have been the victim of a sexual assault (7.3%). Overall, TGQN students indicated that they suspected a friend has been sexually assaulted in much higher proportions.

Among the bystanders, 70.6 percent took some type of action, with most speaking to a friend or someone else to seek help (61.3%). Female undergraduates were more likely to speak to a friend or someone else to seek help than male undergraduates (66.8% of female undergraduates vs. 53.9% of male undergraduates).

Overall, 36.9 percent of the students reported they had witnessed a drunken person heading for a sexual encounter. Among the bystanders, a total of 75.0 percent indicated that they did nothing, with 23.3 percent saying they weren't sure what to do and 51.7 percent saying they did nothing for another reason. Approximately 25.0 percent of the students did take some type of action. About 10.2 percent of the students directly intervened to stop the incident, 6.0 percent spoke to someone else to seek help and 8.8 percent did something else. Females more often reported that they spoke to someone else to seek help (9.3% of female undergraduates and 5.9% of female graduate students vs. 3.7% of male undergraduates and 2.6% of male graduate students) or did nothing because they weren't sure what to do (25.9% of female undergraduates and 29.8% of female graduate students vs. 19.1% of male undergraduates and 20.2% of male graduate students). Female undergraduates more often reported that they directly intervened to stop it (13.5% vs. 9.6% male undergraduates).

Asked whether they had witnessed someone acting in a sexually violent or harassing manner, 18.9 percent indicated that they had witnessed such an incident. Female undergraduates reported this in the highest proportions (26.5%), followed by 17.4 percent of male undergraduate students and 13.6 percent of female graduate students, with male graduate students (10.3%) reporting this least often.

Among the bystanders, a total of 55.8 percent indicated that they did nothing, with 26.0 percent saying they weren't sure what to do and 29.8 percent saying they did nothing for another reason. Overall, 44.3 percent of the bystanders did take some type of action, with 18.3 percent directly intervening to stop the incident, 12.5 percent speaking to someone else to seek help and 13.5 percent doing something else. Females more often reported speaking to someone else to seek help than males (14.8% of female undergraduate and 12.6% of female graduate students vs. 10.3% of male undergraduate and 7.2% of male graduate students).

*Opinions about prevalence and personal risk.* Asked how problematic sexual assault or sexual misconduct is at University of Minnesota - Twin Cities, 27.8 percent reported that it is very or extremely problematic (Table 1.3). Females were more likely to say this, with 39.0 percent of female undergraduates, 23.6 percent of female graduate students, 22.1 percent of male undergraduates and 18.1 percent of male graduate students reporting this way. Overall, a higher proportion of TGQN

students believe that sexual assault or sexual misconduct is very or extremely problematic at University of Minnesota - Twin Cities.

A relatively small proportion said that they believe that they are very or extremely likely to experience sexual assault or sexual misconduct on campus (5.9%) or off campus (5.6%). Females were more worried than males, with 12.5 percent of female undergraduates believing that it is very or extremely likely that they would experience sexual assault or sexual misconduct on campus, for example, vs. 1.7 percent of undergraduate males; and 3.8 percent of graduate females vs. 1.3 percent of graduate males. Overall, a larger proportion of TGQN students believe that it is very or extremely likely that they will be victims of sexual assault on campus or off campus.

### **3.2 Resources Related to Sexual Assault and Sexual Misconduct**

This section presents findings regarding the students' awareness of services and resources offered by the university for those affected by sexual assault and sexual misconduct. The students were first asked if they were aware of specific university resources from a list provided by the university. Students were then asked four questions about their knowledge of how the university defines sexual assault and sexual misconduct, how to get help if the student or a friend experienced sexual assault or sexual misconduct, where to make a report of sexual assault or sexual misconduct, and what happens when a student reports an incident of sexual assault or sexual misconduct. Students were also asked whether their initial orientation to the university included information about sexual assault and sexual misconduct on campus, and if so, how helpful it was.

*Awareness of resources.* Table 2.1 presents the extent to which students are aware of specific resources provided by the university for victims of sexual assault or sexual misconduct. The students' awareness of these services ranged from 87.2 percent to 17.2 percent. For nearly all of the services offered, undergraduate students are more aware than graduate students.

*Knowledgeable about university sexual assault policies and procedures.* Overall, 23.3% of students at University of Minnesota - Twin Cities are very or extremely knowledgeable about how the university defines sexual assault and sexual misconduct (Table 2.1). Just over one-third (34.2%) know where to find help at the university if they or a friend are victims of sexual assault or sexual misconduct, and 26.7 percent know where to make a report of sexual assault or sexual misconduct. A smaller percentage (8.2%) report knowing what happens when a student makes a report of sexual assault or sexual misconduct.

Undergraduate students tend to think they are more knowledgeable about the university's sexual assault policies and procedures than graduate students. Female and male undergraduates indicate that they are very or extremely knowledgeable about how the university defines sexual assault and sexual misconduct at a rate of 30.4 percent and 27.5 percent, respectively, compared to 11.9 percent of female graduate students and 13.1 percent of male graduate students.

Regarding the university's initial orientation, 40.1 percent indicated that they attended the orientation and it did include information about sexual assault and sexual misconduct. Additionally, 29.4 percent did not remember whether the orientation included this information, and 18.4 percent said that the orientation did not include information about sexual assault and sexual misconduct. Among the students who attended an orientation that included this information, 30.0 percent found the information very or extremely useful.

Compared to graduate students, undergraduate students reported in higher proportions that the orientation did include information on sexual assault and sexual misconduct (51.2% female undergraduates and 59.6% of male undergraduates vs. 11.9% female graduate students and 18.1% male graduate students).

### **3.3 Frequency and Nature of Victimization by Physical Force or Incapacitation**

Students were asked about victimization due to a wide range of tactics. This section summarizes the prevalence of victimization that was the result of physical force or incapacitation at University of Minnesota - Twin Cities, as well as the characteristics of the victims, the number of times that students have been a victim of this type of assault and whether the incident was reported to an agency or another individual.

To measure victimization involving physical force and incapacitation, students were asked five questions that covered two types of behaviors:<sup>7</sup>

Penetration:

- When one person puts a penis, finger, or object inside someone else's vagina or anus
- When someone's mouth or tongue makes contact with someone else's genitals

Sexual Touching:

- kissing
- touching someone's breast, chest, crotch, groin, or buttocks
- grabbing, groping or rubbing against the other in a sexual way, even if the touching is over the other's clothes

The estimates include events that were completed, as well as attempts to physically force the person to engage in acts involving penetration.

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<sup>7</sup> See questions G1 – G5 of the questionnaire

When a student reported an event, they were asked which academic year it occurred and whether this was part of another assault that had already been reported. If it was part of a previously reported victimization, the respondent was asked which one. Events were only counted once. If both penetration and sexual touching were part of the same incident, the penetration was counted. This hierarchy rule was adopted to conform to the counting rules established by the FBI and in the Clery statistics.

*Prevalence.* Prevalence is estimated by counting the number of individuals that have been a victim at least once over the time period of interest. Tables 3.1a through 3.1d present the prevalence of nonconsensual penetration or sexual touching due to physical force or incapacitation for undergraduate females, graduate females, undergraduate males, and graduate males. Each table displays the prevalence for the current year and since entering University of Minnesota - Twin Cities, as well as by the different behaviors and tactics. The tactics are further disaggregated by whether physical force, incapacitation or both were involved in the event.

The discussion below primarily concentrates on rates since the student entered University of Minnesota - Twin Cities. The patterns for the current year parallel these rates, but are lower because of the shorter time frame. First the patterns within each of the four groups are described, with female undergraduates being first. The patterns across groups are then summarized.

Among female undergraduates, 23.5 percent experienced this type of assault since entering University of Minnesota - Twin Cities and 13.5 percent experienced this type of assault during the current school year (Table 3.1a). Among female undergraduates 12.0 percent were victims of nonconsensual penetration involving force or incapacitation since entering University of Minnesota - Twin Cities. Breaking this down further, 5.9 percent were victims of penetration with physical force (no incapacitation) 5.9 percent were victims of a sexual assault involving penetration by incapacitation (no physical force), and 2.1 percent were victims of this type of assault by both physical force and incapacitation.

With respect to sexual touching, 17.9 percent of female undergraduates were victims since entering University of Minnesota - Twin Cities, and 10.9 percent during the current school year. Since entering University of Minnesota - Twin Cities, 12.3 percent were victims of this type of assault using physical force only, 6.9 percent using incapacitation only and 1.3 percent were victims of nonconsensual sexual touching, with both physical force and incapacitation.

Of the incidents that involved penetration by physical force, about half were completed and half were attempted.

Among graduate females, 7.1 percent were victims of sexual assault involving either nonconsensual penetration or sexual touching since entering University of Minnesota - Twin Cities, and 2.4 percent in the current school year (Table 3.1b). Since entering University of Minnesota - Twin Cities, 3.4 percent were victims of sexual assault with penetration. With respect to tactics for

nonconsensual penetration, 2.0 percent was physical force, 1.7 percent was by incapacitation only, and 0.5 percent involved both force and incapacitation.

Since entering University of Minnesota - Twin Cities, 5.5 percent of graduate female students were victims of nonconsensual sexual touching due to physical force or incapacitation. Physical force was reported by 3.7 percent of respondents, 1.9 percent indicated assault by incapacitation only, and 0.4 percent indicated they experienced sexual touching both by physical force and incapacitation.

Among undergraduate males 5.2 percent were victims of either nonconsensual penetration or sexual touching since entering University of Minnesota - Twin Cities, and 3.5 percent in the current school year (Table 3.1c). Among male undergraduates, 2.1 percent were victims of assault involving penetration, 1.0 percent by physical force only and 1.0 percent was victims by incapacitation only.

Since entering University of Minnesota - Twin Cities, 3.8 percent of undergraduate males were victims of nonconsensual sexual touching by force or incapacitation, and 2.4 percent in the current school year. Examining this by tactic, 2.5 percent were by physical force only and 1.8 percent by incapacitation only.

Among male graduate students, 2.1 percent victims of nonconsensual penetration or sexual touching since entering college, and 1.0 percent in the current school year (Table 3.1d). When examining by behaviors, 1.0 percent were victims of penetration and 1.5 percent were victims of sexual touching.

There are significant differences in the prevalence rates by gender. Females are much more likely to report this type of victimization. Female undergraduates have a rate that is approximately 4 times higher than male undergraduates. Similarly, female graduate students have rates that are 3 times higher than male graduate students. This pattern by gender is also true for each of the types of behaviors.

Undergraduate students report higher rates than graduate students. For females the rate for undergraduates is about three times as high as for graduate students.

*Victim Characteristics.* Table 3.2 presents prevalence rates by victim characteristics: sexual orientation, ethnicity, race, disability status, marital status, and year in school. There is a very large difference between the two categories of sexual orientation. Overall non-heterosexuals have a rate of 18.0 percent and heterosexuals 10.7 percent. There are similar differences when comparing rates by gender and across enrollment status.

Students that reported having a disability registered with the university had a prevalence rate that was more than twice as high as those without a disability (25.1% vs. 10.8). This pattern is the same across gender and enrollment status groups.

The rates by year in school are disaggregated by time frame (current year vs. since entering University of Minnesota - Twin Cities). These provide one of the first profiles from survey data on how

rates vary by school year. In prior publications, the information by year in school has been based on reports made to the school or the police. Looking at the prevalence rates in the current school year for female undergraduates, the highest rates are for freshman (19.6%) and sophomores (16.2%). The rates then drop significantly in the junior year.

Patterns for undergraduates since entering University of Minnesota - Twin Cities exhibit a steady increase by year in school, as would be expected given the increased time period when victimization could have occurred. By senior year, 25.8 percent of female undergraduates reported experiencing nonconsensual penetration or sexual touching by force or incapacitation.

The pattern for male undergraduates is not as consistent. Among male seniors, 4.6 percent report being victimized since entering University of Minnesota - Twin Cities. While this is nominally higher than male freshman (2.5%), the difference is not statistically significant.

Table 3.3 provides prevalence rates by the same set of characteristics for females disaggregated by whether the incident involved penetration or sexual touching.<sup>8</sup> The results do not significantly differ by the two types of behavior.

*Number of times assaulted.* Tables 3.4a and 3.4b provide estimates of the number of times students have been victims of nonconsensual penetration or sexual touching involving physical force or incapacitation. This survey is one of the first to estimate rates of multiple victimizations. Table 3.4a provides rates by time period for acts involving penetration for females. Overall, 1.4 percent of females were victimized 2 or more times during the current school year and 4.0 percent reported being victimized 2 or more times since enrolling in college.

Significantly more undergraduate females are multiply victimized by this type of nonconsensual act than graduate or professional students. Since entering University of Minnesota Twin Cities 5.2 percent of the undergraduates report being victimized 2 or more time compared to 1.3 percent of graduate and professional students.

Table 3.4b provides the number of times students have been victims of nonconsensual sexual touching due to physical force or incapacitation. Overall, 2.3 percent of students were victims at least twice (reporting 1 or 2 times) during the current year and 5.1 percent since enrolling at University of Minnesota - Twin Cities.

There is significant variation by both gender and enrollment status. For example, among undergraduate females, 5.1 percent reported 2 or more incidents of sexual touching in the current year and 10.8 percent since enrolling in college. This compares to 0.6 percent and 2.7 percent for female graduate/professional students, respectively. Similar, but smaller, differences are evident for males when comparing across enrollment status. There are also differences between genders. For example, since enrolling at University of Minnesota Twin Cities, male undergraduate students have

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<sup>8</sup> Estimates for males are not presented because of the low prevalence rates for this gender.

lower rates of multiple victimizations than female undergraduates (5.1% vs. 1.2% for current year and 10.8% vs. 2.0%).

*Reporting and Reasons for Not Reporting.* Students that said they were victimized were asked if he/she reported any of the incidents to several different agencies or organizations. Table 3.9a provides the estimates for females reporting nonconsensual acts of penetration or sexual touching involving physical force and incapacitation. Penetrative acts involving physical force were much more likely to be reported to an agency or organization when compared to penetration by incapacitation. Among penetrative acts, 25.0 percent of the victims reported an incident involving physical force was reported. This compares to 13.0 percent for penetrative acts involving incapacitation. Even fewer reported Sexual Touching incidents, with 9.8 percent of those by force and 4.8 percent by incapacitation.

Several follow-up questions were asked on why the respondent did not report to an agency, as well as whether any of the incidents were reported to someone else. The primary reason why incidents were not reported to an agency or organization was that it was not considered serious enough. For the penetrative acts involving force, 59.3 percent did not think the incident was serious enough to report. This compares to 55.9 percent for victims of penetration due to incapacitation.

A significant percentage of individuals said it was not reported because they did not think anything would be done about it (34.7%) or feared it would not be kept confidential (19.9%). A significant number of victims said she felt embarrassed or ashamed (44.6%). Fewer victims of penetrative acts involving incapacitation felt nothing would be done about it (27.0%) or felt embarrassed (37.8%).

For victims of nonconsensual sexual touching due to physical force, 73.1 percent felt the incident was not serious enough to report, 13.6 percent felt embarrassed and 25.6 percent did not think anything could be done about it. Similar patterns occur for nonconsensual sexual touching involving incapacitation.

The respondent was asked if they reported the incident to another person. The patterns of this type of reporting were similar across both types of behaviors (penetration, sexual touching) and tactics (force, incapacitation). Between 17.8 to 24.3 percent did not tell anyone else at all and 70.9 to 81.7 percent said they told a friend. Victims of forced penetration were more likely to have told a family member (e.g. 24.2% vs. 13.9% incapacitation), faculty member (e.g. 8.8% vs. 4.0% for incapacitation) or someone else (e.g. 13.4% vs. 6.6% for incapacitation).

Table 3.9b provides the reporting patterns for male victims of nonconsensual Sexual Touching involving physical force or incapacitation. The standard errors for these estimates are considerably higher because of a relatively small proportion of males reporting a victimization. The patterns resemble those displayed for females for this combination of behavior and tactic. For acts involving physical force, 16.4 percent of victims report these types of incidents to an agency or organization. One notable difference from females are other persons with whom males may have discussed these events.

Approximately 33.8 to 41.3 percent of males did not report the event to anyone else, which is higher than females. In addition, fewer males discussed the incident with a friend.

**NOTE: TABLES 3.5 THROUGH 3.8 ARE NOT DISCUSSED**

### **3.4 Frequency and Nature of Victimization Due to Coercion or Absence of Affirmative Consent**

This section summarizes the prevalence of nonconsensual sexual contact that was the result of coercion or the absence of affirmative consent at University of Minnesota - Twin Cities. This section also provides the characteristics of the victims and the number of times that students have been a victim of this type of contact.

For purposes of the survey, coercion is defined as nonconsensual contact that involve threats of serious non-physical harm or promise of rewards (e.g., threatening to give you bad grades or cause problems for you, promise of good grades or a promotion at work).<sup>9</sup>

The survey also included items asking about nonconsensual contact where there was an absence of affirmative consent (AAC). These items were developed to capture emerging university regulations which make it a violation if both partners in a sexual encounter do not explicitly consent. To develop the questions, policies from AAU and COFHE schools on affirmative consent policies were reviewed.

The question on affirmative consent was introduced with the following definition:

Since you have been a student at [University], has someone had contact with you involving penetration or oral sex without your active, ongoing voluntary agreement? Examples include someone:

- initiating sexual activity despite your refusal
- ignoring your cues to stop or slow down
- went ahead without checking in or while you were still deciding
- otherwise failed to obtain your consent

Respondents were asked about AAC that involved penetration and sexual touching.<sup>10</sup>

Each time an instance of coercion or AAC was reported by a respondent, follow-up questions were administered that asked about which year it occurred and whether this was part of another incident that already been reported during the survey. If a respondent reported that an instance of

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<sup>9</sup> Section G of the questionnaire had two questions asking about the use of this tactic involving penetration and sexual touching (questions G6 and G7).

<sup>10</sup> See questions G8 and G9



coercion was part of a previously reported incident involving physical force or incapacitation, the event was not counted in the coercion prevalence rate. If a respondent reported an instance of AAC was part of a previously reported incident involving physical force, incapacitation or coercion, the event was not counted in the AAC prevalence rate.

*Prevalence.* Table 4.1 presents the prevalence of nonconsensual contact due to coercion or AAC for the current year and since entering University of Minnesota - Twin Cities by the different behaviors and tactics. The discussion below primarily concentrates on rates since the student entered University of Minnesota - Twin Cities. The patterns for the current year parallel these rates, but are lower because of the shorter time frame.

Since entering University of Minnesota - Twin Cities, nonconsensual contact involving coercion was reported by well less than 1 percent of the students (.4%). Nominally, females are more likely to report this type of tactic than males, but it is not statistically significant. Similarly, undergraduates are more likely to report this than graduate and professional students, but the difference is not significant. The very low rate makes it difficult to precisely estimate this for these subgroups.

The percent of students reporting AAC as a tactic is much higher than coercion, with 6.1 percent of the students reporting this type of incident since entering University of Minnesota - Twin Cities. More than half of these incidents involve sexual touching (4.4%) compared to penetration (2.7%). There is significant variation by gender. A much higher percentage of female undergraduates reported this than male undergraduates (e.g. 11.6% vs. 3.1%). For females, there is also a difference between undergraduates (11.6%) and graduate students (4.1%). Overall, TGQN students also report AAC in higher proportions.

*Number of times assaulted.* Table 4.2 contains estimates for the number of times that students were victimized due to coercion or AAC. As noted above, victimization due to coercion was very rare. Consequently it is difficult to note any significant multiple victimization patterns for this type of tactic. Contact involving AAC is more prevalent and does exhibit significant percentages who are victimized more than once. For victims of sexual touching, almost as many individuals were victimized two or more times (2.2%) since entering University of Minnesota - Twin Cities when compared to those having been victimized once (2.3%). The pattern is similar for females where the rates of AAC are almost as many females were multiply victimized by sexual touching (3.9%) as were victimized a single time (4.6%). For females, this pattern is also apparent, although to a lesser degree, for contact involving penetration (2.8% vs. 2.4%).

*Victim Characteristics.* Table 4.3 presents prevalence rates for AAC by victim characteristics: sexual orientation, ethnicity, race, disability status, marital status, and year in school.<sup>11</sup> The rates for males are comparatively low and disaggregating by these characteristics stretches the sample size. For

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<sup>11</sup>Estimates for coercion by victim characteristics were not estimated because of the low prevalence of this type of victimization.

male undergraduates, non-heterosexuals have a rate of 7.8 percent and heterosexuals a rate of 2.4 percent.

For females, there is a very large difference in prevalence rates between the two categories of sexual orientation. For female undergraduates, non-heterosexuals have a rate of 18.0 percent and heterosexuals a rate of 10.9 percent. There is a similar pattern for female graduate and professional students (10.9% vs. 3.4%). For all students, not just females, those that reported having a disability registered with the university had a prevalence rate that was about three times as high as those without a disability (14.5% vs. 5.6%).

The rates by year in school are disaggregated by time frame (current year vs. since entering University of Minnesota - Twin Cities). Unlike the patterns for victimizations involving physical force and incapacitation, there is very little change in the current year risk of AAC victimization by year of undergraduate enrollment. The rates are very similar between freshman and senior year. The pattern is also very similar by year in school for graduate and professional students.

Patterns for undergraduates since entering University of Minnesota - Twin Cities exhibit a steady increase by year in school, as would be expected given the increased time period when victimization could have occurred. By senior year, 13.2 percent of female undergraduates reported experiencing nonconsensual penetration or sexual touching by AAC. This compares to 8.9 percent for freshman. For male undergraduates, the rates increase from 0.3 percent at freshman year to 3.9 percent at senior year.

The prevalence of AAC victimization for these same characteristics for females is presented in Table 4.4 for the two types of behaviors (penetration, sexual touching). Overall, the patterns are very similar across the two behaviors. Significant differences are observed for both behaviors by categories of sexual orientation, race, disability and marital status. The pattern for current year rates by year in school is somewhat different by behavior. For penetration there does not seem to be a clear pattern by year, until senior year where it goes down to a minimum (1.9%). For sexual touching, however, there is a decline going from 6.7 percent freshman year to 3.9 percent junior year, and then increase to 4.5 percent senior year.

*What is the total experience with nonconsensual sexual contact measured by the AAU survey?* To assess the overall risk of nonconsensual sexual contact, prevalence measures were estimated that combine the two behaviors that constitute sexual contact (penetration and sexual touching) and the four tactics discussed above (physical or threat of physical force; incapacitation; coercion; AAC). We provide estimates that combine these behaviors and tactics in several different ways.

We first present rates that include two of the four tactics (i.e. physical force and incapacitation) for the two behaviors (penetration and sexual touching or kissing). To narrow the definition further, estimates are presented for those events that were completed; this excludes attempts at forcible penetration which were not completed.

Some of the estimates provided in prior sections were for all students for the time period since entering University of Minnesota - Twin Cities. This mixes students who have been at the university for different periods of time and, therefore, are at risk of campus sexual assault or misconduct for different periods of time. To largely standardize for the time period, and get an overall picture of the risk for a student's entire stay on the campus, estimates were also made for seniors since entering University of Minnesota - Twin Cities. This provides the prevalence for the period while attending University of Minnesota - Twin Cities, which for many is a four-year period.<sup>12</sup>

According to the survey, 14.4 percent of seniors experienced sexual contact involving penetration or sexual touching involving physical force or incapacitation since entering University of Minnesota - Twin Cities (Table 4.8). Among senior females 23.5 percent reported this type of victimization. Among senior males, 2.4 percent reported this type of victimization since entering University of Minnesota - Twin Cities. There were not enough respondents in the TGQN group to generate reliable estimates.

Among senior females, 9.5 percent reported being a victim of nonconsensual penetration involving physical force or incapacitation since first enrolling University of Minnesota - Twin Cities.

The above estimates exclude attempted, but not completed, sexual contact. However, attempted acts are also part of the legal definition of rape and sexual assault. They also have been included in a number of different studies on victimization of college students.<sup>13</sup> The AAU survey measured attempts of forcible penetration. If these are also included, the estimates stay about the same (e.g., 23.5% for females).

The survey measured two additional tactics—coercion and AAC, which are violations of the student conduct code. If we include these in an overall prevalence measure, the estimate increases to 19.4 percent of seniors who are victims of some type of nonconsensual sexual contact since first enrolling at the university or college. Among seniors 29.4 percent of females and 6.4 percent of males report being a victim of nonconsensual sexual contact at least once.

A second important summary measure is the prevalence during the 2014-2015 academic year. This is the most current measure of risk and might be seen as most relevant when developing policies. The prevalence for the 2014-2015 year for all undergraduates is 5.2 percent for completed acts of nonconsensual sexual contact involving physical force or incapacitation (Table 4.9). Females have higher rates than males (8.8% for females vs. 1.0% for males). Among females, 3.2 percent report being victims of completed penetration involving physical force or incapacitation. When adding in attempted, but not completed, acts of penetration using physical force, 3.7 percent report being victims of penetration involving physical force or incapacitation.

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<sup>12</sup>The exception are those that transferred to the college or university after their freshman year.

<sup>13</sup>Koss, M. P., Gidycz, C.A., and Wisniewski, N. (1987). "The Scope of Rape: Incidence and Prevalence of Sexual Aggression and Victimization in a National Sample of Higher Education Students," *Journal of Counseling and Clinical Psychology* 55: 162-70; Krebs, et al, *Ibid*; Fisher et al, *Ibid*

Once including all types of nonconsensual sexual contact measured on the survey, 8.1 percent of undergraduates reported being a victim during the 2014 – 2015 academic year. Females when compared to males are most likely to be a victim at least once (12.1% for females vs. 3.3% for males).

*How do the estimates compare with surveys of college students on sexual assault and sexual misconduct?* To better understand the implications of the above results, it is useful to place them within the context of prior surveys on nonconsensual sexual contact. There are many differences in methodology among the different campus climate surveys, including the composition of the sample, the mode of survey administration, the response rate and, perhaps most importantly, the definitions of nonconsensual activity. Nonetheless, the detailed questions included on the AAU survey allow making selected comparisons.

The College Sexual Assault study (CSA)<sup>14</sup> was conducted with undergraduate students attending two large, public universities. It was a web survey and had a response rate of 42%. While the question wording between the AAU survey and the CSA are not identical, they are similar when asking about penetrative and sexual touching behaviors and tactics, including physical force and incapacitation.<sup>15</sup> The CSA study estimated rates using several different definitions. Perhaps the most widely cited is that 19.8 percent of female college seniors had been victims of completed nonconsensual sexual contact involving physical force or incapacitation since entering college (“1 in 5”). A 95% confidence interval around this estimate is 17.8 percent to 21.8 percent.<sup>16</sup> The estimate for the AAU survey is 23.5 percent, with a confidence interval of 19.3 percent to 27.7 percent. The estimates for penetration by force and incapacitation are not statistically different (9.5% for University of Minnesota – Twin Cities and 14.3% for CSA).

**NOTE: TABLE 4.5 IS NOT DISCUSSED**

### **3.5 Frequency and Nature of Sexual Harassment, Intimate Partner Violence, and Stalking**

The survey included measures of three other forms of sexual misconduct: 1) sexual harassment, 2) stalking and 3) intimate partner violence. This section reviews the prevalence, incidence and characteristics associated with each of these behaviors.

*Sexual harassment.* Harassment was defined as a series of behaviors that interfered with the victim’s academic or professional performances, limited the victim’s ability to participate in an academic program, or created an intimidating, hostile or offensive social, academic or work

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<sup>14</sup>Krebs, C. and Lindquist, C. (2014) “Setting the Record Straight on ‘1 in 5’”. <http://time.com/3633903/campus-rape-1-in-5-sexual-assault-setting-record-straight/>; see also Krebs, C., Lindquist, C.H., Warner, T.D., Fisher, B.S. and S. Martin (2007) The Campus Sexual Assault (CSA) Study. Report of project awarded by the National Institute of Justice, Award 2004-WG-BX-0010. <https://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>;

<sup>15</sup>The AAU survey was based, in part, on the CSA.

<sup>16</sup>The standard error of the estimate is 1 percent. Data obtained via personal communication from Christopher Krebs.

environment. This definition is in line with campus policies, as well as those of the Equal Employment Opportunity Commission's definition regarding "hostile environment" and the US Department of Education.<sup>17</sup> The specific behaviors referenced were taken from several different scales measuring harassment<sup>18</sup>:

- made sexual remarks or told jokes or stories that were insulting or offensive to you?
- made inappropriate or offensive comments about your or someone else's body, appearance or sexual activities?
- said crude or gross sexual things to you or tried to get you to talk about sexual matters when you didn't want to?
- emailed, texted, tweeted, phoned, or instant messaged offensive sexual remarks, jokes, stories, pictures or videos to you that you didn't want?
- continued to ask you to go out, get dinner, have drinks or have sex even though you said, "No"?

Table 5.1a presents prevalence rates for victims of sexual harassment and characteristics of both the offenders and the victim. The table provides an overall estimate of prevalence, the specific behavior that occurred, number of times it occurred during the current academic year, the number of offenders involved, the association between the offender and the university, and the relationship between the offender and the victim.

Overall, 47.9 percent of students indicated that they have been the victims of sexual harassment. Female undergraduates report this most often (62.8%), followed by male undergraduates and female graduate students (44.1% and 42.1%, respectively), and lastly by male graduate students (29.0%). Overall, a much larger proportion of TGQN students indicate that they have been sexually harassed while a student at University of Minnesota Twin Cities. The most common behavior cited was making inappropriate comments about their body, appearance or sexual activity (37.9%); followed by making sexual remarks, or insulting or offensive jokes or stories (30.6%). This pattern by gender and enrollment status is the same for each of the specific types of behaviors.

Students reporting harassment were asked how many times this has occurred in the in the last year. Approximately 81 (81.3%) percent of those who said they were subject to harassment said that it had happened in the last academic year. Most of these victims (61.0%) said that it had happened more than once during the last academic year.

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<sup>17</sup>For the EEOC definition, see [http://www.eeoc.gov/laws/types/sexual\\_harassment.cfm](http://www.eeoc.gov/laws/types/sexual_harassment.cfm). For the Department of Education definition, see <http://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.html# t1a>.

<sup>18</sup>For example, see Leskinen, E.A., & Cortina, L.M. (2014) Dimensions of disrespect: Mapping and measuring gender harassment in organizations. *Psychology of Women Quarterly*, 38(1), 107-123.

The offender's affiliation to the university was most often described as a student (90.7%). This was more common among undergraduate students (94.0% of female undergraduates and 94.2% of male undergraduates) than among graduate students (78.2 percent female graduate students and 85.6% male graduate students). Graduate students more often identified the offender as a faculty member (24.5% of female graduate students and 15.2% of male graduate students vs 6.2% of female undergraduates and 4.6% of male undergraduates) or other member of the university staff or administration (9.8% of female graduate students and 11.9% of male graduate students vs. 3.9% of female undergraduates and 4.0% of male undergraduates).

The most common response describing the relationship of the offender to the victim is a friend or acquaintance (67.6%), followed by a stranger (45.1%). Graduate students more frequently identified the relationship of the offender to the victim as teacher or advisor (16.0% of female graduate students and 9.4% of male graduate students vs. 5.6% of female undergraduates and 3.2% of male undergraduates) or a co-worker, boss or supervisor (22.2% of female graduate students and 18.7% of male graduate students vs. 6.5% of female undergraduates and 6.7% of male undergraduates).

Female undergraduate students more often identified their relationship to the offender as someone they had dated or had an intimate relationship with (8.8%), followed by male undergraduates (5.1%), female graduate students (4.4%), and lastly male graduate students (3.2%). of Undergraduates were more likely to describe their offender as a friend or acquaintance (67.2% of female undergraduates and 74.8% of male undergraduates vs. 55.7% of female graduate students and 67.9% of male graduate students).

*Intimate partner violence.* Table 5.2a provides similar data for intimate partner violence (IPV). The IPV section was intended to capture violence associated with relationships that would not be captured in the sexual violence section (section G). This section was administered to anyone who said they had been in any partnered relationship since enrolling in college (Question A13):

Partnered relationships include:

- casual relationship or hook-up
- steady or serious relationship
- marriage, civil union, domestic partnership or cohabitation

The question wording for the IPV items (Section F of the questionnaire) is a combination of wording used in the University of New Hampshire 2012 survey as cited in the White House Task Force Report and the National Intimate Partner and Sexual Violence Survey (NISVS) conducted by the Centers

of Disease Control and Prevention.<sup>19</sup> To be classified as a victim, respondents had to say that a partner had done one of the following:

- controlled or tried to control you? Examples could be when someone:
- kept you from going to classes or pursuing your educational goals
- did not allow you to see or talk with friends or family
- made decisions for you such as, where you go or what you wear or eat
- threatened to “out” you to others
- threatened to physically harm you, someone you love, or themselves?
- used any kind of physical force against you? Examples could be when someone
  - bent your fingers or bit you
  - choked, slapped, punched or kicked you
  - hit you with something other than a fist
  - attacked you with a weapon, or otherwise physically hurt or injured you

IPV was experienced by 10.0 percent of the student population who had been in a partnered relationship. This was reported most often by female undergraduates (12.2 percent), followed by male undergraduates and female graduate students (10.7% and 7.3%, respectively), and lastly by male graduate students (6.8%). Overall, a higher proportion of TGQN students were victims of intimate partner violence. The most common behavior was controlling or trying to control the victim (6.6%); followed by threatening to harm the victim, family or themselves (4.1%) and using physical force (3.7%). Approximately 44.0 percent of victims reported that the incident occurred multiple times since the beginning of the 2014 school year.

*Stalking.* Stalking was based on definitions and behaviors used in the NISVS, the National Crime Victimization Survey and the National Violence Against Women’s Survey.<sup>20</sup> Respondents were asked whether someone:

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<sup>19</sup>Modified from Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R. (2011). *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 summary report*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention

<sup>20</sup>Black et al, *Ibid*; Catalano, S. (2012). Stalking victims in the Unites States--revised. (NCJ 224527). Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics; Tjaden, P., & Thoennes, N. (1998). Stalking in America: Findings form the National Violence Against Women Survey. (NCJ 172837). Washington, D.C.: U.S. Department of Justice, National Institute of Justice and U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.

- made unwanted phone calls, sent emails, voice, text or instant messages, or posted messages, pictures or videos on social networking sites in a way that made you afraid for your personal safety
- showed up somewhere or waited for you when you did not want that person to be there in a way that made you afraid for your personal safety
- spied on, watched or followed you either in person or using devices or software in a way that made you afraid for your personal safety

To be considered stalking, the respondent had to additionally say that these behaviors, either singly or in combination, occurred more than once and was done by the same person.

Approximately 4.5 percent of students reported that they had been the victims of stalking while attending the University of Minnesota Twin Cities (Table 5.3a). Female undergraduates reported being victims of stalking most often at 7.7 percent, followed by graduate females at 4.4 percent, and male students at 2 percent (1.8% male undergraduates and 2.6% male graduate students). A higher proportion of TGQN students, overall, were victims of stalking. Among the victims, approximately 70 percent (72.8%) reported that an incident occurred within the last year. More than one-half of students (59.0%) reported that within the last year they were stalked multiple times.

Most often, the offender's affiliation to the university was described as a student (64.1%), particularly among female undergraduate students (70.8% female undergraduates vs. 47.5% of graduate female students).

In describing the relationship of the offender to the victim, students most often indicated that it was a friend or acquaintance (39.1%), followed by a stranger (30.1%), and someone they had dated or were intimate with (23.3%). Female undergraduates were particularly likely to indicate that the offender was a friend or acquaintance (51.2% of female undergraduates vs. 23.8% of female graduate students).

Table 5.4 presents the prevalence of sexual harassment, intimate partner violence, and stalking by the characteristics of the victim. For all of these types of sexual misconduct, non-heterosexual students report having been victimized more often than heterosexual youth (59.7% vs. 45.8% for sexual harassment, 14.5% vs. 9.0% for intimate partner violence, and 8.7% vs 3.8% for stalking). There are no differences by ethnicity.

**NOTE: TABLES 5.1b through 5.3b ARE NOT DISCUSSED**



# Appendix 1. Instrument Development

## A1.1 Survey Design Teams and Questionnaire Development

The survey development process was a collaboration between the Westat and AAU Survey Design Teams. The Westat team was co-chaired by Co-Principal Investigators, Dr. David Cantor, Senior Statistical Fellow at Westat and research professor at the Joint Program for Survey Methodology, and Dr. Bonnie Fisher, Professor, School of Criminal Justice, University of Cincinnati. The AAU Survey Design Team was chaired by Dr. Sandy Martin, Professor and Associate Chair for Research, Department of Maternal and Child Health, University of North Carolina, Chapel Hill. They were joined by a multi-disciplinary group of university professors and administrators from participating IHEs with expertise in survey design and methodology and issues related to sexual assault and misconduct on campus. The members of the AAU Survey Design Team are presented in Table A1-1.

To start the survey design process, in October 2014, the Westat team reviewed *Not Alone: The First Report of the White House Task Force to Protect Students from Sexual Assault* which included recommendations on using campus climate surveys to document the problem of sexual assault on college campuses. The team also systematically reviewed decades of research literature on how to measure sexual misconduct and sexual victimization in a student population (e.g., Koss et al., 1987; Koss, et al., 2007; Fisher and May, 2009; Kilpatrick et al., 2007; Krebs et al., 2009). In addition, the team reviewed procedures and surveys developed by other IHEs (e.g., Rutgers University, University of Oregon, Massachusetts Institute of Technology, Columbia University). The team drew on other victimization surveys such as National Intimate Partner and Sexual Violence Survey (NISVS), National Crime Victimization Survey (NCVS), NCVS Supplemental Victimization Survey on Stalking (SVS), and the Campus Safety and Security Survey. Finally the team drew from scales that measured specific attitudes and behaviors such as harassment and bystander intervention. The final survey provides the source material that was used for each of the major sections.

In early November 2014, the AAU Survey Design Team was formed and started working on the survey development process. The first meeting, conducted via conference call, set the stage for the frequent and ongoing meetings needed to develop the survey. During the initial instrument development phase, from November 2014 to January 2015, the team had weekly conference calls. In February 2015, when final revisions were being made to the survey, the team met every other week. Meetings lasted, on average, two hours. In between formal meetings, team members were in frequent, sometimes daily, contact to provide technical expertise on survey design, review survey drafts and provide feedback, and resolve issues raised during meetings.

During these meetings, the AAU Survey Design Team members discussed at length conceptual and methodological issues underlying the measurement of sexual misconduct, sexual victimization and campus climate constructs. Team members made final decisions on how to define campus climate (e.g., nature and scope) and the types of victimization that would be covered, question wording,

response set wording, and ordering of topics. All decisions were made with the goal of keeping the time to complete the survey to between 15 and 20 minutes.

Survey items and topics were submitted by both the Westat team and the AAU Survey Design Team and considered as part of the multi-step, iterative process to develop the final instrument.

The Design Team members provided information on the overall structure and constructs included in the survey, as well as the survey question, ordering of questions and sections, and other details. They also served as consultants at their respective universities who provided feedback to the entire group through their university liaisons; thus the survey was informed by a much wider group than the Design Team. In addition, some members of the Design Team assisted by pre-testing aspects of the draft survey with students at their respective universities.

Throughout this process, the team received more than 700 comments about the survey for consideration. Each comment was reviewed individually and a decision was made about how best to handle each one with input from the AAU Survey Design Team. Disagreements were resolved by consensus.

**Table A1-1. The AAU Survey Design Team**

AAU Survey Design Team Members	
Melanie Boyd	Yale University Assistant Dean of Student Affairs and Director of Office of Gender and Campus Culture
Russell Carey	Brown University Executive Vice President for Planning and Policy
Melissa A. Clark	Brown University Professor of Epidemiology and Obstetrics and Gynecology; Associate Director, Center for Population and Health and Clinical Epidemiology
Nancy Deutsch	University of Virginia Associate Professor
Marne K. Einarson	Cornell University Assistant Director, Office Institutional Research & Planning
Lily Guillot Svensen	Yale University Research Analyst for the Office of Institutional Research; member of Yale's Title IX Steering Committee
Debra Kalmuss	Columbia University Professor, Population and Family Health, Mailman School of Public Health
David Laibson	Harvard University Robert I. Goldman Professor of Economics
Sandra Martin	University of North Carolina, Chapel Hill (Chair of Survey Design Team) Department of Maternal and Child Health, Gillings School of Global Public Health
Stephen Minicucci	Consortium on Financing Higher Education (COFHE)

AAU Survey Design Team Members	
	Director of Research
Christina Morell	University of Virginia Associate Vice President for Student Affairs
Lindsay Orchowski	Brown University Assistant Professor of Psychiatry and Human Behavior (Research)
Jagruti "Jag" Patel	MIT Associate Director of Institutional Research
Nora Cate Schaeffer	University of Wisconsin-Madison Sewell Bascom Professor of Sociology Faculty Director, University of Wisconsin Survey Center
Sarah Schultz Robinson	University of Virginia Institutional Assessment Office
Stephanie S. Spangler	Yale University Deputy Provost for Health Affairs and Academic Integrity Clinical Professor of Obstetrics and Gynecology

## A1.2 Student Input

The team received feedback from students in three ways. One was from cognitive interviews with students currently attending colleges or universities. This was completed in two different locations with approximately 35 students. Second, the instrument was administered to students at two different IHEs. After the instrument was administered, the students were asked for feedback on the items. Comments were received from approximately 60 students. Third, a focus groups with 13 students was conducted at one IHE.

The feedback from these activities included a wide range of comments on both the content and wording of the questions. For example, the cognitive interviews pointed to questions where the definitions and instructions were not clear or not being read. The Design Team modified these questions to incorporate the definitions into the stem of the question to increase the likelihood they would be seen by the respondent. Another example comes from feedback received by students who were administered the survey. They provided feedback on the wording of the question asking for the gender and sexual orientation of the students. The categories to these items were modified to account for a wider range of options.

## A1.3 Survey Content and Sources

Topics used in the survey instrument cover domains outlined by the AAU in response to the requests of the Presidents/Chancellors. These topics were split into several basic categories – 1) direct personal experience with sexual assault and sexual misconduct, 2) campus climate, 3) school resources and 4) student characteristics. This section describes the development of these items, as well as those topics that were considered but not included on the survey instrument.

### **Personal Experience: Nonconsensual Sexual Contact**

Priority was given to collecting nonconsensual sexual contact by four types of tactics: 1) physical force, 2) incapacitation, 3) coercion and 4) absence of affirmative consent. The Design team wanted to collect information to: (1) estimate the prevalence and incidence of sexual assault and sexual misconduct experienced by university students (undergraduate, graduate and professional) on each participating campus, and (2) identify characteristics of these experiences (e.g., location, offender characteristics). The term “incident” was used in the survey as it is defined in the White House Task Force Report – meaning the number of times a particular type of sexual assault or sexual misconduct occurred over a period of time.

These questions defined sexual contact as two behaviors—penetration and sexual touching. Penetration includes both sexual penetration of someone’s vagina or anus by a finger, penis, or object and oral sex by a mouth or tongue on someone’s genitals. Sexual touching includes kissing, touching someone’s breast, chest, crotch, groin or buttocks, or grabbing, groping or rubbing against the other in a sexual way, even if the touching is over the other’s clothes.

To estimate the incidence and prevalence of nonconsensual sexual contact by each combination of behavior (penetration, sexual touching) and tactic (physical force, incapacitation, coercion, absence of affirmative consent), it was necessary to ask about each combination of behavior and tactics. The Design Committee felt it was important to distinguish between incidents that differed by the different types of tactics.

*Tactics Involving Physical force and Incapacitation.* Five questionnaire items were developed that separated the different types of sexual contact for these two tactics. Physical force/attempted physical force includes someone being help down with his or her body weight, arms being pinned down, being hit or kicked, or a the use or threat of a weapon being used. Incapacitated refers to being unable to consent or stop what was happening due to being passed out, asleep, or incapacitated due to drugs or alcohol.

These tactics were considered the most serious type of tactic and constitute the primary measures used on several other surveys (e.g., Krebs, et al 2009). As noted above, the questions distinguished between different combinations of these tactics and the two types of sexual contact, including:

- Nonconsensual completed penetration that occurred as a result of physical force or attempted forced,

- Nonconsensual attempts but not completed, penetration as a result of physical force or attempted force,
- Nonconsensual completed penetration that occurred as a result of incapacitation
- Nonconsensual completed sexual touching that occurred as a result of physical force
- Nonconsensual completed sexual touching that occurred as a result of incapacitation

The Design Team examined different definitions and ways to operationalize these types of incidents, including looking at questions from scholarly sources. There are two approaches advocated by researchers using behavior-specific questions. The first approach developed by Koss and colleagues (2007), is structured so that for each of the behavior a series of follow-up statements describing specific tactics are asked. The second approach puts both type of behavior and tactic in the same question (Krebs et al, 2009). There is no published empirical findings to make an evidence-informed choice about which of the two approaches produces a more valid and reliable measure. After discussions among members of the Design Team, the latter approach was selected to use because it takes up less questionnaire space and it has been successfully used in prior sexual victimization among college students research (e.g., Krebs et al., 2009). As a result, the Design Team developed five screen questions. Each screen question provided both a definition and examples of the behavior and use of one of the two tactics.

*Coercion and Absence of Affirmative Consent.* Coercion was intended to capture non-consensual sexual contact involving threats of serious non-physical harm or promising rewards such that the student felt s/he must comply. This tactic was intended to capture behaviors that were violations of the student’s personal or civil rights. It complemented the items asked in another section of the questionnaire on sexual harassment by focusing on nonconsensual sexual contact as opposed to verbal or other harassing behaviors.

Several members of the Design Team suggested including questions that captured the emerging school conduct codes related to the absence of affirmative consent as a fourth tactic. According to research conducted the team members, seven out of the eight universities represented on the AAU Survey Design Team posted definitions of affirmative consent in their University’s student conduct code, Title IX office materials, or other formal channels. All eight of the Ivy League, and the majority of the Consortium on Financing Higher Education (COFHE) (29 out of 30), and AAU (49 out of 62) universities also have posted definitions consistent with this tactic. Therefore, inclusion of the absence of affirmative consent in the questionnaire seemed to be the best means to estimate the prevalence and incidence of nonconsensual penetration and sexual touching among students at the participating universities.

*Collecting Details about the incidents.* There was a strong desire by members of the design team to collect both incidence (number of times) and prevalence measures. Prior studies have primarily concentrated on prevalence. In addition to the team wanted to generate estimates that

covered two different time periods. One would be the time since the student was enrolled at the IHE. The second was over the current academic year.

To measure the timing and incidence of each type of nonconsensual sexual contact, a series of follow-up questions were developed to count the number of incidents and to place each incident with a particular year. This series followed up each yes response to the initial screening items asking about the occurrence of a specific combination of behavior and tactic. The follow-ups consisted of first asking how many times this type of incident occurred. For each incident the respondent was asked which year it occurred and whether the incident had already been reported in response to an earlier question. The latter was used to unduplicate events where the respondent reported more than one tactic. This structure allowed analysts to form prevalence and incidence rates for either the time period since enrolled, as well as the current academic year.

Once counting all incidents reported during the screening, more details were collected about each type of incident. The follow-up items differed depending on the type of nonconsensual sexual contact that was reported: (1) tactics involving physical force or incapacitation (DIF1), and (2) tactics involving coercion and AAC (DIF2)

The DIF1 was administered up to two times for four incident types with the following priority: (1) forcible and/or attempted nonconsensual penetration, (2) penetration due to incapacitation, (3) forcible sexual touching, and (4) sexual touching due to incapacitation. If, for example, a respondent reported incidents that fell into the types 1, 2 and 4, the DIF1 was administered for types 1 and 2. For DIF2, the priority was: (1) penetration and/or sexual touching by coercion, and (2) penetration and/or sexual touching without affirmative consent.

A range of information about an incident is asked in the follow-up questions to understand the context of sexual assault. Based on extensive discussions within the Design Team, the content of the follow-up questions used in DIF1 includes: time of occurrence (year and semester; during an academic break or recess); location of incident (on or off campus, specific location; perpetrator characteristics (number of offenders, gender of offender, type of nonconsensual or unwanted behavior, offender affiliation with school, relationship to victim), context prior to incident; respondent's voluntarily consumption of alcohol or drugs prior to incident, respondent's use of alcohol or drugs without their knowledge or consent prior to incident, offender's use of alcohol or drugs prior to incident, disclosure and reporting actions; reasons for not disclosing or reporting; use and assessment of campus or local services; and outcomes (e.g., physical injuries, pregnancy, and physical and psychosomatic symptoms).

Similar, but less detailed, information was collected for DIF2. The content of the follow-up questions used in the Sexual Misconduct DIF includes: perpetrator characteristics (number of offenders, gender of offender, type of nonconsensual or unwanted behavior, offender affiliation with school, relationship to victim).

### **Personal Experience: Sexual Harassment, Intimate Partner Violence and Stalking**

The other measures of sexual assault and sexual misconduct collected were sexual harassment, intimate partner violence (IPV), and stalking.

To meet the legal definition of harassment there are two criteria. First, as per the US Equal Employment Opportunity Commission (EEOC)<sup>21</sup> and Department of Education<sup>22</sup>, the behavior has to create a 'hostile or offensive work or academic environment'. To measure these behaviors, the Design Team proposed using portions of the Leskinen and Kortina (2014) scale representing each of the major dimensions, with a few additional behaviors that are not covered by the scale. After discussions among the members of the Design Team, it was decided that questions on sexual harassment include the following behaviors: (1) made sexual remarks or told jokes or stories that were insulting or offensive to the victim; (2) made inappropriate or offensive comments about the victim or someone else's body, appearance or sexual activities; (3) said crude or gross sexual things to the victim or tried to get the victim talk about sexual matters when she/he didn't want to; (4) emailed, texted, tweeted, phoned, or instant messaged offensive sexual remarks, jokes, stories, pictures, or videos to the victim that she/he didn't want; and (5) continued to ask the victim to go out, get dinner, have drinks or have sex even though the victim said "no".

A second question is how to use these items when operationalizing the EEOC concept of 'hostile work environment'. According to legal definitions, to meet this standard, the behavior has to be either 'frequent or severe'. Most of the prior studies do this by asking whether a behavior occurring a specific number of times (e.g., 2014 MIT Community Attitudes on Sexual Assault Survey). Other campus climate surveys do not measure frequency and it is not clear how one can determine when something rises to a "hostile work environment". After multiple rounds of discussions with the Design Team, it was decided to provide an introduction at the beginning of the section which defines sexual harassment as something that interfered with the victim's academic or professional performances, limited the victim's ability to participate in an academic program, or created an intimidating, hostile or offensive social, academic or work environment. This definition is more in line with campus life and policies as well as the EEOC's definition regarding "hostile environment" and the US Department of Education.<sup>23</sup>

The question wording for IPV is a combination of the University of New Hampshire 2012 survey as cited in the White House document and the National Intimate Partner and Sexual Violence Survey

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<sup>21</sup> ([http://www.eeoc.gov/laws/types/sexual\\_harassment.cfm](http://www.eeoc.gov/laws/types/sexual_harassment.cfm))

<sup>22</sup> ([http://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.html#\\_t1a](http://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.html#_t1a))

<sup>23</sup> A federal law, *Title IX of the Education Amendments of 1972 (Title IX)*, prohibits discrimination on the basis of sex, including sexual harassment, in education programs and activities. All public and private education institutions that receive any federal funds *must* comply with *Title IX*. *Title IX* protects students from harassment connected to any of the academic, educational, extracurricular, athletic, and other programs or activities of schools, regardless of the location. *Title IX* protects both male and female students from sexual harassment by any school employee, another student, or a non-employee third party.

(NISVS) conducted by the Centers of Disease Control and Prevention (Black et al., 2011).- The Design Team decided that these questions should only be asked of individuals who are currently in, or have been in, a partnered relationship. To determine this, the team developed a definition of partnered relationship to capture various forms of relationships for college students, including casual relationships or hook-ups, steady or serious relationships and marriage, civil union, domestic partnerships or cohabitations. This question was asked in the demographic section. Only those that said they were in a relationship were asked the IPV questions.

Stalking was defined as repetitive behavior that caused fear in a reasonable person. Fear is the criterion that distinguishes sexual harassment from stalking (Catalano, 2012; Logan, 2010). The Design Team had discussions on what level of fear needed to be written into the question. The team eventually decided to use the criteria of fear for personal safety. Three repeated pursuit behaviors associated with stalking are used in the questionnaire, including (1) made unwanted phone calls, sent emails, voice, text, or instant messages, or posted messages, pictures or videos on social networking sites; (2) showed up somewhere or waited for the victim when she/he didn't want that person to be there; and (3) having been spied on, watched or followed the victim, either in person or using devices or software. The use of new technologies for stalking is considered as the third tactic, for example, smartphone. This tactic is the third most frequently occurring stalking behavior in NISVS (39% for women and 31% for men). (Black et al., 2011). It is also the third most frequently occurring behavior experienced by stalking victims in NCVS (34.4%; Catalano, 2012).

The same set of follow-up questions are asked for sexual harassment, IPV, and stalking. These questions include asking about: (1) the offender characteristics, including number of offenders, number of incidents, association with university, and relationship to the victim; (2) disclosure and to whom; and (3) use and assessment of campus-sponsored programs. The follow-up questions ask for the time period (e.g., Fall of 2013-Summer of 2014) of the most recent contact. For those who have not contacted any programs, the follow-up question asks for the reasons for not contacting the program.

### **Campus Climate Measures**

At the beginning of questionnaire development, a list of topics and questions were drawn from five existing surveys which measured campus climate—the Rutgers Campus Climate Survey, the MIT Community Attitudes on Sexual Assault survey, the University of Oregon Sexual Violence and Institutional Behavior Campus Survey, the White House survey, and the Campus Sexual Assault Study—and circulated among members of the Design Team. The list includes topics on campus community attitudes toward each other, university efforts on informing students about sexual assault and sexual misconduct, perception of community safety, knowledge and use of police and resources, perceptions of leadership, policies and reporting, prevention training, and bystander intervention. Each member of the Design Team reviewed the list and selected a number of topics to prioritize given that the length of the survey would be 15-20 minutes.



Further discussions within the Design Team narrowed down the number of topics on campus climate to the following five constructs: (1) perception regarding risk of sexual assault or sexual misconduct; (2) knowledge and perceptions about resources relating to sexual assault or sexual misconduct; (3) prevention trainings related to sexual assault or sexual misconduct for new students; (4) perceptions of responses to reporting sexual assault or sexual misconduct; and (5) bystander intervention upon suspecting or witnessing sexual assault or sexual misconduct.

Two types of questions on risk perceptions were administered. One asked about the likelihood of being a victim of sexual assault or misconduct either on campus or at a university-affiliated event off campus. The second asked students 'how problematic' they thought sexual assault and misconduct was at the IHE.

Students were asked about their awareness of the services and resources offered by the university for those who are affected by sexual assault and sexual misconduct. These questions ask about knowledge of the definition of sexual assault and sexual misconduct at the IHE; where to get help at the university if the student or a friend experienced sexual assault or sexual misconduct; where to make a report of sexual assault or sexual misconduct at the university; and what happens when a student reports an incident of sexual assault or sexual misconduct at the university.

First-year undergraduate and graduate/professional students and transfer students were asked two questions about the training or sessions related to sexual assault and sexual misconducts during their orientations and the helpfulness of these.

Additionally, all students were asked about their perceptions of what might happen if someone were to report a sexual assault or sexual misconduct. Students' were asked to assess the likelihood of seven different scenarios ranging from student supporting the person making the report to retaliation against the person making the report to different actions by university officials (e.g., taking report seriously, protecting safety of the person making the report, taking against action the offender(s), taking action to address factors that may have led to incident).

Two separate questions were proposed originally— one measured how the university responds to reporting and the other measured how students respond to reporting. Per comments from members of the design team, the two constructs were combined using the questions from the Higher Education Data Sharing Consortium HEDS Sexual Assault Campus Climate Survey.

Members of the Design team suggested questions measuring bystander behaviors and interventions that were adapted from Banyard et al.'s (2005, 2014,) work and the Rutgers' Campus Climate Survey. Respondents were asked if they had ever experienced three specific situations since being a student at the IHE (e.g., seen a drunken person heading off to what looked like a sexual encounter). If they had experienced the situation, they were asked what specific action, if any, they did. Actions ranged from did nothing to directly intervene to seek help.

### **School Resources**

These items assessed student familiarity with University-specific and off-campus local resources and procedures related to sexual assault or sexual misconduct. Five University-specific questions were created to measure the following aspects: (1) school of enrollment (full name of schools or colleges within a particular university, e.g., Liberal Arts College , School of Engineering, School of Public Health); (2) participation in student organizations; (3) student living situation; and (4) awareness of on-and off-campus services resources related to sexual assault and sexual misconduct offered to students. Response options for these questions were customized to include the name of programs and services provided at each of the participating IHE. The same set of response options were used when asking students' knowledge of and assessment of usefulness of resources for and reporting behaviors of sexual harassment, stalking, IPV; these response also were used in the follow-ups for incidents of nonconsensual sexual contact involving physical force or incapacitation (DIF1).

### **Student Characteristics**

Questions asking about the students' demographics are posed at the beginning of the survey. Background information was collected on age, current student affiliation (undergraduate, graduate, professional), class year, race, Hispanic or Latino origin, resident status, gender identity, sexual orientation, relationship status and registered disability. Some of the information was used in weighting procedure, such as age and class year in school. Other demographic information was used to assess incidence and prevalence of sexual assault and sexual misconduct among students in a particular university for a particular demographic group (e.g., affiliation, gender identify, sexual orientation). A question asking about involvement in partnered relationships (casual or hookup, steady or serious, marriage, civil union, domestic partnership or cohabitation) also was included; it was used to screen students who have been in any partnered relationship since being a student at university into the IPV questions.

Design Team members had multiple rounds of discussions on how to ask for sexual orientation and gender identity questions. These two questions were tested with student feedback. Response options used in the questionnaire take into consideration of existing research on gender and sexual identity, suggestions from the Design Team, and findings from the pilot studies on student feedback.

### **Topics Discussed but not Included in the Final Instrument**

During the questionnaire development, some topics were discussed but dropped from the instrument due to concerns about the length of the survey. There were discussions on whether Rape Myth Acceptance questions (e.g. see the Illinois Rape Myth Acceptance Scale) should be included in measuring attitudes and views toward sexual assault and sexual misconduct on campus. Members of the Design Team expressed different opinions on this issue—some were in favor of rape myth questions, while others thought they are not very useful or valid. During the discussions, an alternative set of questions that measured students' perception related to risks was proposed. Members of the Design Team reviewed both sets of questions and most of them favored the alternative to the rape myth acceptance questions.

Two other topics were discussed but dropped from the instrument. Several researchers on the Design Team proposed adding questions on perpetration. A review of Krebs et al. (2009) found that the frequency was so small that they were not analyzed. Similarly, the 2014 MIT Community Attitudes on Sexual Assault Survey, which had an extensive section on perpetration, found that only 1.9% of the respondents reported 'unwanted sexual behavior' with 2.9% saying they were unsure. Given the limited space available to add questions to the survey instrument it was decided these were not high enough priority to include.

A second request was to ask questions on being pressured to have sexual contact, such as verbal or other types of non-physical pressure. This came from some of the student feedback, as well as several Design Team members. The main argument to include this was to provide students a way to report behavior they see as problematic. The consensus was to not include this in the final instrument because they were seen as behaviors that could not be directly addressed by policymakers within the university. In addition, it was thought that the questions on the absence of affirmative consent overlapped with this type of tactic.

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## A1.4 The Instrument: The Campus Climate Survey on Sexual Assault and Sexual Misconduct

### Survey Flow and Logic

The survey has a core set of 63 questions that are asked of every respondent. Additional questions are administered if respondents report being victimized. For Harassment, Stalking and Intimate Partner Violence (Question items D, E and F), approximately 7 follow-up questions are asked for each type of misconduct. These follow-up questions ask for information across all reported incidents for each form of victimization. For example, if someone was a victim of Intimate Partner Violence by two different partners, the follow-up questions ask for information across both partners.

There is more complicated logic for the items covering sexual assault (G1-G5), coercion (G6, G7) and lack of affirmative consent (G8, G9). Across these items, there are two types of follow-up questions. First, there are follow-ups to each 'yes' response to questions G1 – G9 (Attachment 1). The purpose of these follow-ups is to count and date each of the incidents that occurred. This is done by following each 'yes' response to an individual screen item (G1 – G9) with questions that ask for the number of times (Attachment 1: G[X]a<sup>24</sup>) and the school year in which the incident occurred (Attachment 1: G[X]b – G[X]c). To finalize the count, there are additional follow-ups that ask if the incident is part of another incident that was already reported. If it had already been reported, the respondent is asked to indicate which other incident was involved (Attachment 1: G[X]d, G[X]e).

After G1 – G9 were completed, a second type of follow up was used to collect details on the victimization that was reported (Attachment 2). These follow-ups were divided into two groups. One group is for the sexual assault items (G1-G5). If a respondent reported 'yes' to at least one of G1 – G5, a series of approximately 18 items were administered to collect the details (Attachment 2; Items GA). These follow-ups are administered separately for G1-G2 (completed and attempted penetration by physical force), G3 (sexual touching using physical force), G4 (penetration when incapacitated) and G5 (sexual touching when incapacitated). For example, if a respondent reports a penetration by force (G1) and sexual touching by force (G3), these items were administered twice, once for each type.

As with the other types of victimization, these follow-up questions ask for a summary across all incidents of each type. For example if the individual was a victim of sexual touching

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<sup>24</sup>"X" goes from 1 to 9. For example, G[1]a is the follow-up to question G1; G[2]a is the follow-up to question G2, etc.

using physical force (G3) on two occasions, the items will ask for a summary across both occasions. Up to 2 forms were administered for those individuals that reported 2 or more types of assaults. If more than two types of assaults were reported, then the top two were selected using the following order: 1) G1-G2 (completed or attempted penetration with force), 2) G4 (penetration when incapacitated), 3) G3 (sexual touching by force), 4) G5 (sexual touching by incapacitation).

The second group of follow-ups were administered for reports of coercion (G6, G7) and lack of affirmative consent (G8, G9; Attachment 2: Section GC). If a respondent reports both coercion and lack of affirmative consent, two forms were administered, one for each type.

## SECTION A – BACKGROUND

---

First, we'd like to ask you a few questions about your background.

**A1. How old are you?**

[DROP DOWN LIST]

Under 18

18-29, by single year

30+

---

[IF AGE =Under 18]

"We are sorry but the survey can only be completed by students who are at least 18 years old. Thank you for your interest in our study. We appreciate your time."

[EXIT SURVEY]

---

**A2. Which of the following best describes your current student affiliation with [University]?**

Undergraduate [CONTINUE]

Graduate [GO TO A4]

Professional [GO TO A4]

[IF BLANK THEN GO TO A5]

---

**A3. What is your class year in school? Answer on the basis of the number of credits you have earned.**

Freshman [GO TO A5]

Sophomore [GO TO A5]

Junior [GO TO A5]

Senior [GO TO A5]

[IF BLANK THEN GO TO A5]

---

**A4. What year are you in your program? Answer on the basis of the number of years enrolled in the graduate or professional academic program.**

1st year

2nd year

3rd year

4th year

5th year

6th year or higher

---

**A5. In which school at [University] are you enrolled? If you are enrolled in more than one choose the school that you consider your primary affiliation (ex. most credits, college of main advisor).**

[UNIVERSITY SPECIFIC LIST]

---



**A6. In what year did you first enroll as a student at [University]?**

[DROP DOWN LIST]

Prior to 1997

1997 – 2015 by single year

---

**A7. Do you take all of your courses on-line?**

Yes

No

---

**A8. Are you Hispanic or Latino?**

Yes

No

---

**A9. Select one or more of the following races that best describes you: (Mark all that apply)**

American Indian or Alaska Native

Asian

Black or African American

Native Hawaiian or Other Pacific Islander

White

---

**A10. Are you a US citizen or permanent resident?**

Yes

No

---

**A11.<sup>25</sup> Which best describes your gender identity?**

Woman

Man

Transgender woman

Transgender man

Genderqueer or gender non-conforming

Questioning

Not listed

Decline to state

---

**A12.<sup>26</sup> Do you consider yourself to be:**

Heterosexual or straight

Gay or lesbian

Bisexual

Asexual

Questioning

Not listed

Decline to state

---

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<sup>25</sup>Modified from The University of Oregon Sexual Violence and Institutional Behavior Campus Survey (2014). Retrieved from <http://dynamic.uoregon.edu/jjf/campus/UO2014campussurveycontent.pdf>

<sup>26</sup>Badgett, M. V. "Best practices for asking questions about sexual orientation on surveys." *The Williams Institute* (2009)

**A13. Since you have been a student at [University], have you been in any partnered relationships? Partnered relationships include:**

- casual relationship or hook-up
- steady or serious relationship
- marriage, civil union, domestic partnership or cohabitation

Yes

No

---

**A14. Are you currently ...**

Never married

Not married but living with a partner

Married

Divorced or separated

Other

---

**A15. Do you have a disability registered with [University]'s Disability Services or Office on Disabilities?**

Yes

No

---

**A16. Since you have been a student at [University], have you been a member of or participated in any of the following? (Mark all that apply):**

[UNIVERSITY SPECIFIC LIST]

---

**A17. Which of the following best describes your living situation?**

[UNIVERSITY SPECIFIC LIST]

---

## SECTION B – PERCEPTIONS OF RISK<sup>27</sup>

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“Sexual assault” and “sexual misconduct” refer to a range of behaviors that are nonconsensual or unwanted. These behaviors could include remarks about physical appearance or persistent sexual advances. They also could include threats of force to get someone to engage in sexual behavior such as nonconsensual or unwanted touching, sexual penetration, oral sex, anal sex or attempts to engage in these behaviors. These behaviors could be initiated by someone known or unknown, including someone you are in or have been in a relationship with.

These next questions ask about your perceptions related to the risks of experiencing sexual assault or sexual misconduct.

**B1. How problematic is sexual assault or sexual misconduct at [University]**

Not at all

A little

Somewhat

Very

Extremely

---

**B2. How likely do you think it is that you will experience sexual assault or sexual misconduct on campus?**

Not at all

A little

Somewhat

Very

Extremely

---

<sup>27</sup>Adapted from Fisher, B. S., & Sloan III, J. J. (2003). Unraveling the fear of victimization among college women: Is the “shadow of sexual assault hypothesis” supported?. *Justice Quarterly*, 20(3), 633-659.

**B3. How likely do you think it is that you will experience sexual assault or sexual misconduct during off-campus university sponsored events?**

Not at all

A little

Somewhat

Very

Extremely

---

## SECTION C – RESOURCES

---

The next questions ask about the services and resources offered by the university for those affected by sexual assault and sexual misconduct.

**C1.<sup>28</sup> Are you aware of the services provided by the following? (Mark all that apply)**

[UNIVERSITY SPECIFIC LIST]

None of the Above

---

**How knowledgeable are you about each of the following:**

**C2a. How knowledgeable are you about how sexual assault and sexual misconduct are defined at [University]?**

Not at all

A little

Somewhat

Very

Extremely

---

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<sup>28</sup>Modified from #ISPEAK: Rutgers Campus Climate Survey. New Brunswick, NJ: Center on Violence Against Women and Children, School of Social Work, Rutgers, the State University of New Jersey. Received from [http://socialwork.rutgers.edu/Libraries/VAWC/new doc to upload for ispeak.sflb.ashx](http://socialwork.rutgers.edu/Libraries/VAWC/new_doc_to_upload_for_ispeak.sflb.ashx).

**C2b.<sup>29</sup> How knowledgeable are you about where to get help at [University] if you or a friend experienced sexual assault or sexual misconduct?**

Not at all

A little

Somewhat

Very

Extremely

---

**C2c.<sup>30</sup> How knowledgeable are you about where to make a report of sexual assault or sexual misconduct at [University]?**

Not at all

A little

Somewhat

Very

Extremely

---

**C2d. How knowledgeable are you about what happens when a student reports an incident of sexual assault or sexual misconduct at [University]?**

Not at all

A little

Somewhat

Very

Extremely

---

<sup>29</sup>Modified from Rankin & Associates Consulting. (2008). Carleton College Climate Assessment Project: Carleton Final Report. Retrieved from: [https://apps.carleton.edu/governance/diversity/campus\\_climate\\_survey/results/](https://apps.carleton.edu/governance/diversity/campus_climate_survey/results/).

<sup>30</sup>ibid.

## SECTION D – HARASSMENT<sup>3132</sup>

---

These next questions ask about situations in which a student at [University], or someone employed by or otherwise associated with [University] said or did something that

- interfered with your academic or professional performance,
- limited your ability to participate in an academic program, or
- created an intimidating, hostile or offensive social, academic or work environment

**D1. Since you have been a student at [University], has a student, or someone employed by or otherwise associated with [University] made sexual remarks or told jokes or stories that were insulting or offensive to you?**

Yes

Never experienced

---

These questions ask about situations in which someone said or did something that

- interfered with your academic or professional performance,
- limited your ability to participate in an academic program, or
- created an intimidating, hostile or offensive social, academic or work environment

**D2. Since you have been a student at [University], has a student, or someone employed by or otherwise associated with [University]**

**made inappropriate or offensive comments about your or someone else's body, appearance or sexual activities?**

Yes

Never experienced

---

<sup>31</sup>Modified from Leskinen, E.A., & Cortina, L.M. (2014) Dimensions of disrespect: Mapping and measuring gender harassment in organizations. *Psychology of Women Quarterly*, 38(1), 107-123.

<sup>32</sup>Modified from The University of Oregon Sexual Violence and Institutional Behavior Campus Survey (2014). Retrieved from <http://dynamic.uoregon.edu/ijf/campus/UO2014campussurveycontent.pdf>



These questions ask about situations in which someone said or did something that

- interfered with your academic or professional performance,
- limited your ability to participate in an academic program, or
- created an intimidating, hostile or offensive social, academic or work environment

**D3. Since you have been a student at [University], has a student, or someone employed by or otherwise associated with [University] said crude or gross sexual things to you or tried to get you to talk about sexual matters when you didn't want to?**

Yes

Never experienced

---

These questions ask about situations in which someone said or did something that

- interfered with your academic or professional performance,
- limited your ability to participate in an academic program, or
- created an intimidating, hostile or offensive social, academic or work environment

**D4. Since you have been a student at [University], has a student, or someone employed by or otherwise associated with [University] emailed, texted, tweeted, phoned, or instant messaged offensive sexual remarks, jokes, stories, pictures or videos to you that you didn't want?**

Yes

Never experienced

---

These questions ask about situations where someone said or did something that

- interfered with your academic or professional performance,
- limited your ability to participate in an academic program, or
- created an intimidating, hostile or offensive social, academic or work environment

**D5. Since you have been a student at [University], has a student, or someone employed by or otherwise associated with [University] continued to ask you to go out, get dinner, have drinks or have sex even though you said, "No"?**

Yes

Never experienced

---

**BOX D1**

IF YES TO ANY QUESTION D1 – D5, CONTINUE

ELSE GO TO E1

---

You said that the following happened to you since you've been a student at [University]:

- **[IF D1 = YES]** Someone made sexual remarks or jokes that were insulting or offensive
- **[IF D2 = YES]** Someone made inappropriate offensive comments about your or someone else's body, appearance or sexual activities
- **[IF D3 = YES]** Someone said crude or gross sexual things to you or made unwelcomed attempts to get you to talk about sexual matters
- **[IF D4 = YES]** Someone emailed, texted, tweeted, phoned, or instant messaged offensive sexual remarks, jokes, stories, pictures or videos to you
- **[IF D5 = YES]** Someone continued to ask you to go out, get dinner, have drinks or have sex even though you said, "No"

**D6. How many different people behaved this way?**

1 person

2 persons

3 or more persons

---

**D7. How (was the person/were the persons) who behaved (this way/these ways) associated with [University]? (Mark all that apply)**

Student

Faculty or instructor

Coach or trainer

Other staff or administrator

Other person affiliated with a university program (ex. internship, study abroad)

The person was not affiliated with [University]

Don't know association with [University]

---

**D8. At the time of (this event/these events), what (was the person's/ were these persons') relationship to you? (Mark all that apply)**

At the time, it was someone I was involved or intimate with

Someone I had been involved or was intimate with

Teacher or advisor

Co-worker, boss or supervisor

Friend or acquaintance

Stranger

Other

Don't know

---

**D9. Since the beginning of the fall 2014 term, how many times has someone behaved this way?**

0 times

1 time

2 times

3-5 times

6-9 times

10 or more times

---

**D10. Since you have been a student at [University] have you contacted any of the following about (this experience/any of these experiences)? (Mark all that apply)**

[UNIVERSITY SPECIFIC LIST]

None of the above [GO TO D13]

[IF NO PROGRAM MARKED GO TO D13]

---

**BOX D2**

IF D10= NONE OF THE ABOVE OR NO PROGRAM MARKED THEN GO TO D13

ELSE ADMINISTER ITEMS D11 AND D12 FOR EACH PROGRAM MARKED IN D10 (UP TO 10)

---

**D11 [A-J]. When did you most recently contact [Program] about (this experience/these experiences)?**

Fall of 2014 – present

Fall of 2013 – Summer of 2014

Fall of 2012 – Summer of 2013

Prior to Fall of 2012

**D12[A-J].** Thinking about the most recent time you contacted them, how useful was [Program] in helping you deal with (this experience/these experiences)?

Not at all

A little

Somewhat

Very

Extremely

---

**BOX D3**

IF MORE PROGRAMS MARKED IN D10 THEN RETURN TO BOX D2

ELSE GO TO D14

---

**D13.** [IF NO PROGRAMS CONTACTED] Were any of the following reasons why you did not contact anyone at [University]? (Mark all that apply)

Did not know where to go or who to tell

Felt embarrassed, ashamed or that it would be too emotionally difficult

I did not think anyone would believe me

I did not think it was serious enough to report

I did not want the person to get into trouble

I feared negative social consequences

I did not think anything would be done

I feared it would not be kept confidential

Incident was not on campus or associated with the school

Incident did not occur while attending school

Other

---

**D14. Did you (also) tell any of the following persons about this? (Mark all that apply)**

Friend

Family member

Faculty or instructor

Someone else

I didn't tell anyone (else)

## SECTION E – STALKING<sup>333435</sup>

---

The next questions ask about instances where someone behaved in a way that made you afraid for your personal safety.

- E1. Since you have been a student at [University], has someone made unwanted phone calls, sent emails, voice, text or instant messages, or posted messages, pictures or videos on social networking sites in a way that made you afraid for your personal safety?**

Yes,

No [GO TO E2]

[IF BLANK GO TO E2]

- 
- E1a. Did the same person do this to you more than once since you have been a student at [University]?**

Yes

No

Don't know

---

---

<sup>33</sup>Modified from Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R. (2011). *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 summary report*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

<sup>34</sup>Modified from Catalano, S. (2012). *Stalking victims in the United States--revised*. (NCJ 224527). Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

<sup>35</sup>Modified from Tjaden, P., & Thoennes, N. (1998). *Stalking in America: Findings from the National Violence Against Women Survey*. (NCJ 172837). Washington, D.C.: U.S. Department of Justice, National Institute of Justice and U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.

**E2.** Since you have been a student at [University], has someone showed up somewhere or waited for you when you did not want that person to be there in a way that made you afraid for your personal safety?

Yes

No [GO TO E3]

[IF BLANK THEN GO TO E3]

---

**E2a.** Did the same person do this to you more than once since you have been a student at [University]?

Yes

No

Don't Know

---

**E3.** Since you have been a student at [University], has someone spied on, watched or followed you, either in person or using devices or software in a way that made you afraid for your personal safety?

Yes,

No [GO TO BOX E1]

[IF BLANK THEN GO TO BOX E1]

---

**E3a.** Did the same person do this to you more than once since you have been a student at [University]?

Yes

No

Don't know

---



**BOX E1**

IF REPORTED "SAME PERSON DID THIS MORE THAN ONCE" TO ANY OF THE THREE TACTICS (E1a=yes or E2a=yes or E3a=yes), THEN GO TO E5

IF YES TO TWO OR MORE ITEMS E1-E3, AND NO TO ALL ITEMS E1a & E2a & E3a, THEN GO TO E4

IF 'NO' TO ALL ITEMS E1-E3, OR

IF 'YES' TO EXACTLY 1 ITEM E1-E3 AND 'NO' OR BLANK TO ALL ITEMS E1a & E2a & E3a THEN GO TO BOX F0

---

You said that the following happened to you since you've been a student at [University]:

- [IF E1 = YES] Someone made unwanted phone calls, sent emails, voice, text or instant messages, or posted messages, pictures or videos on social networking sites in a way that made you afraid for your personal safety
- [IF E2 = YES] Someone showed up somewhere or waited for you when you did not want that person to be there in a way that made you afraid for your personal safety
- [IF E3 = YES] Someone spied on, watched or followed you either in person or using devices or software in a way that made you afraid for your personal safety

**E4. Did the same person do more than one of these to you since you have been a student at [University]?**

Yes [GO TO E5]

No [GO TO F1]

Don't Know [GO TO F1]

---

You said that the following happened to you since you've been a student at [University]:

- [IF E1 = YES] Someone made unwanted phone calls, sent emails, voice, text or instant messages, or posted messages, pictures or videos on social networking sites in a way that made you afraid for your personal safety
- [IF E2 = YES] Someone showed up somewhere or waited for you when you did not want that person to be there in a way that made you afraid for your personal safety
- [IF E3 = YES] Someone spied on, watched or followed you either in person or using devices or software in a way that made you afraid for your personal safety

**E5. How (is the person/are the persons) who did these things to you associated with [University]? (Mark all that apply)**

Student

Faculty or instructor

Coach or trainer

Other staff or administrator

Other person affiliated with a university program (ex. internship, study abroad)

The person was not affiliated with [University]

Don't know association with [University]

---

**E6. At the time of these events, what (was the person's/were the persons') relationship to you? (Mark all that apply)**

At the time, it was someone I was involved or intimate with

Someone I had been involved or was intimate with

Teacher or advisor

Co-worker, boss or supervisor

Friend or acquaintance

Stranger

Other

Don't know

---

**E7. Since the beginning of the fall 2014 term, how many times have you had any of these experiences?**

0 times

1 time

2 times

3-5 times

6-9 times

10 or more times

---

**E8. Since you have been a student at [UNIVERSITY], have you contacted any of the following about any of these experiences? (Mark all that apply)**

[UNIVERSITY SPECIFIC LIST]

None of the above [GO TO E11]

[IF NO PROGRAM MARKED GO TO E11]

---

**BOX E2**

IF E8= NONE OF THE ABOVE OR NO PROGRAM MARKED THEN GO TO E11

ELSE ADMINISTER ITEMS E9 AND E10 FOR EACH PROGRAM MARKED IN E8 (UP TO 10)

---

**E9[A-J].** When did you most recently contact [Program] about these experiences?

Fall of 2014 – present

Fall of 2013 – Summer of 2014

Fall of 2012 – Summer of 2013

Prior to Fall of 2012

---

**E10[A-J].** Thinking about the most recent time you contacted them, how useful was [Program] in helping you deal with these experiences?

Not at all

A little

Somewhat

Very

Extremely

---

**BOX E3**

IF MORE PROGRAMS MARKED THEN RETURN TO BOX E2

ELSE SKIP TO E12

---

**E11. Were any of the following reasons why you did not contact anyone at [University]?  
(Mark all that apply)**

Did not know where to go or who to tell

Felt embarrassed, ashamed or that it would be too emotionally difficult

I did not think anyone would believe me

I did not think it was serious enough to report

I did not want the person to get into trouble

I feared negative social consequences

I did not think anything would be done

I feared it would not be kept confidential

Incident was not on campus or associated with the school

Incident did not occur while attending school

Other

---

**E12. Did you (also) tell any of the following persons about this? (Mark all that apply)**

Friend

Family member

Faculty or instructor

Someone else

I didn't tell anyone (else)

---

## SECTION F – IPV/DV<sup>36</sup>

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**BOX F0**

IF A13 = YES (PRIOR RELATIONSHIP) GO TO F1

ELSE SKIP TO G1

---

Earlier in the survey you indicated that you have been in a partnered relationship at least part of the time since you have been a student at [University]. People treat their partner in many different ways. The next section asks you questions about your relationship with your partner(s). Recall that partnered relationships include:

- casual relationship or hook-up
- steady or serious relationship
- marriage, civil union, domestic partnership or cohabitation

**F1. Since you have been a student at [University], has a partner controlled or tried to control you? Examples could be when someone:**

- kept you from going to classes or pursuing your educational goals
- did not allow you to see or talk with friends or family
- made decisions for you such as, where you go or what you wear or eat
- threatened to “out” you to others

Yes

No

---

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<sup>36</sup>Modified from Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R. (2011). *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 summary report*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

F2. Since you have been a student at [University], has a partner threatened to physically harm you, someone you love, or themselves?

Yes

No

---

F3. Since you have been a student at [University], has a partner used any kind of physical force against you? Examples could be when someone

- bent your fingers or bit you
- choked, slapped, punched or kicked you
- hit you with something other than a fist
- attacked you with a weapon, or otherwise physically hurt or injured you

Yes

No

---

**BOX F1**

IF F1=YES OR F2=YES OR F3=YES, THEN GO TO F4

ELSE GO TO G1

---

You said that the following happened to you since you've been a student at [University]:

- [IF F1 = YES] A partner controlled or tried to control you
- [IF F2 = YES] A partner threatened to physically harm you or someone you love
- [IF F3 = YES] A partner used physical force against you

**F4. How many different partners treated you this way?**

1 partner

2 partners

3 or more partners

---

**F5. Were you physically injured as a result of (this incident/any of these incidents)?**

Yes

No [GO TO F7]

[IF BLANK THEN GO TO F7]

---

**F6. Did you ever seek medical attention as a result of (this incident/any of these incidents)?**

Yes

No

---

**F7. Since the beginning of the fall 2014 term, how many times have you (had this experience/had any of these experiences)?**

0 times

1 time

2 times

3-5 times

6-9 times

10 or more times

---



**F8.** Since you have been a student at [University], have you contacted any of the following about (this experience/any of these experiences)? (Mark all that apply)

[UNIVERSITY SPECIFIC LIST]

None of the above [GO TO F11]

[IF NO PROGRAM MARKED GO TO F11]

---

**BOX F2**

IF F8= NONE OF THE ABOVE OR NO PROGRAM MARKED THEN GO TO F11

ELSE ADMINISTER ITEMS F9 AND F10 FOR EACH PROGRAM MARKED IN F8 (UP TO 10)

---

**F9[A-J].** When did you most recently contact [Program] about (this experience/these experiences)?

Fall of 2014 – present

Fall of 2013 – Summer of 2014

Fall of 2012 – Summer of 2013

Prior to Fall of 2012

---

**F10[A-J].** Thinking about the most recent time you contacted them, how useful was [Program] in helping you deal with (this experience/these experiences)?

Not at all

A little

Somewhat

Very

Extremely

---

**BOX F3**

IF F8= NO PROGRAM MARKED THEN CONTINUE TO F11

ELSE SKIP TO F12

---

**F11. [IF NO PROGRAMS CONTACTED] Were any of the following reasons why you did not contact anyone at [University]? (Mark all that apply)**

Did not know where to go or who to tell

Felt embarrassed, ashamed or that it would be too emotionally difficult

I did not think anyone would believe me

I did not think it was serious enough to report

I did not want the person to get into trouble

I feared negative social consequences

I did not think anything would be done

I feared it would not be kept confidential

Incident was not on campus or associated with the school

Incident did not occur while attending school

Other

---

**F12. Did you (also) tell any of the following persons about this? (Mark all that apply)**

Friend

Family member

Faculty or instructor

Someone else

I didn't tell anyone (else)

---

## SECTION G – SV SCREENER<sup>3738</sup>

---

This next section asks about nonconsensual or unwanted sexual contact you may have experienced while attending [University]. The person with whom you had the nonconsensual or unwanted contact could have been someone you know, such as someone you are currently or were in a relationship with, a co-worker, a professor, or a family member. Or it could be someone you do not know.

The following questions separately ask about contact that occurred because of physical force, incapacitation due to alcohol or drugs, and other types of pressure.

---

The first few questions ask about incidents that involved force or threats of force against you. Force could include someone holding you down with his or her body weight, pinning your arms, hitting or kicking you, or using or threatening to use a weapon against you.

**G1. Since you have been attending [University], has someone used physical force or threats of physical force to do the following with you:**

- **Sexual penetration. When one person puts a penis, fingers, or object inside someone else's vagina or anus, or**
- **Oral sex. When someone's mouth or tongue makes contact with someone else's genitals**

Yes [[GO TO Attachment 1](#)]

No

---

<sup>37</sup>Modified from Krebs., C.P., Lindquist, C.H., Warner, T.D., Fisher, B.S., & Martin, S.L. (2007). The Campus Sexual Assault (CSA) Study Final Report. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>

<sup>38</sup>Modified from Koss, M. P., Abbey, A., Campbell, R., Cook, S., Norris, J., Testa, M., ... & White, J. (2007). Revising the SES: A collaborative process to improve assessment of sexual aggression and victimization. *Psychology of Women Quarterly*, 31(4), 357-370.

G2. Since you have been attending [University], has someone used physical force or threats of physical force in an unsuccessful attempt to do any of the following with you:

- Sexual penetration. When one person puts a penis, finger, or object inside someone else's vagina or anus
- Oral sex. When someone's mouth or tongue makes contact with someone else's genitals

Yes [GO TO Attachment 1]

No

---

G3. Since you have been attending [University], has someone used physical force or threats of physical force to do any of the following with you:

- kissing
- touching someone's breast, chest, crotch, groin or buttocks
- grabbing, groping or rubbing against the other in a sexual way, even if the touching is over the other's clothes

Yes [GO TO Attachment 1]

No

---

The next questions ask about incidents when you were unable to consent or stop what was happening because you were passed out, asleep, or incapacitated due to drugs or alcohol. Please include incidents even if you are not sure what happened.

G4. Since you have been attending [University], has any of the following happened to you while you were unable to consent or stop what was happening because you were passed out, asleep or incapacitated due to drugs or alcohol:

- Sexual penetration. When one person puts a penis, finger, or object inside someone else's vagina or anus
- Oral sex. When someone's mouth or tongue makes contact with someone else's genitals

Yes [GO TO Attachment 1]

No

---

**G5. Since you have been attending [University], has any of the following happened to you while you were unable to consent or stop what was happening because you were passed out, asleep or incapacitated due to drugs or alcohol:**

- kissing
- touching someone's breast, chest, crotch, groin, or buttocks
- grabbing, groping or rubbing against the other in a sexual way, even if the touching is over the other's clothes

Yes [\[GO TO Attachment 1\]](#)

No

---

The next questions ask about incidents when someone coerced you by threatening serious non-physical harm or promising rewards.

**G6. Since you have been a student at [University], has someone had contact with you involving penetration or oral sex by threatening serious non-physical harm or promising rewards such that you felt you must comply? Examples include:**

- Threatening to give you bad grades or cause trouble for you at work
- Promising good grades or a promotion at work
- Threatening to share damaging information about you with your family, friends or authority figures
- Threatening to post damaging information about you online

Yes [\[GO TO Attachment 1\]](#)

No

---

G7. Since you have been a student at [University], has someone had contact with you involving kissing or other sexual touching by threatening serious non-physical harm or promising rewards such that you felt you must comply? Examples include:

- Threatening to give you bad grades or cause trouble for you at work
- Promise good grades or a promotion at work
- Threatening to share damaging information about you with your family, friends or authority figures
- Threatening to post damaging information about you online

Yes [GO TO Attachment 1]

No

---

The next questions ask about incidents that occurred without your active, ongoing voluntary agreement.

G8.<sup>39</sup> Since you have been a student at [University], has someone had contact with you involving penetration or oral sex without your active, ongoing voluntary agreement? Examples include someone:

- initiating sexual activity despite your refusal
- ignoring your cues to stop or slow down
- went ahead without checking in or while you were still deciding
- otherwise failed to obtain your consent

Yes [GO TO Attachment 1]

No

---

---

<sup>39</sup>Incorporate affirmative consent as a tactic from the AAU and COFHE schools affirmative consent policies.

G9.<sup>40</sup> Since you have been a student at [University], has someone kissed or sexually touched you without your active, ongoing voluntary agreement? Examples include:

- initiating sexual activity despite your refusal
- ignoring your cues to stop or slow down
- went ahead without checking in or while you were still deciding
- otherwise failed to obtain your consent

Yes [GO TO Attachment 1]

No

---

**BOX G1**

ONCE THE ENTIRE G SECTION (G1-G9) HAS BEEN ANSWERED THEN DO

IF ANY OF G1-G9 = YES THEN GO TO ATTACHMENT 2

ELSE GO TO BOX H0

---

---

<sup>40</sup>bid.

## SECTION H – SEXUAL MISCONDUCT PREVENTION TRAINING<sup>41</sup>

---

**BOX H0**

ADMINISTER SECTION H ONLY IF A6=2014 or 2015

ELSE SKIP TO I1.

---

**H1. Think back to the orientation when you first came to [University]. Did that orientation include a training or information session about sexual assault or sexual misconduct?**

Yes

No [GO TO I1]

I didn't attend orientation [GO TO I1]

I don't remember [GO TO I1]

[IF BLANK THEN [IF BLANK THEN GO TO I1]]

---

**H2. Overall, how useful was this session?**

Not at all

A little

Somewhat

Very

Extremely

---

---

<sup>41</sup>Modified from White House Task Force to Protect Students From Sexual Assault, (2014). Not Alone: The first report of the White House Task Force to Protect Students from sexual assault. Retrieved from <https://www.notalone.gov/assets/ovw-climate-survey.pdf>.



## SECTION I – PERCEPTIONS OF RESPONSES TO REPORTING<sup>4243</sup>

---

The following are statements about what might happen if someone were to report a sexual assault or sexual misconduct to an official at [University]. Please use the scale provided to indicate how likely you think each scenario is.

- 11. If someone were to report a sexual assault or sexual misconduct to an official at [University], how likely is it that students would support the person making the report?**

Not at all

A little

Somewhat

Very

Extremely

---

- 12. If someone were to report a sexual assault or sexual misconduct to an official at [University], how likely is it that the alleged offender(s) or their associates would retaliate against the person making the report?**

Not at all

A little

Somewhat

Very

Extremely

---

<sup>42</sup>Modified from White House Task Force to Protect Students From Sexual Assault. (2014). Not Alone: The first report of the White House Task Force to Protect Students from sexual assault. Retrieved from <https://www.notalone.gov/assets/ovw-climate-survey.pdf>.

<sup>43</sup>Modified from McMahon, S. (2014). #iSPEAK: Rutgers Campus Climate Survey. New Brunswick, NJ: Center on Violence Against Women and Children, School of Social Work, Rutgers, the State University of New Jersey. Retrieved from [http://socialwork.rutgers.edu/Libraries/VAWC/new\\_doc\\_to\\_upload\\_for\\_ispeak.sflb.ashx](http://socialwork.rutgers.edu/Libraries/VAWC/new_doc_to_upload_for_ispeak.sflb.ashx).

13. If someone were to report a sexual assault or sexual misconduct to an official at [University], how likely is it that campus officials would take the report seriously?

Not at all

A little

Somewhat

Very

Extremely

---

14. If someone were to report a sexual assault or sexual misconduct to an official at [University], how likely is it that campus officials would protect the safety of the person making the report?

Not at all

A little

Somewhat

Very

Extremely

---

15. If someone were to report a sexual assault or sexual misconduct to an official at [University], how likely is it that campus officials would conduct a fair investigation?

Not at all

A little

Somewhat

Very

Extremely

---

**16. If someone were to report a sexual assault or sexual misconduct to an official at [University], how likely is it that campus officials would take action against the offender(s)?**

Not at all

A little

Somewhat

Very

Extremely

---

**17. If someone were to report a sexual assault or sexual misconduct to an official at [University], how likely is it that campus officials would take action to address factors that may have led to the sexual assault or sexual misconduct?**

Not at all

A little

Somewhat

Very

Extremely

---

## SECTION J – BYSTANDER BEHAVIOR<sup>4445</sup>

---

The next questions are about situations you may have seen or been in since you have been a student at [University]

**J1. Since you have been a student at [University] have you suspected that a friend had been sexually assaulted.**

Yes [CONTINUE]

No [GO TO J3]

[IF BLANK GO TO J3]

---

**J2. Thinking about the last time this happened, what did you do?**

Did nothing because I wasn't sure what to do

Did nothing for another reason

Spoke to my friend or someone else to seek help

Took action in another way

---

**J3. Since you have been a student at [University] have you seen a drunk person heading off for what looked like a sexual encounter?**

Yes [CONTINUE]

No [GO TO J5]

[IF BLANK THEN GO TO J5]

---

<sup>44</sup>Modified from Banyard, V.L., Moynihan, M. M., Cares, A.C., & Warner, R. (2014). How do we know if it works?: Measuring outcomes in bystander-focused abuse prevention on campuses. *Psychology of Violence, 4*(1), 101-115.

<sup>45</sup>McMahon, S. (2014). #iSPEAK: Rutgers Campus Climate Survey. New Brunswick, NJ: Center on Violence Against Women and Children, School of Social Work, Rutgers, the State University of New Jersey. Retrieved from [http://socialwork.rutgers.edu/Libraries/VAWC/new\\_doc\\_to\\_upload\\_for\\_ispeak.sfib.ashx](http://socialwork.rutgers.edu/Libraries/VAWC/new_doc_to_upload_for_ispeak.sfib.ashx).

**J4. Thinking about the last time this happened, what did you do?**

Did nothing because I wasn't sure what to do

Did nothing for another reason

Directly intervened to stop it

Spoke to someone else to seek help

Took action in another way

---

**J5. Since you have been a student at [University] have you seen or heard someone was acting in a sexually violent or harassing way?**

Yes [CONTINUE]

No [GO TO K1]

[IF BLANK THEN GO TO K1]

---

**J6. Thinking about the last time this happened, what did you do?**

Did nothing because I wasn't sure what to do

Did nothing for another reason

Directly intervened to stop it

Spoke to someone else to seek help

Took action in another way

---

## SECTION K – DEBRIEFING ITEM

---

The next question asks for your opinion about this survey.

**K1. How difficult were the questions to understand?**

Not at all

A little

Somewhat

Very

Extremely

---

## ATTACHMENT 1 – SECTION G1: IMMEDIATE FOLLOWUPS

---

**BOX G1\_1**

IF G[X]=Yes THEN CONTINUE TO G[X]a  
ELSE SKIP TO NEXT ITEM IN SECTION G

---

G[X]a. Since you have been a student at [University], how many times has this happened?

1. 1 time
2. 2 times
3. 3 times
4. 4 or more times

---

**BOX G1\_2**

ADMINISTER G1B AND G1C FOR EACH INCIDENT REPORTED IN G1A, UP TO 4 TIMES  
IF G1A IS BLANK THEN ADMINISTER G1B AND G1C ONCE

---

You said that the following occurred (1/2/3/4 or more) time(s):

[INCIDENT SUMMARY]

**G[X]b. When did (this/the (second/third/fourth) most recent) incident (of this type) occur?**

1. Since the beginning of the fall 2014 term [GO TO NEXT BOX]
2. Prior to the fall 2014 term [GO TO G1c]

[IF BLANK GO TO BOX G1\_2]

---

**G[X]c. [IF G1b = 2] In what school year did it occur?**

1. Fall 2013 to Summer 2014
2. Fall 2012 to Summer 2013
3. Fall 2011 to Summer 2012
4. Prior to Fall of 2011
5. It occurred before I was a student at [University][GO TO BOX G1\_2]

[IF BLANK GO TO BOX G1\_2]

---

**BOX G1\_3**

IF TIME PERIOD REPORTED IN G[X]B AND G[X]C IS THE SAME AS TIME PERIOD REPORTED IN PREVIOUS G ITEM FOLLOW-UP, THEN GO TO G[X]D

ELSE RETURN TO G[X]B FOR NEXT INCIDENT REPORTED IN G[X]A

IF NO MORE INCIDENTS THEN GO TO NEXT G ITEM

---

**G[X]d. Was this part of (the other incident/any of the other incidents) you reported as occurring (during the) (Time period) (school year)?**

1. Yes [GO TO G2e]
2. No [GO TO NEXT BOX]

[IF BLANK THEN GO TO NEXT BOX]

---



**G[X]e.** [IF G[X]d = Yes] **Was it part of any of the following incidents you reported earlier?**

[LIST PRIOR ANSWERS THAT OCCURRED DURING SAME TIME PERIOD]

1. [IF G[X] TIME PERIOD = G1 TIME PERIOD] Penetration or oral sex involving physical force or threats of physical force
2. [IF G[X] TIME PERIOD = G2 TIME PERIOD] Attempted but not successful penetration or oral sex involving physical force or threats of physical force
3. [IF G[X] TIME PERIOD = G3 TIME PERIOD] Sexual touching involving physical force or threats of physical force
4. [IF G[X] TIME PERIOD = G4 TIME PERIOD] Penetration or oral sex when you were unable to consent or unable to stop what was happening
5. [IF G[X] TIME PERIOD = G5 TIME PERIOD] Sexual touching when you were unable to consent or unable to stop what was happening
6. [IF G[X] TIME PERIOD = G6 TIME PERIOD] Penetration or oral sex when you were coerced by threats of serious non-physical harm or promised rewards
7. [IF G[X] TIME PERIOD = G7 TIME PERIOD] Sexual touching when you were coerced by threats of serious non-physical harm or promised rewards
8. [IF G[X] TIME PERIOD = G8 TIME PERIOD] Penetration or oral sex without your active ongoing consent
9. None of the above

---

**BOX G1\_4**

IF G[X]A = '4 or more times' AND ALL G[X]C='since fall 2014' THEN CONTINUE TO G[X]F  
ELSE RETURN TO G[X]B FOR NEXT INCIDENT REPORTED IN G[X]A  
IF NO MORE INCIDENTS THEN GO TO NEXT G ITEM

---

**G2f.** You said that this happened other times as well. Did any of these other incidents also occur since the beginning for the fall 2014 term?

Yes

No

---

## ATTACHMENT 2 – SECTIONS GA & GC: SUMMARY DETAILED INCIDENT FORMS<sup>4647</sup>

### Section GA – Detailed Incident Form (DIF) for G1-G5

---

#### **BOX GA0**

IF ALL ITEMS G1 – G5 = 'NO' THEN SKIP TO BOX GC0

ELSE CONTINUE TO BOX GA1

#### **BOX GA1**

Section GA administered UP TO 2 TIMES based on incidents reported in items G1-G5

The FIRST DIF will reference the MOST SERIOUS TYPE of incident reported

The SECOND DIF will reference the SECOND MOST SERIOUS TYPE of incident reported

The following are the 4 INCIDENT TYPES reported in G1-G5, (listed from most serious to least serious):

**GA Type 1:** G1 and/or G2 (Forcible rape and/or Attempted forcible rape)

**GA Type 2:** G4 (Rape by incapacitation)

**GA Type 3:** G3 (Forcible sexual touching)

**GA Type 4:** G5 (Sexual touching by incapacitation)

---

**You said that the following happened to you since you have been a student at [University]:**

**[SUMMARY OF REFERENCE INCIDENT(S)]**

---

<sup>46</sup>Modified from Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R. (2011). *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 summary report*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

<sup>47</sup>Modified from the 2012-2013 National Crime Victimization Survey (NCVS).

The next questions ask about what happened (when/during any of the times) this happened to you since you have been a student at [University].

**GA1.** (In total, across all of these incidents) (How/how) many people did this to you?

1 person [GO TO GA2a]

2 persons [SKIP TO GA2b]

3 or more persons [SKIP TO GA2b]

[IF BLANK SKIP TO GA2b]

---

**GA2a.** [IF 1 PERSON] Was the person that did this to you ...

Male

Female

Other gender identity

Don't know

[FOR ANY RESPONSE OR IF BLANK SKIP TO GA3]

---

**GA2b.** [IF >1 PERSON] Were any of the people that did this to you...

Male	Yes	No	Don't Know
Female	Yes	No	Don't Know
Other gender identity	Yes	No	Don't Know

**GA2c. What type of nonconsensual or unwanted behavior occurred during (this incident/any of these incidents)? (Mark all that apply)**

Penis, fingers or objects inside someone's vagina or anus

Mouth or tongue makes contact with another's genitals

Kissed

Touched breast, chest, crotch, groin or buttocks

Grabbed, groped or rubbed in a sexual way

Other

---

**GA3. How (is the person/ are the persons) who did this to you associated with [University]? (Mark all that apply)**

Student

Faculty or instructor

Coach or trainer

Other staff or administrator

Other person affiliated with a university program (ex. internship, study abroad)

The person was not affiliated with [University]

Don't know association with [University]

---

**GA4. At the time of (this event/ these events), what (was the person's /were these persons') relationship to you? (Mark all that apply)**

At the time, it was someone I was involved or intimate with

Someone I had been involved or was intimate with

Teacher or advisor

Co-worker, boss or supervisor

Friend or acquaintance

Stranger

Other

Don't know

---

**GA5. Just prior to (the incident/any of these incidents), (was/were) (the person/any of the persons) who did this to you drinking alcohol?**

Yes

No

Don't know

---

**GA6. Just prior to (the incident/any of these incidents), (was/were) (the person/any of the persons) who did this to you using drugs?**

Yes

No

Don't know

---

**GA7. Just prior to (the incident/any of these incidents) were you drinking alcohol? Keep in mind that you are in no way responsible for what occurred, even if you had been drinking.**

Yes

No

---

**GA8. Just prior to (the incident/any of these incidents) did you voluntarily take any drugs? Keep in mind that you are in no way responsible for what occurred, even if you had been on drugs.**

Yes

No

---

**GA9. Just prior to (the incident/any of these incidents), had you been given alcohol or another drug without your knowledge or consent?**

Yes, I am certain

I suspect, but I am not certain

No

Don't know

---

**BOX GA2**

IF GA7='YES' or GA8='YES' or GA9 = 'YES' or 'I SUSPECT', THEN CONTINUE TO GA10.

OTHERWISE SKIP TO BOX GA3

---

**GA10. Were you passed out for all or parts of (this incident/any of these incidents)?**

Yes

No

Not sure

---

**BOX GA3**

IF MORE THAN ONE INCIDENT IN G[X]A OR IF DK NUMBER OF TIMES

THEN SKIP TO GA11b

OTHERWISE CONTINUE TO GA11a

---

**GA11a.** [IF G[X]A=1 TIME] Did this incident occur during an academic break or recess?

Yes

No

---

**GA11b.** [IF G[X]A>1 TIME] How many of these incidents occurred during an academic break or recess?

None

Some

All

---

**GA12. Did (this incident/any of these incidents) occur on campus or on university affiliated off-campus property?**

Yes [CONTINUE TO GA13a]

No [SKIP TO GA13b]

[IF BLANK THEN SKIP TO GA13b]

---

**GA13a. [IF GA12=Yes] Where did (this incident/these incidents) occur? (Mark all that apply)**

University residence hall/dorm

Fraternity or Sorority house

Other space used by a single-sex student social organization

Other residential housing

Non-residential building

Other property (ex. outdoors)

[FOR ANY RESPONSE OR IF BLANK SKIP TO GA14]

---

**GA13b. [IF GA12=No] Where did this (incident/these incidents) occur? (Mark all that apply)**

Private residence

Fraternity or Sorority house

Other space used by a single-sex student social organization

Restaurant, bar or club

Other social venue

Outdoor or recreational space

Some other place

---



**GA14. Did any of the following happen to you from (this experience/any of these experiences)? (Mark all that apply)**

Physically injured, [CONTINUE TO GA14a]

Contracted a sexually transmitted disease [SKIP TO GA15]

Became pregnant [SKIP TO GA15]

None of the above [SKIP TO GA15]

[IF BLANK THEN SKIP TO GA15]

---

**GA14a. What sort of injury or injuries did you sustain (Mark all that apply)**

Bruises, black-eye, cuts, scratches or swelling

Chipped or knocked out teeth

Broken bones

Internal injury from the sexual contact (ex., vaginal or anal tearing)

Other injuries

---

**GA15. Did you experience any of the following as a result of (the incident/any of the incidents)? (Mark all that apply)**

Difficulty concentrating on studies, assignments or exams

Fearfulness or being concerned about safety

Loss of interest in daily activities, or feelings of helplessness and hopelessness

Nightmares or trouble sleeping

Feeling numb or detached

Headaches or stomach aches

Eating problems or disorders

Increased drug or alcohol use

None of the above

---

**GA16. Have you ever contacted any of the following about (this experience/these experiences)? (Mark all that apply)**

[UNIVERSITY SPECIFIC LIST]

None of the above [GO TO GA17]

[IF NO PROGRAMS MARKED GO TO GA17]

---

**BOX GA4**

IF NO PROGRAM MARKED, GO TO GA17

ELSE ASK GA16a-GA16f FOR THE FIRST 4 PROGRAMS SELECTED IN GA16

**GA16a. When did you most recently contact [Program] about this experience?**

Fall of 2014 – present [CONTINUE TO GA16b]

Fall of 2013 – Summer of 2014 [SKIP TO BOX GA4B]

Fall of 2012 – Summer of 2013 [SKIP TO BOX GA4B]

Prior to Fall 2012 [SKIP TO BOX GA4B]

[IF BLANK THEN CONTINUE TO GA16b]

---

**GA16b. How useful was [Program] in helping you?**

Not at all

A little

Somewhat

Very

Extremely

---

**GA16c. At any time did you feel pressure from [Program] on whether or not to proceed with further reporting or adjudication?**

Yes

No [SKIP TO GA16e]

[IF BLANK THEN SKIP TO GA16e]

---

**GA16d. [IF GA16C=Yes] What type of pressure?**

To proceed with further reporting or adjudication

To not proceed with further reporting or adjudication

---

How would you rate [Program] on the following criteria?

**GA16e. Respecting you**

Excellent

Very good

Good

Fair

Poor

---

**GA16f. Helping you understand your options going forward**

Excellent

Very good

Good

Fair

Poor

---

**BOX GA5**

IF GA16 = NO PROGRAMS MARKED, THEN CONTINUE

IF MORE PROGRAMS MARKED THEN RETURN TO BOX GA4

ELSE SKIP TO GA18

---

**GA17. [IF NO PROGRAMS CONTACTED] Were any of the following reasons why you did not contact anyone at [University]? (Mark all that apply)**

Did not know where to go or who to tell

Felt embarrassed, ashamed or that it would be too emotionally difficult

I did not think anyone would believe me

I did not think it was serious enough to report

I did not want the person to get into trouble

I feared negative social consequences

I did not think anything would be done

I feared it would not be kept confidential

Incident was not on campus or associated with the school

Incident did not occur while attending school

Other

---

**GA18. Which of the following persons, if any, did you (also) tell about this? (Mark all that apply)**

Friend

Family member

Faculty or instructor

Someone else

I didn't tell anyone (else)

---

**BOX GA6**

IF THIS IS THE FIRST DIF FOR SECTION GA AND THERE IS ANOTHER INCIDENT THEN  
RETURN TO BOX GA1

ELSE GO TO BOX GC0

---

**Section GC – Detailed Incident Form (DIF) for G6-G9**

**BOX GC0**

IF ALL ITEMS G6 – G9 = 'NO' THEN SKIP TO BOX H1

ELSE CONTINUE TO BOX GC1

**BOX GC1**

Section GC is administered UP TO 2 TIMES based on incidents reported in items G6-G9

The FIRST DIF will reference the MOST SERIOUS TYPE of incident reported

The SECOND DIF will reference the SECOND MOST SERIOUS TYPE of incident reported

The following are the 2 INCIDENT TYPES reported in G6-G9, (listed from most serious to least serious):

**GC Type 1:** G6 and/or G7 (Sex and/or Sexual touching by Coercion)

**GC Type 2:** G8 and/or G9 (Sex and/or Sexual touching without Affirmative Consent)

**You said that the following happened to you since you have been a student at [University]**

**[SUMMARY OF REFERENCE INCIDENT(S)]**

The next questions ask about what happened (when/during any of the times) this happened to you since you have been a student at [University].

**GC1. (In total, across all of these incidents) (H/h)ow many people did this to you?**

1 person [GO TO GC2a]

2 persons [GO TO GC2b]

3 or more persons [GO TO GC2b]

[IF BLANK THEN GO TO GC2b]

**GC2a. [IF 1 PERSON] Was the person that did this to you ...**

Male

Female

Other gender identity

Don't know

[FOR ANY RESPONSE OR IF BLANK THEN SKIP TO GC2c]

---

**GC2b. [If >1 PERSON] Were any of the people that did this to you...**

Male	Yes	No	Don't Know
Female	Yes	No	Don't Know
Other gender identity	Yes	No	Don't Know

---

**GC2c. What type of nonconsensual or unwanted behavior occurred during (this incident/any of these incidents)? (Mark all that apply)**

Penis, fingers or objects inside someone's vagina or anus

Mouth or tongue makes contact with another's genitals

Kissed

Touched breast/chest, crotch/groin or buttocks,

Grabbed, groped or rubbed in a sexual way

Other

---

**GC3. How (is the person/ are the persons) who did this to you associated with [University]? (Mark all that apply)**

Student

Faculty or instructor

Coach or trainer

Other staff or administrator

Other person affiliated with a university program (ex., internship, study abroad)

The person was not affiliated with [University]

Don't know association with [University]

---

**GC4. At the time of (this event/ these events), what (was the person's/were these persons') relationship to you? (Mark all that apply)**

At the time, it was someone I was involved or intimate with

Someone I had been involved or was intimate with

Teacher or advisor

Co-worker, boss, or supervisor

Friend or acquaintance

Stranger

Other

Don't know

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**BOX GC2**

IF REFERENCE INCIDENT FOR THIS DIF IS G8 OR G9, THEN GO TO G5

IF THIS IS THE FIRST DIF FOR SECTION GC AND THERE IS ANOTHER INCIDENT THEN RETURN TO BOX GC1

ELSE GO TO BOX H0

---

**GC5. Did the person(s) do any of the following during (this incident/any of these incidents)?  
(Mark all that apply)**

Initiated sexual activity without checking in with you first or while you were still deciding

Initiated sexual activity despite your refusal

During consensual activity, ignored your verbal cues to stop or slow down

During consensual activity, ignored your nonverbal cues to stop or slow down

Otherwise failed to obtain your active ongoing voluntary agreement

None of the above

## Appendix 2. Human Subjects Protections and Safeguards

### A2.1 IRB Review Options and Process Overview

In January 2015, Westat submitted its Institutional Review Board (IRB) package (including the instrument and study protocols) to both the Westat IRB, for a full review, and the 27 participating IHEs, who used the materials to develop their own IRB packages. At this time, the study was given conditional approval by the Westat IRB. Full approval was obtained in February 2015. In March 2015, Westat tested and programmed the instrument for April 1, 2015, the first launch date<sup>48</sup>.

Among participating IHEs, five universities elected to rely on Westat's IRB as the IRB of record, 11 universities chose to use their own IRB, and four universities used both IRBs (their own and Westat's). Seven universities determined their involvement in the study did not constitute human subjects research and, consequently, elected not to seek IRB approval or review. For these schools Westat was the only IRB involved in the study process and students were fully covered by Westat's IRB protections.

The University of Minnesota – Twin Cities elected to rely on both IRBs for review and continuing oversight of its human subjects research.

### A2.2 Respondent Emotional Protections

Given the sensitive nature of the survey topic, there was some risk of emotional distress for survey participants, as well as concerns about confidentiality and data security. Consequently, a number of human subject protections and security protocols were considered and put in place for survey participants.

### A2.3 NIH Certificate of Confidentiality

The AAU survey is protected by a Federal Certificate of Confidentiality (CoC) CC-AA-15-45. This certificate, issued by the National Institute on Alcohol Abuse & Alcoholism, National Institutes of Health (NIH), allows "researchers to refuse to disclose identifiable research

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<sup>48</sup>To accommodate differences in IHEs' academic calendars, IHEs chose the field period (generally three weeks) during which they wanted their survey to be open, with the earliest available launch date of April 1.

information in response to legal demands,"<sup>49</sup> such as court orders and subpoenas, for identifying information or identifying characteristics of a research participant. This is an important legal tool and we are very pleased to have secured this protection for our study participants.

Following a multi-month application and review process, the certificate was issued April 8, 2015 and is retroactive to the start of data collection.

## **A2.4 Informed Consent**

The first safeguard against participant distress was the process of informed consent. Functioning as a gateway to the survey, the consent form provided details about the survey, set expectations for the types of questions to be asked, and allowed students to make an informed decision whether participation was right for them. Students who felt they would become distressed taking such a survey could choose not to participate (and could not enter the survey), and students who consented to participate were prepared for the sensitive topics. The consent form emphasized that respondents could skip any question they do not want to answer, and that they could stop the interview at any time they felt uncomfortable or simply wished to stop. In addition, all consent forms concluded with contact information for a responsible IRB and research representative.

## **A2.5 Distress Protocols**

Prior studies on sexual misconduct show that most individuals do not find participation in such research to be harmful and, in many cases, consider their participation beneficial (Wager, 2012; Yeater, Miller, Rinehart, and Nason, 2012). However, data collection for the AAU survey included several safeguards to minimize risk related to emotional distress.

## **A2.6 Campus-specific Resources**

Campus-specific resource lists with contact information on national, campus, and community-specific resources were offered to all students and accessible both in- and outside the survey. Examples of such resources include counseling and medical centers and 24-hour crisis phone lines. A link to these resources was available on each survey screen starting with the initial landing page. In addition, all respondents were offered the resource list again at the conclusion of the survey.

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<sup>49</sup>From What is a Certificate of Confidentiality? NIH Certificates of Confidentiality (CoC) Kiosk <http://grants.nih.gov/grants/policy/coc/index.htm>.

Although we anticipated that most participants will access these resources through the web survey, we have also developed a protocol for Help Desk staff to use if they received distress calls or questions about sexual assault resources.

## A2.7 Help Desk

To further encourage participants to complete the survey and minimize distress, Help Desk staff were available by phone and email throughout data collection to answer technical questions about the survey and how to complete it, and to provide resource lists to respondents who call and need additional support or referrals for services. Help Desk contact information was provided in all email communication and was available on all screens of the online survey, as well as on the survey landing page. Help Desk staff were trained in both project and customer service procedures, including distress protocols. While Help Desk staff did not provide counseling or other crisis intervention services, staff were prepared to offer respondents the same resource information included in the online survey for their specific campus. In the event that a caller expressed elevated distress or a threat to themselves or others, the staff were trained to directly connect these students with counseling services from the resource list. Data collection closed without the need to initiate the distress protocol.

In all cases, Help Desk staff were trained to be sensitive to callers and respond to them politely and thoughtfully, regardless of the circumstances of their call.



As shown in this screenshot above, each page of the survey included links to general and school-specific frequently asked questions (FAQs) and resources. It also included the Help Desk number for easy access to those students who needed it for either technical assistance or additional resources.

## **A2.8 Data Security and Protecting Confidentiality**

All survey data was collected via a secure web site hosted at Westat. The respondent's email address was encrypted and stored in the SqlServer database. Upon final submission of the survey, the respondent's email address and PIN number (used to create the unique survey link) was automatically deleted from the database, removing any linkage between the survey responses and the respondent. For any respondents who complete some of the survey but do not formally submit it, these variables were deleted manually at the end of the data collection period.

Roster file data was not included in the questionnaire data file so that if someone were to somehow obtain the survey data, they could not associate any data with a particular individual.

All necessary steps to mask the identity of survey respondents have been taken for the data analysis and reporting. The analysis included only quantitative components. Results are tabular, as well as more formal statistical models. Results were reviewed to ensure there acceptable risk of disclosure, including suppression of demographic characteristics and other potentially identifying information in situations in which cell sizes are small.

All data pertaining to this project has been stored in a secure manner in a physical and electronic form that can only be accessed by study personnel. All electronic data has been stored on network server directories. Access to the network project directory has been controlled through the use of directory and file access rights based upon user account ID and the associated user group definition. Paper data is stored in locked files cabinets.

Datasets will be provided to AAU and to participating universities. These project partners will own their respective datasets and the reports summarizing findings that will also be delivered by Westat. The individual data-sets have been reviewed for potential disclosure risks. Where appropriate, variables were altered (e.g., categories collapsed) to identify potential risks before delivering the final files.

Three years after completion of the study, all data and files related to this study will be permanently destroyed.

## References

Wager, N. M. (2012). Respondents' experiences of completing a retrospective, web-based sexual trauma survey: Does a history of victimization equate with a risk for harm? *Violence and Victims, 27*(6), 991-1004.

Yeater, E., Miller, G., Rinehart, J. & Nason, E. (2012). Trauma and sex surveys meet minimal risk standards: Implications for institutional review boards. *Psychological Science, 23*(7), 780-787.

# Informed Consent

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Vice Provost for Student Affairs and Dean of Students, Danita Brown Young is asking all students to answer a climate survey on sexual assault and sexual misconduct. The survey is sponsored by The University of Minnesota-Twin Cities in collaboration with the Association of American Universities (AAU). The results will be used to guide policies to encourage a healthy, safe and nondiscriminatory environment at The University of Minnesota-Twin Cities.

This survey includes sections that ask about your knowledge and beliefs about social situations, perceptions related to sexual misconduct at The University of Minnesota-Twin Cities and your knowledge of resources available at The University of Minnesota-Twin Cities. This survey also asks about your personal experience with sexual misconduct, such as harassment, sexual assault and other forms of violence. Some of the language used in this survey is explicit and some people may find it uncomfortable, but it is important that we ask the questions in this way so that you are clear what we mean. Information on how to get help, if you need it, appears on the top of each page and at the end of the survey.

This survey should take most students approximately 20 minutes to complete. It may take up to 30 minutes for some individuals. You do NOT have to participate in this survey, and if you do choose to participate, you may skip any question you are not comfortable answering and may exit the survey at any time. There will be no consequences to you personally or your student status if you choose not to complete the survey.

[CONDITION 1 ONLY] To thank you for your participation, every student who completes the survey will be offered a \$5 gift card to Amazon.com.

We will protect the confidentiality of your answers [to the extent the law allows<sup>50</sup>]. When you complete the survey the link with your name, email and IP address will be broken so that no-one will be able to connect these with your survey answers. The results will be presented in summary form so no individual can be identified. However, if we learn about child abuse or about a threat of harm to yourself or others, we are obligated to report it to the authorities.

We have obtained a Certificate of Confidentiality (CoC) issued by the National Institutes of Health (NIH). The CoC is issued to protect the investigators on this study from being forced to tell anyone about your participation in this study, even under a subpoena.

Even when a CoC is in place, you and your family members must still continue to actively protect your own privacy. If you voluntarily give your written consent for an insurer, employer,

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<sup>50</sup>Pre-NIH Certificate of Confidentiality language, removed once the Federal certificate was in place.

or lawyer to receive information about your participation in the research, then we may not use the CoC to withhold this information.<sup>51</sup>

If you have any questions about this study or about your rights a research participant, you can call 612-626-1242. If you have any questions or concerns regarding the study and would like to talk to someone other than the researcher(s), you are encouraged to contact the Research Subjects' Advocate Line, D-528 Mayo, 420 Delaware Street S.E., Minneapolis, Minnesota, 55455; telephone (612) 625-1650.

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<sup>51</sup> NIH Certificate of Confidentiality CC-AA-15-45 was issued on April 8, 2015. Changes to the consent were made as soon as operationally possible.



# Frequently Asked Questions (FAQs)

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## **Why me and what is this about?**

We are asking all students at The University of Minnesota-Twin Cities to answer a climate survey on sexual assault and sexual misconduct. The results will be used to guide policies to encourage a healthy, safe and nondiscriminatory environment on campus. Our goal is to make The University of Minnesota-Twin Cities as safe as possible by developing programs and services that minimize sexual assault and misconduct, as well as respond to these events when do they do occur. This survey is an important tool for us to assess current programs and to shape future policies.

## **Who is administering the survey?**

The survey is sponsored by The University of Minnesota-Twin Cities in collaboration with the Association of American Universities (AAU). Westat, a private research organization, is administering the survey and will be assisting in the analysis of the data.

## **What will [University] do with the results?**

The results will be used to better understand the climate at The University of Minnesota-Twin Cities, the extent of sexual assault and misconduct among students and the use of programs and services currently being offered. This information will be used to make recommendations for changes to the policies and procedures related to preventing and handling sexual assault and misconduct at The University of Minnesota-Twin Cities.

## **Why are you asking about these sensitive topics?**

Our goal is to foster a safe and supportive environment where students can flourish, both academically and personally. In order to understand the climate at The University of Minnesota-Twin Cities, we need to ask direct questions about topics that some may find sensitive. It is only by directly collecting this information from you will we be able to prevent negative experiences and effectively respond when they do happen.

## **What will I be asked to do?**

You are invited to participate in a web survey. This survey includes sections that ask about your knowledge and beliefs about social situations, perceptions related to sexual misconduct at your college and your knowledge of resources available at your college. This survey also asks about your personal experience with sexual misconduct, such as harassment, sexual assault and other forms of violence.

**Why is the language on the survey so explicit?**

Some of the language used in this survey is explicit and some people may find it uncomfortable, but it is important that we ask the questions in this way so that you are clear what we mean. Information on how to get help, if you need it, appears on the bottom of each page and at the end of the survey.

**Isn't this survey only for women?**

No, this survey is for everyone, regardless of gender identity or experiences. The survey will be used to shape policies that affect everyone on campus, so it is very important that you provide your experiences and viewpoint.

**I've never experienced sexual assault or sexual misconduct, so why should I take part?**

If only victims of sexual assault and sexual misconduct participate in the survey, we will have a very lopsided view of your campus. To get a complete picture of your college, we need to hear from as many students as possible.

**How long will the survey take?**

This survey should take most people approximately 20 minutes to complete. It may take up to 30 minutes for some individuals.

**Am I required to participate?**

You do NOT have to participate in this survey, and if you do participate, you may skip any question you are not comfortable answering and may exit the survey at any time.

**Will my answers be confidential?**

When you complete the survey the link with your name, email and IP address will be broken so that no-one will be able to connect these with your survey answers. The results will be presented in summary form so no individual can be identified. However, if we learn about child abuse or about a threat of harm to yourself or others, we are obligated to report it to the authorities.

We have obtained a Certificate of Confidentiality (CoC) issued by the National Institutes of Health (NIH). The CoC is issued to protect the investigators on this study from being forced to tell anyone about your participation in this study, even under a subpoena.

Even when a CoC is in place, you and your family members must still continue to actively protect your own privacy. If you voluntarily give your written consent for an insurer, employer,

or lawyer to receive information about your participation in the research, then we may not use the CoC to withhold this information.

**What should I do if I become upset answering these questions?**

On each page of the online survey, there is a link to on- and off-campus resources that you can contact if you become upset. In addition to local resources, there is information for several national services that provide information and counselors 24 hours a day, 7 days a week. We have included a variety of resources so you can choose to contact the one(s) you think would be most helpful to you.

**I still have questions.**

If you have any questions about this study please call the Help Desk at 1-855-497-4787.

If you have questions about your rights and welfare as a research participant, please call the Westat Human Subjects Protections office at 1-888-920-7631. Please leave a message with your full name, the name of the research study that you are calling about (the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct), and a phone number beginning with the area code. Someone will return your call as soon as possible.

# University of Minnesota – Twin Cities

## Student Resource Information

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### On-Campus Resources

#### *The Aurora Center*

Support and advocacy for sexual assault, relationship violence, stalking, 24-hour helpline

[www.umn.edu/aurora](http://www.umn.edu/aurora)

117 Appleby Hall

24-hour help line: [612-626-9111](tel:612-626-9111) Business: [612-626-2929](tel:612-626-2929)

#### *Boynton Mental Health Clinic*

Counseling/therapy

<http://www.bhs.umn.edu/east-bank-clinic/mental-health-services.htm>

Boynton Health Service, 4th floor Business: [612-625-8475](tel:612-625-8475)

#### *University Counseling and Consulting Services*

Counseling/academic [www.uccs.umn.edu](http://www.uccs.umn.edu)

340 Appleby Hall and 199 Coffey Hall Business: 612-624-3323

#### *Campus Police (University of Minnesota Police Department)/911*

Campus law enforcement [www.umn.edu/police](http://www.umn.edu/police)

100 Transportation and Safety Building Emergencies: 911

Non-Emergency: 612-624-COPS (2677)

### Off-Campus Community Resources

#### *Sexual Violence Center*

[www.sexualviolencecenter.org](http://www.sexualviolencecenter.org)

Minneapolis

Crisis: [612-871-5111](tel:612-871-5111) Business: [612-871-5100](tel:612-871-5100)

#### *Outfront Minnesota*

(GLBT community specific) sexual assault/relationship violence/advocacy

[www.outfront.org](http://www.outfront.org)

Minneapolis

Business: [612-822-0127](tel:612-822-0127)

*Crisis Connection/Men's Line*

Help for men

[www.crisis.org](http://www.crisis.org)

Richfield

Crisis: [612-379-6363](tel:612-379-6363)

**National Resources**

These services are available 24 hours a day, 7 days a week. Callers can connect free of charge to the phone hotlines and will be directed to local agencies in their area. Individuals can also connect with trained hotline staff online through a secure chat messaging system.

**Phone Hotlines**

National Sexual Assault Phone Hotline (RAINN).....1-800-656-HOPE(4673)

National Suicide Prevention Lifeline.....1-800-273-TALK(8255)  
(Press 2 for Spanish)

New York City Anti-Violence Project Hotline (LGBTQ community).....212-714-1141  
(hotline will assist LGBTQ community nationwide- not limited to New York City)

**Websites and Online Hotlines**

*Crisis Text Line*.....text 741741

*National Sexual Assault Online Hotline (RAINN)*

<http://www.rainn.org/get-help/national-sexual-assault-online-hotline>

Rape, Abuse & Incest National Network (RAINN) Website: <http://www.rainn.org/>

## Appendix 3. Results by Individual Status Code

### A3.1 Definition of Completed Survey

We define a completed survey with two criteria for all but one university: (1) the respondent answered at least one of the question in each of the following victimization sections: sexual harassment (Section D), stalking (Section E), and sexual assault/other misconduct (Section G); and (2) the respondent took at least 5 minutes to fill out the questionnaire.

When calculating response rates, we take the following response status into consideration,

- **Status 1:** Respondents who did not click on the link to access the Web survey
- **Status 2:** Respondents who clicked on the link to access the Web survey, but did not start the survey
- **Status 3:** Respondents who started the survey, but did not complete the victimization sections, and did not submit the survey
- **Status 4:** Respondents who completed and submitted the survey in less than five minutes
- **Status 5:** Respondents who submitted the survey, completed the survey in five or more minutes or started/submitted the survey on different days, but did not complete the victimization sections
- **Status 6:** Respondents who started the survey, completed the victimization sections, but did not submit the survey
- **Status 7:** Respondents who started the survey, completed the victimization sections, and submitted the survey

Based on the definition on completed survey, cases of Status 6 and 7 are considered as completed, whereas cases of Status 1 to 5 are considered as not completed. Therefore, the response rate is calculated as,

$$\text{Response Rate} = \frac{n_1 + n_2}{N}$$

Where  $N$  is the total number of students that received the survey invitation (For those schools that conducted a census,  $N$  represents the total number of registered undergraduate and graduate students; For those few school that did not conduct a census,  $N$  represents the total number of registered undergraduate and graduate students that were sampled);  $n_1$  represents the number of students who started the survey, completed the victimization

sections, but did not submitted the survey;  $n_2$  represents the number of students who started the survey, completed the victimization sections, and submitted the survey.

**Table A3.1. Frequency of survey response status for the University of Minnesota – Twin Cities**

	Status Description	n	%
1	Did not click on link	37,764	78.0%
2	Clicked on link, but did not start	1,572	3.3%
3	Started, did not submit, did not have enough responses	1,031	2.1%
4	Submitted, completed in <5 minutes	30	.1%
5	Submitted, completed >= 5 minutes or could not measure duration, did not did not have enough responses	10	.0%
6	Started, not submitted, completed minimum responses	623	1.3%
7	Started, submitted, completed minimum responses	7,410	15.3%
	Total	48,440	100.0%

### A3.1b Drop-out rate

Students who consented to participate, then entered the survey but did not complete the victimization sections were not counted as a complete for the survey. Similarly, those that took less than 5 minutes to complete the survey were dropped.

About 11.7% of the individuals that started the survey did not complete using the rules described above ( $(1,071/9,104) = 11.7\%$ ). Much of the dropout occurred after the background and harassment sections. Once starting section G (sexual assault), very few respondents were dropped from the analysis dataset. Of those that did not complete, 63% did not answer the first question in the Harassment section and 98% did not answer the first question in the first sexual violence question.

**Table A3.2. Survey drop-out rate for the University of Minnesota – Twin Cities: Percent Non-Missing Responses for Initial Item in Each Section for Respondents That Started the Survey<sup>1,2</sup>**

Section	Not Complete	Complete	Total
Section A – Background	96%	100%	99%
Section B – Perceptions of Risk	64%	99%	95%
Section C – Resources	50%	100%	94%
Section D – Harassment	37%	100%	92%
Section E - Stalking	14%	100%	90%
Section G – SV Screener	2%	100%	88%
Section I – Perceptions of Responses to Reporting	2%	95%	84%
Section J – Bystander Intervention	2%	93%	82%
Section K - Debriefing	2%	92%	82%
Submitted	4%	92%	82%
Total Started	1,071	8,033	9,104

<sup>1</sup> Initial questions used by section are: A2, B1, C2a, D1, E1, G1, I1, J1, K1. Sections F and H are not included because not all respondents were routed to these sections.

<sup>2</sup> See text for definition of a completed survey.



## Appendix 4. Non-response Bias Analysis

Nonresponse issues are common in surveys, and the bias caused by nonresponse (or nonresponse bias) needs to be addressed, especially when the nonresponse rate is high. As described in the weighting section, we adjusted base weights to reduce the effects of nonresponse on the estimates. However, such adjustments may not completely eliminate the nonresponse bias. Nonresponse bias will be nonexistent if all sampled units have the same probability of response (response propensity). If the response propensities are not equal, nonresponse bias may still be nonexistent if the survey variables are uncorrelated with response propensities. For example, if those that do not respond have the same rates of victimization as those that do respond, then the estimates of victimization will be unbiased.

As shown by the response rates at the beginning of this report, the response propensity depends on student characteristics. Moreover, it appears that the survey variables are correlated with the victimization and other outcomes. For example, the response rate of females is higher than that of males, and there also is a strong correlation between gender and victimization. We can correct this source of bias by adjusting the survey weights for the gender of the respondent. This is one of the primary purposes of the raking procedure described at the beginning of this report. However, there is still the potential that the estimates are subject to nonresponse bias that is not removed by the weighting. For example, if female victims are more likely to participate than other females, then there is potential for nonresponse bias.

To evaluate the possibility of remaining nonresponse bias, we conducted several different analyses. The first analysis evaluated the effectiveness of the weighting methodology. The more effective the weighting methods, the less likely there will be bias due to nonresponse. The second analysis directly assessed the nonresponse bias by examining variation of key outcomes by several measures of response propensity.

### A4.1 Evaluation of the Weighting Methodology

We conducted two different analyses to evaluate the weighting methods:

- **Correlation analysis:** This analysis examines the correlation between some selected key survey variables and auxiliary variables used in nonresponse weighting adjustments. A high correlation implies that the auxiliary variables used in weighting could remove nonresponse bias if the response propensity is also correlated with the auxiliary variables. The correlation is calculated using the SAS GLM (General Linear Model) procedure with a survey variable as the dependent variable and auxiliary variable(s) as independent variable(s). The measure used to evaluate the correlation is the positive square root of the R-square of the GLM model.

- Comparison of the weighting method with an alternative weighting method: Another weighting method was developed and compared with the actual method employed for the survey. We compared key variable estimates through t-tests.

We used the following 11 key outcome variables for the analysis:

**Table A4-1. Eleven key variables used in the nonresponse bias analysis**

Variable Number	Variable Name	Variable Description
1	Penetration by Physical Force or Incapacitation	Indicates whether respondent experienced any rape incident since entering college
2	Sexual Touching by Physical Force or Incapacitation	Indicates whether respondent experienced any sexual battery incident since entering college
3	Penetration or Sexual Touching by Coercion	Indicates whether respondent experienced any incident of sex or sexual touching by coercion since entering college
4	Penetration or Sexual Touching by Absence of Affirmative Consent	Indicates whether respondent experienced any incident of sex or sexual touching without affirmative consent since entering college
5	Sexual Harassment	Indicates whether respondent experienced any incident of sexual harassment since entering college
6	Stalking	Indicates whether respondent experienced any incident of stalking since entering college
7	Intimate Partner Violence	Indicates whether respondent experienced any incident of intimate partner violence since entering college
8	Resources	Indicates whether respondent is 'very' or 'extremely' knowledgeable about campus resources for sexual assault and misconduct
9	Reporting Perception	Indicates whether respondent feels it is 'very' or 'extremely' likely that university officials will do all of the following in response to a report of sexual misconduct or assault: take the report seriously, conduct a fair investigation, and take action to address causes of the issue
10	Bystander Intervention	Indicates whether respondent took some sort of action when they suspected a friend had been sexually assaulted
11	Perception of Problem	Indicates whether sexual assault or misconduct is seen as very or extremely problematic at the university

## Discussion of Analysis Results

### *Correlation analysis*

Correlations are shown in Table A4-2. The row "(estimate)" provides the point estimates of the key variables. The row "All" presents the correlation of each key variable with all auxiliary

variables used as independent variables in the GLM model.

**Table A4-2. Correlations of the auxiliary variables and the key survey variables**

Auxiliary Variable <sup>2</sup>	1	2	3	4	5	6	7	8	9	10	11
(Estimate)	0.056	0.087	0.004	0.061	0.479	0.045	0.100	0.342	0.262	0.706	0.278
Incentive Status	0.015	0.025	0.006	0.014	0.012	0.021	0.003	0.002	0.028	0.028	0.010
Gender	0.163	0.198	0.021	0.143	0.177	0.110	0.025	0.105	0.064	0.127	0.148
Age Group	0.105	0.137	0.009	0.092	0.191	0.024	0.038	0.206	0.003	0.005	0.106
Year in School	0.057	0.092	0.001	0.052	0.105	0.005	0.029	0.169	0.048	0.010	0.074
Race/ Ethnicity	0.078	0.086	0.028	0.085	0.164	0.036	0.042	0.133	0.059	0.131	0.124
All	0.196	0.238	0.038	0.178	0.283	0.122	0.058	0.245	0.112	0.181	0.201

<sup>1</sup> Refer to the weighting section for the definitions of the auxiliary variables.

In general, as a single auxiliary variable, Incentive Status has a low correlation with all key variables, whereas Gender, Age Group, Year in School, and Race/Ethnicity have higher correlations. Gender has considerably higher correlations for several key variables (Penetration by Physical Force or Incapacitation; Sexual Touching by Physical Force or Incapacitation; Penetration or Sexual Touching by Absence of Affirmative Consent; Sexual Harassment; Stalking; Intimate Partner Violence; Bystander Intervention; and Perception of Problem). Gender, Age Group, and Race/Ethnicity are also relatively highly correlated with Sexual Harassment, while Age Group and Year in School have high correlations with Resources. All auxiliary variables collectively have non-negligible correlations with all key variables, except Penetration or Sexual Touching by Coercion. Among the 11 key survey variables, Penetration or Sexual Touching by Coercion has lowest correlations with all auxiliary variables, followed by Intimate Partner Violence and Reporting Perception.

We know that the auxiliary variables are correlated with the response propensity. The correlation analysis also shows that the auxiliary variables are correlated with the outcome variables. Therefore, it appears that those auxiliary variables were effective in reducing, or perhaps eliminating, nonresponse bias.

#### *Comparison of the weighting method with an alternative weighting method*

We developed alternative weights by using a two-step procedure, where the first step adjusted for nonresponse using the response propensity method and the second step calibrated the nonresponse adjusted weights to the population totals through raking. The major outcome measures were compared using this alternative weighting method and the method used in the analysis discussed in this report. Two hundred and seventy five comparisons were made at the population and subgroup level (see below for details) but there were no statistically significant differences between the estimates using the two weighing methods. This

implies that the one-step raking procedure is as effective in removing nonresponse bias as the more complex two-step weighting method that uses the same auxiliary information.

## A4.2 Testing for Nonresponse Bias

We conducted two different analyses to test whether bias due to nonresponse exists for the above 11 key measures (see Table A4-1). These include:

- Comparison of early and late responders: We compared key estimates between early and late responders. Early and late responders are identified by respondents' survey submission time. Early responders are those who responded before the first reminder email out of two reminders; and the other respondents are the late responders.
- Comparison by the incentive status: The incentivized sample has a higher response rate than the other group. We compared the key variable estimates of the incentivized sample with those of the other group.

### Discussion of Analysis Results

#### *Comparison of early and late responders*

One standard method of assessing nonresponse bias is to assume that the respondents that required the most effort to convince to complete the survey are similar to the nonrespondents. For purposes of this analysis we defined 'effort' as the number of contacts made before the respondent completed the survey. Those who responded early (e.g., before the first email reminder) required less effort to gain cooperation than those who responded later after multiple e-mails. This analysis assumes that those who responded later have more in common with the nonrespondents than those who responded early. If this assumption is true, then a difference in the outcome measures between the early and late responders would be an indication of nonresponse bias.

While this is a standard method to evaluate nonresponse bias, the assumption that those requiring more effort to gain cooperation resemble the nonrespondents does not always hold.<sup>52</sup>

In our analysis, early responders are defined as those who responded before the first reminder email, and late responders are those who responded after the first reminder email was sent. About 8 percent of respondents were missing the survey submission time and could

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<sup>52</sup> Lin, I-F., and Schaeffer, N.C. (1995). Using survey participants to estimate the impact of nonparticipation. *Public Opinion Quarterly* 59 (2), 236–58; Olson, K. (2006). Survey participation, nonresponse bias, measurement error bias and total bias. *Public Opinion Quarterly*, 70 (5), 737-758.

not be included in this analysis.<sup>53</sup> The late responders account for 53 percent of the respondents with nonmissing survey submission time.

We compared weighted estimates of the 11 key survey variables at the total population and subgroup levels. The subgroups are defined by the categories of the auxiliary variables used in weighting (see Table A4-2). There are altogether 20 categories of subgroups (2 Incentive Statuses, 2 genders, 4 Age-groups, 7 categories of Year in School, and 5 categories of Race/Ethnicity). Comparisons are also made at finer subgroups defined by crossing the gender and school enrollment (four subgroups: male undergraduate, male graduate/professional, female undergraduate, and female graduate/professional). There were 275 comparisons overall, which corresponds to the sum of 11 population-level comparisons, 220 (= 11 key variables × 20 categories) subgroup-level comparisons, and 44 (= 11 key variables × 4 finer subgroups) finer subgroup-level comparisons.

Subgroup-level comparisons for the same auxiliary variable were treated as multiple comparisons using Bonferroni corrected alpha values. For example, one t-test was performed to compare the estimate of Penetration by Force or Incapacitation for males for early vs. late responders. Another t-test was carried out for females in the same way. These two comparisons were made using the Bonferroni-corrected alpha-value of 0.025 (= 0.05/2). Population-level comparisons were made individually with a 0.05 alpha-value.

Three (27%) out of 11 population-level comparisons are individually significant – they are Sexual Harassment, Resources, and Risk Perception. One issue with these comparisons is they do not fully control for differences that are adjusted in the survey weights (e.g., gender and enrollment status). While this analysis uses the weights, it does not control within early and late responder groups. For example, there may be more males who responded later, and comparing the early and late responder groups does not control for this difference. It is more instructive to examine the subgroup differences, which are specific to some of the characteristics that were used in the weighting. Eleven (5%) out of 220 subgroup comparisons are significant, and three (7%) out of 44 finer subgroup comparisons are significant.

It is useful to concentrate on the subgroup estimates, as they are used throughout the report and they disaggregate by important variables used in the weighting. Table A4-3 provides the differences for each of these outcomes for the early vs. late responders for the four primary subgroups defined by gender and enrollment status. For example, for undergraduate males the rate for Sexual Harassment for late responders is 41.56 percent and for early responders is 48.84 percent. This difference is statistically significant at the 5 percent significance level for multiple comparisons with a P-value of 0.31 percent, which is less than the Bonferroni alpha value of 1.25 percent (= 5%/4).

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<sup>53</sup> A time was not obtained for those that stopped completing the survey before they completed.

**Table A4-3. Comparison of early and later responders by gender and school enrollment for 11 key variables (estimates in percent)**

Outcome <sup>1</sup>	Gender	Enrollment Status <sup>2</sup>	Late Responders	StdErr <sup>3</sup>	Early Responders	StdErr <sup>3</sup>	Difference	P-value <sup>4</sup>
1	M	UnderGr	2.56	0.55	1.13	0.31	1.43	3.70
1	M	Grad/Prof	0.88	0.33	1.02	0.41	-0.14	76.84
1	F	UnderGr	10.26	0.71	11.21	0.78	-0.95	40.15
1	F	Grad/Prof	3.11	0.58	2.90	0.49	0.21	76.97
2	M	UnderGr	3.44	0.61	3.01	0.54	0.43	60.00
2	M	Grad/Prof	0.83	0.34	1.29	0.53	-0.46	48.72
2	F	UnderGr	15.91	0.90	16.52	0.96	-0.61	68.58
2	F	Grad/Prof	5.43	0.64	5.10	0.71	0.33	72.43
3	M	UnderGr	0.19	0.12	0.00	0.00	0.19	12.60
3	M	Grad/Prof	0.13	0.12	0.60	0.40	-0.47	26.41
3	F	UnderGr	0.29	0.13	0.91	0.26	-0.62	4.46
3	F	Grad/Prof	0.44	0.24	0.21	0.19	0.23	45.04
4	M	UnderGr	3.25	0.58	2.86	0.56	0.39	62.83
4	M	Grad/Prof	1.27	0.40	2.31	0.61	-1.04	11.95
4	F	UnderGr	12.66	0.73	10.60	0.91	2.06	5.75
4	F	Grad/Prof	3.69	0.48	4.13	0.76	-0.44	65.88
5	M	UnderGr	41.56	1.34	48.84	1.68	-7.28	0.31*
5	M	Grad/Prof	29.81	1.86	30.37	1.88	-0.56	80.98
5	F	UnderGr	62.11	1.31	62.92	1.24	-0.81	64.97
5	F	Grad/Prof	39.75	1.58	44.56	1.96	-4.81	6.04
6	M	UnderGr	1.51	0.46	1.91	0.55	-0.40	57.11
6	M	Grad/Prof	2.02	0.48	3.38	1.16	-1.36	22.55
6	F	UnderGr	6.88	0.73	7.77	0.84	-0.89	45.61
6	F	Grad/Prof	3.52	0.64	4.76	0.73	-1.24	24.68
7	M	UnderGr	12.35	1.29	9.84	1.41	2.51	20.62
7	M	Grad/Prof	6.62	0.99	8.19	1.24	-1.57	34.25
7	F	UnderGr	11.97	0.93	12.63	1.07	-0.66	64.10
7	F	Grad/Prof	8.25	1.02	5.23	0.72	3.02	2.07
8	M	UnderGr	34.40	1.74	37.88	1.53	-3.48	9.78
8	M	Grad/Prof	18.88	1.61	19.15	1.58	-0.27	90.53
8	F	UnderGr	45.26	1.46	47.49	1.05	-2.23	22.95
8	F	Grad/Prof	22.38	1.33	26.01	1.37	-3.63	8.22
9	M	UnderGr	31.21	1.46	27.32	1.80	3.89	10.74
9	M	Grad/Prof	30.26	1.45	26.03	1.77	4.23	5.43
9	F	UnderGr	21.96	1.18	25.52	1.45	-3.56	5.86
9	F	Grad/Prof	23.88	1.32	22.01	1.32	1.87	30.25
10	M	UnderGr	66.36	4.38	60.04	4.53	6.32	32.81
10	M	Grad/Prof	62.35	6.53	65.91	7.51	-3.56	69.72
10	F	UnderGr	74.91	1.99	76.95	2.07	-2.04	53.61
10	F	Grad/Prof	74.57	4.22	66.34	4.20	8.23	18.94
11	M	UnderGr	24.28	1.41	20.29	1.49	3.99	3.50
11	M	Grad/Prof	20.51	1.57	14.65	1.21	5.86	0.54*
11	F	UnderGr	40.75	1.28	35.13	1.42	5.62	1.13*
11	F	Grad/Prof	23.94	1.32	23.98	1.53	-0.04	98.02

<sup>1</sup> See Table A4-1 for definitions of outcomes

<sup>2</sup> UnderGr = Undergraduate; Grad/Prof = Graduate or Professional Student

<sup>3</sup> StdErr = Standard Error for the proportion

<sup>4</sup> A significant result (P-value < 1.25%) is asterisked (\*).

As noted above, 7% of the differences in Table A4-3 are statistically significant. These results indicate there is weak evidence of non-response bias, since the number of significant differences is about what was expected by chance (5 percent).

Of the measures of sexual assault and sexual misconduct,<sup>54</sup> 1 out of the 28 possible comparisons is significant. The measures that are significant are summarized below.

*Sexual harassment.* There is one significant difference. The difference for undergraduate males is negative, indicating the survey estimate is too high.

Of the measures of campus climate,<sup>55</sup> 2 out of the 16 are significant. The measures that are significant are summarized below.

*How problematic students feel sexual assault and misconduct is for the IHE.* There are 2 significant differences. The differences for male undergraduates and female graduate/professional students are positive, indicating the survey estimates are too low.

Overall, this analysis indicates there is weak evidence that there is bias in selected estimates. The estimates that are possibly affected are for

- Sexual harassment
- How problematic students feel sexual assault and misconduct is for the IHE

This was found for several gender and enrollment groups. The direction of the possible bias is different, depending on the measure that is being discussed.

#### *Comparison by the incentive status*

One limitation the analysis of early/late responders is reliance on the assumption that late responders resemble the nonrespondents. As noted above, this assumption does not always hold and can vary by the outcome that is being examined. An alternative approach to examining nonresponse bias is to compare outcomes by the different incentive groups. The incentivized sample, which received a \$5 gift card for participating in the survey, was randomly selected, but responded at a higher rate (21% vs. 16%) – those not selected in the incentivized sample were entered into a sweepstakes to win \$500. If there is nonresponse bias, then there

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<sup>54</sup> Penetration by physical force or incapacitation; sexual touching or kissing by physical force or incapacitation; coercion, absence of affirmative consent, harassment, stalking and IPV.

<sup>55</sup> Resources = Student knowledge about campus resources

Reporting = Opinions on what university officials would do when an incident is reported

Perception of Problem = How problematic students feel sexual assault and misconduct is for the IHE

Bystander Intervention = Respondent took some action when they suspected a friend had been sexually assaulted

should be a difference in the outcomes between the incentivized and non-incentivized (sweepstakes) groups. For example, the incentive of \$5 gift card may have been more successful at convincing non-victims to participate. That is, the non-victims may have needed additional motivation to participate beyond the appeals made in the e-mails and advance publicity. If this is true, then the incentivized group should have a lower victimization rate than the non-incentivized group. Alternatively, the incentive of \$5 gift card may have been more successful at motivating victims who normally would not participate because of not being willing to share their personal experiences. If this is true, then the incentivized group should have a higher victimization rate than the non-incentivized group. If response propensity is not related to being a victim, then there should not be any difference between the incentivized and non-incentivized groups.

The total number of comparisons is 253, which is less than before because we cannot make subgroup-level comparisons defined by the Incentive Status. Significance tests were performed similarly as above. Overall weighted estimates of four key variables (Penetration by Force or Incapacitation, Sexual Touching by Force or Incapacitation, Stalking, and Reporting Perception) are significantly different between the two incentive groups. Only fifteen comparisons (8%) out of 198 subgroup comparisons are significant, and only four (9%) out of 44 finer subgroup comparisons are significant (see Table A4-4). This is only slightly more than would be expected by chance (around 5%). However, many of these differences are concentrated in certain outcomes.

Focusing on the subgroups estimates, Table A4-4 provides the differences for each of these outcomes for the four primary subgroups defined by gender and enrollment status. For example, for undergraduate females the rate for Penetration by Physical Force or Incapacitation for the incentive group is 9.37 percent and for the non-incentive group is 12.35 percent. This difference is statistically significant at the 5 percent significance level for multiple comparisons with a P-value of 0.07 percent, which is less than the Bonferroni alpha value of 1.25 percent (= 5%/4).

**Table A4-4. Comparison of incentivized and non-incentivized groups by gender and school enrollment for 11 key variables (estimates in percent)**

Outcome <sup>1</sup>	Gender	Enrollment Status <sup>2</sup>	Incentive	StdErr <sup>3</sup>	Non-Incentive	StdErr <sup>3</sup>	Difference	P-value <sup>4</sup>
1	M	UnderGr	1.58	0.72	2.24	0.33	-0.66	40.45
1	M	Grad/Prof	1.87	0.90	0.93	0.29	0.94	32.30
1	F	UnderGr	9.37	0.62	12.35	0.57	-2.98	0.07*
1	F	Grad/Prof	3.70	1.19	3.43	0.48	0.27	83.21
2	M	UnderGr	3.13	0.84	4.00	0.53	-0.87	38.69
2	M	Grad/Prof	0.64	0.58	1.56	0.36	-0.92	18.39
2	F	UnderGr	13.33	1.39	18.69	0.65	-5.36	0.08*
2	F	Grad/Prof	7.09	1.21	5.54	0.49	1.55	24.21
3	M	UnderGr	0.00	0.00	0.19	0.10	-0.19	6.25
3	M	Grad/Prof	0.74	0.67	0.35	0.19	0.39	57.67



Outcome <sup>1</sup>	Gender	Enrollment Status <sup>2</sup>	Incentive	StdErr <sup>3</sup>	Non-Incentive	StdErr <sup>3</sup>	Difference	P-value <sup>4</sup>
3	F	UnderGr	0.41	0.18	0.64	0.15	-0.23	32.35
3	F	Grad/Prof	0.00	0.00	0.35	0.16	-0.35	3.23
4	M	UnderGr	3.47	1.27	3.17	0.40	0.30	82.09
4	M	Grad/Prof	0.38	0.34	1.78	0.40	-1.40	1.01*
4	F	UnderGr	10.31	1.51	12.10	0.60	-1.79	27.63
4	F	Grad/Prof	3.35	1.13	4.37	0.41	-1.02	40.18
5	M	UnderGr	43.33	1.93	44.84	1.17	-1.51	50.92
5	M	Grad/Prof	29.48	3.23	29.69	1.48	-0.21	95.52
5	F	UnderGr	62.84	2.61	63.07	0.99	-0.23	93.46
5	F	Grad/Prof	36.39	3.30	43.36	1.25	-6.97	5.27
6	M	UnderGr	0.23	0.20	2.02	0.40	-1.79	0.02*
6	M	Grad/Prof	3.12	0.99	2.64	0.71	0.48	69.50
6	F	UnderGr	6.28	0.98	8.05	0.56	-1.77	12.28
6	F	Grad/Prof	3.30	0.96	4.60	0.46	-1.30	22.47
7	M	UnderGr	10.54	2.03	11.03	0.89	-0.49	82.52
7	M	Grad/Prof	9.08	2.17	6.65	0.76	2.43	29.47
7	F	UnderGr	12.35	2.03	12.47	0.70	-0.12	95.66
7	F	Grad/Prof	6.85	1.61	7.53	0.70	-0.68	69.64
8	M	UnderGr	33.74	1.89	35.79	1.34	-2.05	37.92
8	M	Grad/Prof	21.20	3.05	18.96	1.18	2.24	49.73
8	F	UnderGr	46.21	1.17	46.14	1.01	0.07	96.22
8	F	Grad/Prof	23.32	1.41	24.07	0.95	-0.75	66.36
9	M	UnderGr	30.77	3.83	29.26	1.16	1.51	70.81
9	M	Grad/Prof	34.41	3.77	27.66	1.26	6.75	9.49
9	F	UnderGr	26.68	1.98	23.23	1.01	3.45	12.60
9	F	Grad/Prof	26.61	3.44	22.54	1.00	4.07	25.87
10	M	UnderGr	53.76	9.03	64.06	3.26	-10.30	28.69
10	M	Grad/Prof	73.51	8.44	62.54	5.89	10.97	28.88
10	F	UnderGr	75.22	2.98	75.97	1.31	-0.75	82.02
10	F	Grad/Prof	50.61	15.51	72.74	2.79	-22.13	16.58
11	M	UnderGr	23.08	3.72	22.44	1.06	0.64	86.82
11	M	Grad/Prof	17.23	1.97	18.76	1.14	-1.53	50.68
11	F	UnderGr	37.18	1.69	39.26	0.87	-2.08	27.62
11	F	Grad/Prof	21.51	2.62	24.38	1.10	-2.87	31.85

<sup>1</sup> See Table A4-1 for definitions of outcomes

<sup>2</sup> UnderGr = Undergraduate; Grad/Prof = Graduate or Professional Student

<sup>3</sup> StdErr = Standard Error for the proportion

<sup>4</sup> A significant result (P-value < 1.25%) is asterisked (\*).

As noted above, 9% of the differences in Table A4-4 are statistically significant. These results indicate there is weak evidence of non-response bias, since the number of significant differences is about what was expected by chance (5 percent).

Of the measures of sexual assault and sexual misconduct,<sup>56</sup> 4 out of the 28 possible comparisons are significant. The significant differences are summarized below.

<sup>56</sup> Penetration by physical force or incapacitation; sexual touching or kissing by physical force or incapacitation; coercion, absence of affirmative consent, harassment, stalking and IPV.

*Penetration by physical force or incapacitation.* There is 1 significant difference. The difference for undergraduate females is negative, indicating the survey estimate is too high.

*Sexual Touching or kissing by physical force or incapacitation.* There is 1 significant difference. The difference for undergraduate females is negative, indicating the survey estimate is too high.

*Nonconsensual sexual contact by absence of affirmative consent.* There is 1 significant difference. The difference for male graduate/professional students is negative, indicating the survey estimate is too high.

*Stalking.* There is 1 significant difference. The difference for undergraduate males is negative, indicating the survey estimate is too high.

Of the measures of campus climate, 0 out of the 16 are significant.

Overall, this analysis indicates there is weak evidence that there is bias in selected estimates. The estimates that are possibly affected are for

- Penetration by physical force or incapacitation
- Sexual Touching or kissing by physical force or incapacitation
- Nonconsensual sexual contact by absence of affirmative consent
- Stalking

This was found for several gender and enrollment groups. The direction of the possible bias is negative.

## Appendix 5. Email Invitations and Reminders

### Survey Invitation and Reminder Messages

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1<sup>st</sup> Contact: Email Invitation

Condition 1: \$5 Amazon gift card

From: Campus Climate Survey

Subject: Invitation to take part in a Campus Climate Survey

From: Dr. Danita M. Brown Young

To: University of Minnesota-Twin Cities Student

I'm writing to ask you to respond to a climate survey on sexual assault and sexual misconduct. The results will be used to guide policies to encourage a healthy, safe and nondiscriminatory environment at the University of Minnesota-Twin Cities. It is important to hear from you, even if you believe these issues do not directly affect you.

I know your time is valuable, but I hope you can find a few minutes to respond before the survey closes on Friday, May 8, 2015. As a small token of appreciation, **you will receive a \$5 Amazon gift card** once you complete the survey.

Share your perspective by clicking on the link below:

<https://group2.campusclimatesurvey2015.org/Home.aspx?uPin=DzXCfbNNuRXlxie>

Your individual responses will be treated as confidential. Your participation in this survey is completely voluntary and will not affect any aspect of your experience at the University of Minnesota-Twin Cities. However, your response is important to getting an accurate picture of the experiences and opinions of all students.

Westat, a social science research firm, is administering the survey for us. If you have any questions about the survey or have difficulty accessing it, please send an e-mail to [CampusClimateHelp@westat.com](mailto:CampusClimateHelp@westat.com) or call 1 (855) 497-4787.

Thank you,

Dr. Danita M. Brown Young

Vice Provost for Student Affairs and Dean of Students

# Survey Invitation and Reminder Messages

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2<sup>nd</sup> and 3<sup>rd</sup> Contact: Email Reminder

Condition 1: \$5 Amazon gift card

From: Campus Climate Survey

Subject: Reminder to complete the Campus Climate Survey

From: Dr. Danita M. Brown Young

To: University of Minnesota-Twin Cities Student

I recently sent you an individualized link to participate in a climate survey. If you have filled out the survey, thank you! This message has gone to all students on campus because no identifying information is linked with the survey and we are unable to identify whether you have completed the survey.

If you have not had a chance to take the survey yet, please do so as soon as possible by clicking on the link below. Your participation in this confidential survey is voluntary, but the more people who participate, the better the information we will have to promote a healthier campus.

The closing date for the survey is Friday, May 8, 2015, so it is important to hear from you as soon as possible. As a small token of appreciation, you will receive a \$5 Amazon gift card when you complete the survey.

<https://group2.campusclimatesurvey2015.org/Home.aspx?uPin=DzXCfbNNuRXIxiE>

Westat, a social science research firm, is administering the survey for us. If you have any questions about the survey or have difficulty accessing it, please send an e-mail to [CampusClimateHelp@westat.com](mailto:CampusClimateHelp@westat.com) or call 1 (855) 497-4787.

Thank you,

Dr. Danita M. Brown Young

Vice Provost for Student Affairs and Dean of Students

# Survey Invitation and Reminder Messages

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**1<sup>st</sup> Contact: Email Invitation**

**Condition 2: \$500 Drawing**

From: Campus Climate Survey

Subject: Invitation to take part in a Campus Climate Survey

From: Dr. Danita M. Brown Young

To: University of Minnesota-Twin Cities Student

I'm writing to ask you to respond to a climate survey on sexual assault and sexual misconduct. The results will be used to guide policies to encourage a healthy, safe and nondiscriminatory environment at the University of Minnesota-Twin Cities. It is important to hear from you, even if you believe these issues do not directly affect you.

I know your time is valuable, but I hope you can find a few minutes to respond before the survey closes on Friday, May 8, 2015. **By going to the website at the link below, you will be entered into a lottery to win \$500.** We hope you will decide to complete the survey, but you are eligible for the lottery whether or not you complete the survey:

<https://group2.campusclimatesurvey2015.org/Home.aspx?uPin=DzXCfbNNuRXlxie>

Your individual responses will be treated as confidential. Your participation in this survey is completely voluntary and will not affect any aspect of your experience at the University of Minnesota-Twin Cities. However, your response is important to getting an accurate picture of the experiences and opinions of all students.

Westat, a social science research firm, is administering the survey for us. If you have any questions about the survey or have difficulty accessing it, please send an e-mail to [CampusClimateHelp@westat.com](mailto:CampusClimateHelp@westat.com) or call 1 (855) 497-4787.

Thank you,

Dr. Danita M. Brown Young

Vice Provost for Student Affairs and Dean of Students

# Survey Invitation and Reminder Messages

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2<sup>nd</sup> and 3<sup>rd</sup> Contact: Email Reminder

Condition 2: Drawing

**From:** Campus Climate Survey

**Subject:** Reminder to complete the Campus Climate Survey

From: Dr. Danita M. Brown Young

To: University of Minnesota-Twin Cities Student

I recently sent you an individualized link to participate in a climate survey. If you have filled out the survey, thank you! This message has gone to all students on campus because no identifying information is linked with the survey and we are unable to identify whether you have completed the survey.

If you have not had a chance to take the survey yet, please do so as soon as possible by clicking on the link below. Your participation in this confidential survey is voluntary, but the more people who participate, the better the information we will have to promote a healthier campus.

The closing date for the survey is Friday, May 8, 2015, so it is important to hear from you as soon as possible. As a small token of our appreciation, **by going to the website at the link below, you will be entered into a lottery to win \$500**. You are eligible for the lottery whether or not you complete the survey.

<https://group2.campusclimatesurvey2015.org/Home.aspx?uPin=DzXCfbNNuRXIxie>

Westat, a social science research firm, is administering the survey for us. If you have any questions about the survey or have difficulty accessing it, please send an e-mail to [CampusClimateHelp@westat.com](mailto:CampusClimateHelp@westat.com) or call 1 (855) 497-4787.

Thank you,

Dr. Danita M. Brown Young

Vice Provost for Student Affairs and Dean of Students

Combined Results

	#1	#2	#3	#4	#5	#6	#7	#8	385 #9	of #10	802 #11	48.0% #12	#13	#14	#15	#16	#17	#18	#18a	#18b	#18c	#18d	#18e	#18f	#19	#20	#21
Totals: SA	185	139	4	146	90	115	113	149	5	127	110	74	178	226	153	164	137	7	4	5	2	56	57	2	154	152	123
A	173	192	29	204	254	218	197	213	29	220	199	202	163	155	162	179	177	27	11	8	8	161	165	35	185	177	191
D	18	32	182	20	26	36	36	16	184	26	47	83	32	3	4	6	19	78	3	5	13	6	16	22	5	7	28
SD	4	9	130	4	3	8	5	4	164	5	11	15	10	0	50	29	42	120	12	10	5	40	29	138	32	38	26
NA	5	13	40	11	12	8	34	3	3	7	18	11	1	0	15	5	8	151	4	6	6	8	2	71	7	8	13
Combined	380	372	345	374	373	377	351	382	382	378	367	374	383	384	369	378	375	232	30	28	28	263	267	197	376	374	368
Frequency: SA	49%	37%	1%	39%	24%	31%	32%	39%	1%	34%	30%	20%	46%	59%	41%	43%	37%	3%	13%	18%	7%	21%	21%	1%	41%	41%	33%
A	46%	52%	8%	55%	68%	58%	56%	56%	8%	58%	54%	54%	43%	40%	44%	47%	47%	12%	37%	29%	29%	61%	62%	18%	49%	47%	52%
D	5%	9%	53%	5%	7%	10%	10%	4%	48%	7%	13%	22%	8%	1%	1%	2%	5%	34%	10%	18%	46%	2%	6%	11%	1%	2%	8%
SD	1%	2%	36%	1%	1%	2%	1%	1%	43%	1%	3%	4%	3%	0%	14%	8%	11%	52%	40%	36%	18%	15%	11%	70%	9%	10%	7%
Conclusions: Agreement	94%	89%	10%	94%	92%	88%	88%	95%	9%	92%	84%	74%	89%	99%	85%	91%	84%	15%	50%	46%	36%	83%	83%	19%	90%	88%	85%
Disagreement	6%	11%	90%	6%	8%	12%	12%	5%	91%	8%	16%	26%	11%	1%	15%	9%	16%	85%	50%	54%	64%	17%	17%	81%	10%	12%	15%

## 2014 Sports Team Survey Questions

1.	Please rate your overall experience at Minnesota:
2.	I respect my head coach.
3.	My coach shows concern for and takes an interest in my academic progress.
4.	My head coach is willing to make accommodations for classes, tests, etc.
5.	My head coach creates a positive team culture.
6.	My head coach treats me with respect.
7.	My head coach recognizes and responds to individual needs and differences among teammates.
8.	My head coach demonstrates leadership, integrity, and is a positive role model.
9.	I would rate my head coach in terms of practice preparation, organization and implementation as:
10.	My head coach prepares me for each contest motivationally, strategically and physically.
11.	I would rate my head coach in terms of seasonal progression and readiness to compete as:
12.	I would rate my head coach as a "Game Coach":
13.	I would rate my head coach's communication skills as:
14.	My head coach effectively utilizes assistant coaches. (If applicable)
15.	Overall I rate my head coach as:
16.	Aside from competitive success, my satisfaction level with my sport experience this year is:
17.	Aside from competitive success, my satisfaction level as a student-athlete at the University of Minnesota is:
18.	The athletic department was committed to my physical, psychological and emotional health.
19.	The athletic department is committed to providing a safe and inclusive environment for all student-athletes.
20.	The athletic department demonstrates a commitment to diversity.
21.	I was made aware of the NCAA Special Assistance Fund.
22.	SAAC effectively serves as a liaison to the administration, and contributes to a positive student-athlete experience.
23.	An effort was made to monitor and control the time demands placed on me. (E.g. travel, missed class time, finals.)
24.	I was never pressured by coaches to attend voluntary workouts.
25.	I was never subject to any form of abuse or hazing.
26.	To the best of my knowledge, my coaches, my team and I have complied with all NCAA rules and regulations.
27.	To the best of my knowledge, student-athletes at Minnesota have not engaged in impermissible gambling activities.
28.	To the best of my knowledge, student-athletes at Minnesota do not utilize street or performance enhancing drugs.
29.	I would rate the services provided by the Compliance staff as:
30.	I would rate the services provided by my Academic Counselor and the MAC as:
31.	I would rate the services provided by Student-Athlete Development as:
32.	The Athletic Trainer who works closely with our team provides effective care and management of injuries.
33.	I would rate the services provided by the Sports Medicine staff (Team Doctors, Sport Psychologist, etc.) as:
34.	I would rate the services provided by the Equipment staff as:
35.	I would rate the services provided by the Athletic Communication staff as:
36.	If applicable, I would rate my sport's Operations/Administrative staff as:
37.	I would rate the services provided by the Strength & Conditioning staff as:
38.	I would rate the services provided by the Event Management staff as:
39.	I would rate the services provided by the Facilities staff as:



## 2014 Sports Team Survey Questions

40.	I would rate the services provided by the Marketing & Promotions staff as:
41.	Athletic administrators are accessible and receptive to answer questions or discuss concerns.
42.	To the best of my knowledge, my coaches, my team and I have complied with all NCAA rules and regulations.
43.	To the best of my knowledge, student-athletes at Minnesota have not engaged in impermissible gambling activities.
44.	I would rate the services provided by the Compliance staff as:
45.	I was never pressured by coaches to attend voluntary workouts.
46.	An effort was made to monitor and control the time demands placed on me. (E.g. travel, missed class time, finals.)
47.	I was made aware of the NCAA Special Assistance Fund.
48.	An effort was made to monitor and control the time demands placed on me. (E.g. travel, missed class time, finals.)
49.	I would rate the services provided by my Academic Counselor and the MAC as:
50.	The athletic department was committed to my physical, psychological and emotional health.
51.	The Athletic Trainer who works closely with our team provides effective care and management of injuries.
52.	To the best of my knowledge, student-athletes at Minnesota do not utilize street or performance enhancing drugs.
53.	I would rate the services provided by the Sports Medicine staff (Team Doctors, Sport Psychologist, etc.) as:
54.	The athletic department is committed to providing a safe and inclusive environment for all student-athletes.
55.	The athletic department demonstrates a commitment to diversity.
56.	SAAC effectively serves as a liaison to the administration, and contributes to a positive student-athlete experience.
57.	I was never subject to any form of abuse or hazing.
58.	I would rate the services provided by Student-Athlete Development as:
59.	I would rate the services provided by the Strength & Conditioning staff as:
60.	I would rate the services provided by the Equipment staff as:
61.	I would rate the services provided by the Athletic Communication staff as:

From: **President Eric W. Kaler** <noreply.kaler@umn.edu>  
Date: Fri, Sep 11, 2015 at 8:00 AM  
Subject: A culture of compliance  
To: [lzentner@umn.edu](mailto:lzentner@umn.edu)



Dear Colleagues,

As president of the University, I am committed to ensuring that each of us complies with the rules governing intercollegiate athletics. Promoting and maintaining a culture of compliance is important to the long-term success of University of Minnesota students and this institution.

As a leader on the Twin Cities campus, you must be cognizant of athletics compliance violations. Please report any violation or suspected violation of the National Collegiate Athletic Association (NCAA) rules, Big Ten Conference rules, or University of Minnesota athletics policies to the Athletic Compliance Office at [612-626-5480](tel:612-626-5480).

You may anonymously report violations or suspected violations of athletics rules or policies-or any other legal or University requirements-through [UReport](#), the University's confidential reporting system, or (toll free) [866-294-8680](tel:866-294-8680). Jeremiah Carter, our interim director of athletic compliance, can answer questions if you are uncertain about a situation or need information about the rules.

We need look no further than the impact of major violations at other universities to understand the importance of maintaining a culture of compliance and immediately reporting actual or suspected rules violations or criminal activity. While Gopher athletics give our campus and the state a wonderful opportunity to rally around our teams and student-athletes, our athletics program must first be known for its integrity and a strong record of compliance.

Please take time to discuss this issue with your staff. If an educational session about athletics rules and policies would benefit your staff, contact the Athletic Compliance Office to arrange for training. Thank you for your cooperation on this very important matter.

Sincerely,

Eric W. Kaler  
President

This email was sent to the Twin Cities AEL by: Office of the President, 202 Morrill Hall, 100 Church St S.E., Minneapolis, MN, 55455, USA. [Read our privacy statement](#).

**Exhibit 30**

----- Forwarded message -----

From: **President Eric W. Kaler** <[noreply.kaler@umn.edu](mailto:noreply.kaler@umn.edu)>

Date: Tue, Sep 1, 2015 at 1:47 PM

Subject: Our responsibilities

To: [lzentner@umn.edu](mailto:lzentner@umn.edu)



UNIVERSITY OF MINNESOTA

Driven to Discover™

Office of the President

Dear Colleagues,

I'm eager and excited for the new semester and I hope you are, too. As you know, creating a welcoming, respectful campus climate has been a key priority of mine. But doing so requires all of us to do our part.

To that end, I want to ensure that each of us has a personal commitment to live up to the letter and spirit of the University's [Code of Conduct](#).

Please take the time to renew your familiarity with the Code, which calls for all members of our community to, among other values, be committed to the highest standards of conduct and integrity, to promote a culture of compliance, to preserve academic freedom and meet academic responsibilities, and to ethically conduct teaching and research.

These commitments are crucial to the University if we are to continue to be viewed as a leading academic institution and valued community partner.

If, at any time, you have concerns that one or more individuals have engaged in conduct that violates either state, local, or federal laws, or University policy, you may anonymously report your concerns through [URReport](#), the University's confidential reporting system, or (toll free) [866-294-8680](tel:866-294-8680). Also, Lynn Zentner, our director of institutional compliance, can answer questions if you are uncertain about a situation or if you need more information.

Have a great semester, and thank you for all you do for the University of Minnesota.

Sincerely,

Eric W. Kaler  
President

This email was sent systemwide to all faculty and staff by: Office of the President, 202 Morrill Hall, 100 Church St S.E., Minneapolis, MN, 55455, USA. [Read our privacy statement](#).

Exhibit 31

From: **President Eric W. Kaler** <[drkaler@umn.edu](mailto:drkaler@umn.edu)>  
Date: Fri, Aug 7, 2015 at 9:13 AM  
Subject: Norwood Teague's Resignation  
To: [lzentner@umn.edu](mailto:lzentner@umn.edu)



UNIVERSITY OF MINNESOTA

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President Eric W. Kaler

Dear Lynn,

I wanted you to be among the first to know that I have accepted the resignation of Gopher Athletics Director Norwood Teague, effective immediately.

Norwood's resignation follows the report of two recent incidents of sexual harassment of two non-student University employees. I will deliver additional comments at a 12:15 p.m. press conference today. Those will be available at [discover.umn.edu](http://discover.umn.edu) at that time.

To be clear, sexual harassment will not be tolerated at the University of Minnesota and I sincerely regret that our employees experienced this behavior. The University has an explicit policy and a strong code of conduct that articulates our standards. Ensuring a healthy learning, working and living environment for all in our University community is very important.

My focus is to ensure the wellbeing of our students, faculty, staff and visitors across the University system. I am also working closely with Gopher Athletics to ensure a smooth leadership transition. Beth Goetz, deputy athletics director and senior woman administrator, has agreed to step in as interim athletics director. I have great confidence in our athletics program, its current direction and its recent successes. We will have more information about the next steps for Gopher Athletics within the next couple weeks. Thank you in advance for your patience and continued support for Gopher Athletics during this time.

Sincerely,

Eric W. Kaler  
President

This email was sent to all Twin Cities administrative faculty and staff by: Office of the President, 202 Morrill Hall, 100 Church St S.E., Minneapolis, MN, 55455, USA. [Read our privacy statement.](#)

Exhibit 32

## Office of the President

ERIC W. KALER

[About](#)

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[Speeches and Spotlights](#)

[Initiatives and Priorities](#)

## Statement From President Kaler on Gopher Athletics Director Norwood Teague's resignation

*Friday, August 7, 2015*

I have accepted the resignation of Gopher Athletics Director Norwood Teague, effective immediately.

Norwood's resignation follows the report of two recent incidents of sexual harassment of two non-student University employees, based on unwelcome sexual advances and verbal and physical conduct of a sexual nature occurring on the same evening. I have spoken personally to the employees and expressed my sincere regrets that they experienced this behavior.

The University has an explicit policy against sexual harassment and a strong code of conduct that articulates the standards and behaviors we expect of our employees. Our senior leaders, in

**Exhibit 33**

<https://president.umn.edu/content/statement-president-kaler-gopher-athletics-dire...> 11/30/2015

particular, must behave at the highest standards and set a positive example for our students and University community.

I take allegations of sexual harassment very seriously. The incidents were reported the day after the behavior occurred, and I spoke to Norwood about it the following day.

Norwood has acknowledged his inappropriate behavior and has expressed remorse for his actions. He has also fully cooperated in our review of this matter and in this leadership transition in Gopher Athletics. While this does not excuse the behavior, Norwood has disclosed that he is seeking alcohol counseling and assistance, and I hope those efforts will be successful. Regardless, I believe his resignation is the appropriate response.

I know many of you will have questions about the short- and long-term effects on Gopher Athletics. I understand that and will try to answer those questions as best I can.

What I can tell you today is that I have asked Beth Goetz, deputy athletics director and senior woman administrator, to step in as interim athletics director, and she has agreed to do so. Beth has had a leadership role in Gopher Athletics for three years as the second to the AD. She joined us from Butler University, where she was senior woman administrator.

While this is a quick and unexpected transition, I have great confidence in our athletics program, its current direction, and its recent successes. We have a very strong senior management team and outstanding coaches and staff. I am confident this team will help us continue the department's momentum during this transition.

We will have more information for you about next steps for Gopher Athletics within the next couple weeks. In the meantime I ask for your patience. I also ask for your continued support of our student-athletes and Gopher Athletics program.

But today, I want to reiterate my commitment to ensuring a healthy learning, working and living environment at the University for all faculty, staff, and students. While I am deeply disappointed in this turn of events, I am confident that we are

proceeding in the right way. Sexual harassment at the University of Minnesota will not be tolerated. We need to be vigilant in our efforts to ensure that those who experience harassment can access the resources available to them and know that the University takes this issue very seriously.

< [athletics \(/tags/athletics\)](#) > < [Administration \(/tags/administration\)](#) >  
< [Equity and diversity \(/tags/equity-and-diversity\)](#) >

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Twin Cities

The University of Minnesota is an equal opportunity educator and employer.

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**From:** "President Eric W. Kaler" <[noreply.kaler@UMN.EDU](mailto:noreply.kaler@UMN.EDU)>  
**Date:** September 16, 2014 at 3:58:38 PM CDT  
**To:** [AEL-ALL@LISTS.UMN.EDU](mailto:AEL-ALL@LISTS.UMN.EDU)  
**Subject:** A message from President Kaler re: Ensuring Athletics Compliance  
**Reply-To:** "President Eric W. Kaler" <[noreply.kaler@UMN.EDU](mailto:noreply.kaler@UMN.EDU)>

Dear Colleagues,

As president of the University, I am committed to ensuring that each of us complies with the rules governing intercollegiate athletics. Promoting and maintaining a culture of compliance is important to the long-term success of U of M students and this institution.

As a leader on the Twin Cities campus, you must be cognizant of athletics compliance violations. Please report any violation or suspected violation of the National Collegiate Athletic Association (NCAA) rules, Big Ten Conference rules, or University of Minnesota athletics policies to the Athletic Compliance Office at [612-626-7218](tel:612-626-7218).

You may anonymously report violations or suspected violations of athletics rules or policies -- or any other legal or University requirements -- through UReport, the University's confidential reporting system at [www.ureport.umn.edu](http://www.ureport.umn.edu) or (toll free) [866-294-8680](tel:866-294-8680). J. T. Bruett, our director of athletic compliance, can answer questions if you are uncertain about a situation, or need information about the rules.

We need look no further than the impact of major violations at other universities to understand the importance of maintaining a culture of compliance and immediately reporting actual or suspected rules violations or criminal activity. While Gopher athletics give our campus and the state a wonderful opportunity to rally around our teams and student athletes, our athletics program must first be known for its integrity and a strong record of compliance.

Please take time to discuss this issue with your staff. If an educational session about athletics rules and policies would benefit your staff, contact the Athletic Compliance Office to arrange for training. Thank you for your cooperation on this very important matter.

Sincerely,  
Eric W. Kaler  
President

Sent by President Kaler to the administrative email list.

Exhibit 34





UNIVERSITY OF MINNESOTA  
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From the Office of President Kaler

Dear colleagues,

As president of the University, I am committed to ensuring that each of us complies with the rules governing intercollegiate athletics. Promoting and maintaining a culture of compliance is important to the long-term success of U of M students and this institution.

As a leader on the Twin Cities campus, you must be cognizant of athletics compliance violations. Please report any violation or suspected violation of the National Collegiate Athletic Association (NCAA) rules, Big Ten Conference rules, or University of Minnesota athletics policies to the Athletic Compliance Office at 612-626-7218.

You may anonymously report violations or suspected violations of athletics rules or policies—or any other legal or University requirements—through UReport, the University's confidential reporting system at [www.ureport.umn.edu](http://www.ureport.umn.edu) or (toll free) 866-294-8680. J. T. Bruett, our director of athletic compliance, can answer questions if you are uncertain about a situation, or need information about the rules.

We need look no further than the all-too-regular revelations about violations on other campuses to understand the importance of maintaining a culture of compliance and immediately reporting actual or suspected rules violations or criminal activity. While Gopher athletics give our campus and the state a wonderful opportunity to rally around our teams and student athletes, our athletics program must first be known for its integrity and a strong record of compliance.

Please take time to discuss this issue with your staff. If an educational session about athletics rules and policies would benefit your staff, contact the Athletic Compliance Office to arrange for training. Thank you for your cooperation on this very important matter.

Sincerely,

Eric W. Kaler  
President

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Sent by President Kaler to all faculty and staff and the AEL.

Exhibit 35

From the Office of  
President Kaler



UNIVERSITY OF MINNESOTA  
Driven to Discover™

Dear Colleagues,

As president of the University, I am committed to ensuring that each of us complies with the rules governing intercollegiate athletics. Promoting and maintaining a culture of compliance is important to the long-term success of U of M students and this institution.

As a leader on the Twin Cities campus, you must be cognizant of athletics compliance violations. Please report any violation or suspected violation of the National Collegiate Athletic Association (NCAA) rules, Big Ten Conference rules, or University of Minnesota athletics policies to the Athletic Compliance Office at 612-626-7218.

You may anonymously report violations or suspected violations of athletics rules or policies—or any other legal or University requirements—through UReport, the University's confidential reporting system at [www.ureport.umn.edu](http://www.ureport.umn.edu) or (toll free) 866-294-8680. J. T. Bruett, our director of athletic compliance, can answer questions if you are uncertain about a situation, or need information about the rules.

We need look no further than Penn State to understand the importance of maintaining a culture of compliance and immediately reporting actual or suspected rules violations or criminal activity. While Gopher athletics give our campus and the state a wonderful opportunity to rally around our teams and student athletes, our athletics program must first be known for its integrity and a strong record of compliance.

Please take time to discuss this issue with your staff. If an educational session about athletics rules and policies would benefit your staff, contact the Athletic Compliance Office to arrange for training. Thank you for your cooperation on this very important matter.

Sincerely,

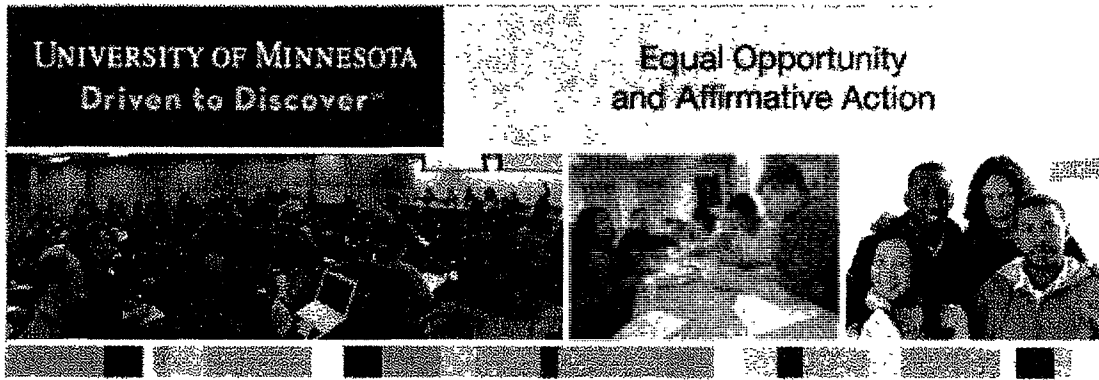
Eric W. Kaler  
President

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This message was sent by President Eric W. Kaler to all university faculty and members of the administrative email list (AEL).

Exhibit 36

Trouble viewing this message? [Read this message on the Web.](#)



Dear faculty and staff members,

As we move into the new school year, I would like to remind you of the services available through the University of Minnesota's Office of Equal Opportunity and Affirmative Action (EOAA). Please share this information with everyone in your respective units and colleges.

The EOAA office is available to all University faculty, staff, students and participants in University-related activities—across the entire University of Minnesota system—to help resolve issues or concerns regarding the University's policies against discrimination, sexual harassment, nepotism, and retaliation. EOAA staff members will work with students who have concerns about faculty or staff behavior or about incidents that occur in the context of student employment. Please note: Student-to-student concerns about harassment or discrimination are processed by the Student Conflict Resolution Center (<http://www.sos.umn.edu/>) or the Office for Student Conduct and Academic Integrity (<http://www.oscai.umn.edu/>).

Our staff is also available to consult with supervisors, administrators, and human resources professionals systemwide who are addressing situations that might involve discrimination. The prevention and resolution of discrimination is a Universitywide obligation and requires the participation of all members of the University community. Any individual may report a concern to the EOAA office in a variety of ways:

- The bias incident website <https://diversity.umn.edu/eoaa/reportingform>
- Direct contact with the EOAA office for an appointment: <https://diversity.umn.edu/eoaa/reportingdiscriminationandharassment>
- Referrals from any department or unit at the University of Minnesota are accepted
- EthicsPoint anonymous online reporting system: <https://secure.ethicspoint.com/domain/media/en/gui/9167/index.html>.

Additionally, EOAA delivers a variety of educational programs to help departments comply with University policy and to empower them to address concerns that might be raised internally. For a complete calendar of educational programs and descriptions, visit [diversity.umn.edu/eoaa/educationandtraining](https://diversity.umn.edu/eoaa/educationandtraining). Meet the EOAA staff members at [diversity.umn.edu/eoaa/educationandtraining](https://diversity.umn.edu/eoaa/educationandtraining).

EOAA staff members help departments or individuals by:

- Assessing their situation to determine if further action is warranted
- Supporting individuals and departments addressing a situation at the local level
- Becoming part of a team effort to address issues when it is appropriate or necessary
- Conducting a formal investigation, which often has proved an effective intervention

If you are located on a campus other than UMTC, you may contact either EOAA on the Twin Cities campus or the point person on your campus:

- Sarah Mattson, Human Resources Director, University of Minnesota Morris,

Exhibit 37

[mattsosj@morris.umn.edu](mailto:mattsosj@morris.umn.edu), 320-589-6024

- Judith Karon, Director of Human Resources and Equal Opportunity, University of Minnesota Duluth, [jkaron@d.umn.edu](mailto:jkaron@d.umn.edu), 218-726-6326
- Gall Sauter, Assistant Vice Chancellor for Finance and Operations, University of Minnesota Rochester, [saute008@umn.edu](mailto:saute008@umn.edu), 507-258-8009
- Les Johnson, Director for the Office of Human Resources, University of Minnesota Crookston, [ljohnc@umn.edu](mailto:ljohnc@umn.edu), 218-281-8345.

Thank you for your ongoing efforts to ensure the University of Minnesota campuses are equitable and free from discrimination and harassment. Best wishes for a successful school year.

Kimberly Hewitt  
Director  
Equal Opportunity & Affirmative Action  
274 McNamara Alumni Center  
200 Oak Street S.E.  
Minneapolis, MN 55455  
(612) 624-9547  
[boyd0009@umn.edu](mailto:boyd0009@umn.edu)

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This email was sent from the Office of Equal Opportunity and Affirmative Action (EOAA) to all faculty and staff. EOAA is a unit of the Office for Equity and Diversity.

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✘ University of Minnesota Driven to Discover

Equal Opportunity and Affirmative Action | Office for Equity and Diversity

✘ Equal opportunity and affirmative action

Dear all,

As we embark on a new school year, I would like to remind you of the services that are available to you through the University of Minnesota's Office of Equal Opportunity and Affirmative Action (EOAA). Please share this information broadly in your respective colleges and units.

The EOAA Office is available to all University faculty, staff, students, and participants in University-related activities—across the entire University of Minnesota system—to help resolve issues or concerns regarding the University's policies against discrimination, sexual harassment, nepotism, and retaliation. EOAA staff members will work with the students who have concerns about faculty or staff behavior or about incidents that occur in the context of student employment. Please note: Student-to-student concerns about harassment or discrimination are processed by the [Student Conflict Resolution Center](#) (SCRC) or the Office for [Student Conduct and Academic Integrity](#) (OSCAI).

As you may know, the U.S. Department of Education's Office for Civil Rights (OCR) has been paying close attention to how institutions of higher education respond to Title IX complaints. Title IX is the federal statute that prohibits sex discrimination, including sexual harassment and sexual violence, in educational environments. As a result, EOAA has been working closely with OSCAI to investigate and evaluate student complaints under Title IX.

Our staff is also available to consult with supervisors, administrators, and human resources professionals systemwide who are addressing situations that might involve discrimination, including Title IX concerns. The prevention and resolution of discrimination is a universitywide obligation and requires the participation of all members of the University community. Any individual may report a concern to the EOAA office in a variety of ways:

- The bias incident website: <https://diversity.umn.edu/eoaa/reportingform>
- Direct contact with the EOAA office for an appointment: <https://diversity.umn.edu/eoaa/reportingdiscriminationandharassment>
- EthicsPoint anonymous online reporting system: <https://secure.ethicspoint.com/domain/media/en/gui/9167/index.html>

Exhibit 38

- Referrals from any department or unit at the University of Minnesota are accepted

Meet the EOAA staff members at [diversity.umn.edu/eoaa/staff](https://diversity.umn.edu/eoaa/staff).

EOAA staff members help departments or individuals by:

- Assessing their situation to determine if further action is warranted
- Supporting individuals and departments addressing a situation at the local level
- Becoming part of a team effort to address issues when it is appropriate or necessary
- Conducting a formal investigation, which often has proved an effective intervention

If you are located on a campus other than UMTC, you may contact either EOAA on the Twin Cities campus or the point person on your campus:

- Sarah Mattson, Human Resources Director, University of Minnesota Morris, [mattsosj@morris.umn.edu](mailto:mattsosj@morris.umn.edu), 320-589-6024
- Tim Caskey, Director of Human Resources and Equal Opportunity, University of Minnesota Duluth, [ticaskey@d.umn.edu](mailto:ticaskey@d.umn.edu), 218-726-6326
- Andrea Wilson, Director of Human Resources, University of Minnesota Rochester, [wils1236@umn.edu](mailto:wils1236@umn.edu), 507-258-8010
- Les Johnson, Director, Office of Human Resources, University of Minnesota Crookston, [ljumc@crk.umn.edu](mailto:ljumc@crk.umn.edu), 218-281-8345.

Finally, but not least importantly, EOAA delivers a variety of educational programs to help departments comply with University policy and to empower them to address concerns that might be raised internally. Please visit our [website](#) for descriptions and a complete calendar of educational programs starting this fall.

Thank you for your ongoing efforts to ensure the University of Minnesota campuses are equitable and free from discrimination and harassment. Best wishes for a successful school year.

Kimberly Hewitt

Director, Equal Opportunity and Affirmative Action  
274 McNamara Alumni Center  
200 Oak St. S.E., Minneapolis, MN 55455  
612-624-9547  
[boyd0009@umn.edu](mailto:boyd0009@umn.edu)

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Sent by the Office of Equal Opportunity and Affirmative Action to all faculty and staff.

Dear Colleagues:

I would like to remind you of the services available to you through the University of Minnesota's Office of Equal Opportunity and Affirmative Action (EOAA) and to highlight some important new policy changes.

The EOAA Office is available to all university faculty, staff, and students, and participants in university-related activities—across the entire University of Minnesota system—to help resolve issues or concerns regarding the University's policies against discrimination, harassment, sexual assault, nepotism, and retaliation.

As you may know, the U.S. Department of Education's Office for Civil Rights (OCR) and the White House have devoted a significant amount of attention to Title IX and the issue of how to address the problem of sexual assault and harassment on university and college campuses. Most recently, a provision of the Violence Against Women Act (VAWA) codified specific requirements related to the response to, and the prevention and awareness of, sexual assault. The University of Minnesota has a robust infrastructure for addressing sexual assaults and continues to review and revise its policies and procedures and to evaluate ways to be more effective and to better educate our community about this important issue. As such, we would like to highlight an important responsibility for all employees reflected in the administrative policy on *Sexual Assault, Stalking and Relationship Violence*.

**University employees with supervisory or advising responsibilities must contact the campus student conduct office or EOAA when they learn about a sexual assault and obtain guidance on next steps.** Further, "University employees cannot guarantee confidentiality, except when the reports are privileged communications with counselors or health care professionals." All other employees (not in supervisory or advising positions) should seek guidance from their supervisor when they learn about a sexual assault.

Our staff is available to consult with supervisors, administrators, human resources professionals, employees, and students system-wide who are addressing situations that might involve discrimination, including those prohibited by Title IX. The prevention and resolution of discrimination and harassment is a University-wide obligation and requires the participation of all members of the University community. Any individual may report a concern to the EOAA office, using any of several ways:

- [The bias incident website](#)
- [Direct contact with the EOAA Office for an appointment](#)
- [Ethicspoint anonymous online reporting system](#)
- Referrals from any department or unit are accepted

Exhibit 39



EOAA staff members help departments or individuals by:

- Assessing their situation to determine if further action is warranted
- Supporting individuals and departments addressing a situation at the local level
- Becoming part of a team effort to address issues when it is appropriate or necessary
- Conducting a formal investigation, which often has proved an effective intervention

If you are located on a campus other than UMTC, you may contact either EOAA on the Twin Cities campus or the point person on your campus:

- Sarah Mattson, Human Resources Director, University of Minnesota Morris, [mattsosj@morris.umn.edu](mailto:mattsosj@morris.umn.edu), 320-589-6024
- Tim Caskey, Director of Human Resources and Equal Opportunity, University of Minnesota Duluth, [tjcaskey@d.umn.edu](mailto:tjcaskey@d.umn.edu), 218-726-6326
- Andrea Wilson, Director of Human Resources, University of Minnesota Rochester, [wils1236@umn.edu](mailto:wils1236@umn.edu), 507-258-8010
- Les Johnson, Director, Office of Human Resources, University of Minnesota Crookston, [ljumc@umn.edu](mailto:ljumc@umn.edu), 218-281-8345

Finally, EOAA delivers a variety of educational programs to help departments comply with University policy and to empower them to address concerns that might be raised internally. Please visit [our website](#) for a calendar and complete descriptions.

Thank you for your ongoing efforts to ensure that the University of Minnesota campuses are equitable and free from discrimination and harassment. Best wishes for a successful school year.

Kimberly D. Hewitt  
Director, Equal Opportunity and Affirmative Action

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This message was sent by the Equal Opportunity and Affirmative Action office and sent to all faculty and staff.



UNIVERSITY OF MINNESOTA  
**BOARD OF REGENTS POLICY**

Page 1 of 4

Academic

**CODE OF CONDUCT**

Adopted: July 12, 1996

Amended: December 8, 2006

**CODE OF CONDUCT**

**SECTION I. SCOPE.**

The Code of Conduct (Code) applies to the following members of the University of Minnesota (University) community:

- members of the Board of Regents;
- faculty and staff;
- any individual employed by the University, using University resources or facilities, or receiving funds administered by the University; and
- volunteers and other representatives when speaking or acting on behalf of the University.

Students taking courses, attending classes, or enrolled in academic programs are governed by Board of Regents Policy: *Student Conduct Code*.

This code is intended to reflect other Board and University policies and procedures. It does not create any additional or different rights or duties of a substantive or procedural nature.

**SECTION II. GUIDING PRINCIPLES.**

**Subd. 1. Values.** In carrying out the institution's research, teaching, and public service mission, members of the University community (community members) are dedicated to advancing the University's core values. These values embrace commitment to:

- excellence and innovation;
- discovery and the search for the truth;
- diversity of community and ideas;
- integrity;
- academic freedom;
- stewardship and accountability for resources and relationships;
- sharing knowledge in a learning environment;
- application of knowledge and discovery to advance the quality of life and economy of the region and the world; and
- service as a land grant institution to Minnesota, the nation, and the world.

**Subd. 2. Commitment to Ethical Conduct.** Community members must be committed to the highest ethical standards of conduct and integrity. The standards of conduct in this Code, supported through policies, procedures, and workplace rules, provide guidance for making decisions and memorialize the institution's commitment to responsible behavior.

**Exhibit 40**



UNIVERSITY OF MINNESOTA

## BOARD OF REGENTS POLICY

Page 2 of 4

Academic

### CODE OF CONDUCT

Adopted: July 12, 1996

Amended: December 8, 2006

### **SECTION III. STANDARDS OF CONDUCT.**

The University holds itself and community members to the following standards of conduct:

**Subd. 1. Act Ethically and with Integrity.** Ethical conduct is a fundamental expectation for every community member. In practicing and modeling ethical conduct, community members are expected to:

- act according to the highest ethical and professional standards of conduct;
- be personally accountable for individual actions;
- fulfill obligations owed to students, advisees, and colleagues;
- conscientiously meet University responsibilities; and
- communicate ethical standards of conduct through instruction and example.

**Subd. 2. Be Fair and Respectful to Others.** The University is committed to tolerance, diversity, and respect for differences. When dealing with others, community members are expected to:

- be respectful, fair, and civil;
- speak candidly and truthfully;
- avoid all forms of harassment, illegal discrimination, threats, or violence;
- provide equal access to programs, facilities, and employment; and
- promote conflict resolution.

**Subd. 3. Manage Responsibly.** The University entrusts community members who supervise or instruct employees or students with significant responsibility. Managers, supervisors, instructors, and advisors are expected to:

- ensure access to and delivery of proper training and guidance on applicable workplace and educational rules,
- policies, and procedures, including this Code;
- ensure compliance with applicable laws, policies, and workplace rules;
- review performance conscientiously and impartially;
- foster intellectual growth and professional development; and
- promote a healthy, innovative, and productive atmosphere that encourages dialogue and is responsive to concerns.

**Subd. 4. Protect and Preserve University Resources.** The University is dedicated to responsible stewardship. Community members are expected to:

- use University property, equipment, finances, materials, electronic and other systems, and other resources only for legitimate University purposes;
- prevent waste and abuse;
- promote efficient operations;
- follow sound financial practices, including accurate financial reporting, processes to protect assets, and responsible fiscal management and internal controls; and
- engage in appropriate accounting and monitoring.



UNIVERSITY OF MINNESOTA

## BOARD OF REGENTS POLICY

Page 3 of 4

Academic

### CODE OF CONDUCT

Adopted: July 12, 1996

Amended: December 8, 2006

**Subd. 5. Promote a Culture of Compliance.** The University is committed to meeting legal requirements and to fostering a culture of ethics and compliance.

- (a) Expectations - Community members are expected to:
- learn and follow the laws, regulations, contracts, and University policies and procedures applicable to University activities;
  - be proactive to prevent and detect any compliance violations;
  - report suspected violations to supervisors or other University officials; and
  - ensure that reports of violations within their area of responsibility are properly resolved, including disclosure to sponsors or other state or federal authorities as appropriate.
- (b) Prohibition - Community members are prohibited from retaliating against another community member for reporting a suspected compliance violation.

**Subd. 6. Preserve Academic Freedom and Meet Academic Responsibilities.** Academic freedom is essential to achieving the University's mission. Community members are expected to:

- promote academic freedom, including the freedom to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to speak or write as a public citizen without institutional restraint or discipline; and
- meet academic responsibilities, which means to seek and state the truth; to develop and maintain scholarly competence; to foster and defend intellectual honesty and freedom of inquiry and instruction; to respect those with differing views; to submit knowledge and claims to peer review; to work together to foster education of students; and to acknowledge when an individual is not speaking for the institution.

**Subd. 7. Ethically Conduct Teaching and Research.** University researchers have an ethical obligation to the University and to the larger global community as they seek knowledge and understanding. Community members are expected to:

- propose, conduct, and report research with integrity and honesty;
- protect people and humanely treat animals involved in research or teaching;
- learn, follow, and demonstrate accountability for meeting the requirements of sponsors, regulatory bodies, and other applicable entities;
- faithfully transmit research findings;
- protect rights to individual and University intellectual property;
- ensure originality of work, provide credit for the ideas of others upon which their work is built, and be responsible for the accuracy and fairness of information published; and
- fairly assign authorship credit on the basis of an appropriate array of significant intellectual contributions, including: conception, design, and performance; analysis and interpretation; and manuscript preparation and critical editing for intellectual content.

**Subd. 8. Avoid Conflicts of Interest and Commitment.** Community members have an obligation to be objective and impartial in making decisions on behalf of the University. To ensure this objectivity, community members are expected to:

- avoid actual individual or institutional conflicts of interest;



UNIVERSITY OF MINNESOTA

## BOARD OF REGENTS POLICY

Page 4 of 4

Academic

### CODE OF CONDUCT

Adopted: July 12, 1996

Amended: December 8, 2006

- disclose potential conflicts of interest and adhere to any management plans created to eliminate any conflicts of interest; and
- ensure personal relationships do not interfere with objective judgment in decisions affecting University employment or the academic progress of a community member.

**Subd. 9. Carefully Manage Public, Private, and Confidential Information.** Community members are the creators and custodians of many types of information. The public right to access and the individual's right to privacy are both governed by laws and University policies. To meet these responsibilities, community members are expected to:

- learn and follow laws and University policies and agreements regarding access, use, protection, disclosure, retention, and disposal of public, private, and confidential information;
- follow document preservation and retention guidelines; and
- maintain data security using electronic and physical safeguards.

**Subd. 10. Promote Health and Safety in the Workplace.** Community members have a shared responsibility to ensure a safe, secure, and healthy environment for all University students, faculty, staff, volunteers, and visitors. Community members are expected to:

- follow safe workplace practices, including participating in applicable education sessions, using appropriate personal safety equipment, and reporting accidents, injuries, and unsafe situations;
- maintain security, including securing University assets and facilities;
- report suspicious activities; and
- protect the environment, including carefully handling hazardous waste and other potentially harmful agents, materials, or conditions.

### **SECTION IV. DELEGATION OF AUTHORITY.**

The president or delegate shall ensure that appropriate administrative policies are maintained to support this Code, and shall effectively promulgate this Code and any related administrative policies or procedures through appropriate and periodic explanation, education, and evaluation.

More information on the Code of Conduct and key related policies can be found at <http://www.compliance.umn.edu/complianceCode.htm>.



UNIVERSITY OF MINNESOTA

## BOARD OF REGENTS POLICY

Page 1 of 2

Human Resources

### NEPOTISM AND PERSONAL RELATIONSHIPS

Adopted: September 10, 1971

Amended: September 10, 1993; December 11, 1998;  
November 10, 2005; May 11, 2012

### NEPOTISM AND PERSONAL RELATIONSHIPS

#### SECTION I. SCOPE.

This policy governs conflicts of interest that may arise due to personal relationships among members of the University of Minnesota (University) community.

#### SECTION II. DEFINITIONS.

**Subd. 1. Nepotism.** *Nepotism* shall mean actions by a University member that directly influence the University employment (e.g., hiring, promotion, supervision, evaluation, and determination of salary) or academic progress (e.g., grading and advising) of any other University member with whom they have a personal relationship. This definition includes instances where there is no direct influence on employment or academics, but the relationship has a negative impact on the educational or work environment.

**Subd. 2. Personal Relationship.** *Personal relationship* shall mean a marital or other committed relationship, significant familial relationship, including, relationships by blood, adoption, marriage, or domestic partnership; partner, parent, grandparent, child, sibling, first cousin, uncle, aunt, nephew, niece, spouse, brother- or sister-in-law, father - or mother-in-law, son- or daughter-in-law, step-parent, or step-child; consensual sexual or romantic relationship; a close personal friendship; or a significant business relationship.

**Subd. 3. Member of the University Community.** *Member of the University community* shall mean any University faculty member, staff member, student, or other individual engaged in any University activity or program.

#### SECTION III. GUIDING PRINCIPLES.

The following principles shall guide the commitment of the University to govern conflicts of interest that may arise due to personal relationships among members of the University community.

- (a) Nepotism is prohibited at the University in the employment and educational context.
- (b) Faculty members and advisors are cautioned that romantic relationships with current students are unwise and may violate other University policies, even when activities prohibited by this policy have been avoided because of:
  - (i) the trust accorded to faculty members and advisors by students;
  - (ii) the power disparity inherent in academic associations;
  - (iii) the difficulty of making alternative arrangements for grading and evaluation;
  - (iv) the risk of real or perceived favoritism toward the student in the personal relationship;
  - and
  - (v) the potential harm to the student and other students.

Exhibit 41



UNIVERSITY OF MINNESOTA

## BOARD OF REGENTS POLICY

Page 2 of 2

Human Resources

### NEPOTISM AND PERSONAL RELATIONSHIPS

**Adopted:** September 10, 1971

**Amended:** September 10, 1993; December 11, 1998;  
November 10, 2005; May 11, 2012

#### **SECTION IV. Implementation**

The University shall:

- (a) Require mandatory consultation for University members who are or will be in a position to engage in activity prohibited by this policy and ensure that appropriate, confidential steps that do not unreasonably disadvantage any University member, are taken to avoid the prohibited activity.
- (b) Require compliance with this policy by either structuring the conditions of the employment or academic association of the related parties to avoid or eliminate prohibited activities or avoid the personal relationship that may lead to prohibited activities. Such structuring shall occur after appropriate consultation and shall not unreasonably disadvantage either University member.
- (c) Protect the employment or academic interests of the subordinate party when structuring the association to avoid a prohibited activity.
- (d) Protect the interests of the subordinate when a power disparity exists in the employment or academic association of the individuals in the personal relationship.
- (e) Grant an exception to this policy in unusual circumstances, when eliminating a prohibited activity would unreasonably disadvantage one or both of the University members involved in a personal relationship. Safeguards will be implemented to ensure that any subsequent employment or academic decisions are made impartially.
- (f) Allow noncompetitive appointments of spouses and partners otherwise authorized by University policy and procedures.
- (g) Implement disciplinary action in response to violations of this policy up to and including termination of employment or academic dismissal. Participation in and adherence to the consultation process may mitigate disciplinary action.
- (h) Ensure a compliance monitoring process and remedy any practices that deviate from this policy.



UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS POLICY

Page 1 of 2

Human Resources

SEXUAL HARASSMENT

Adopted: May 11, 2012

Supersedes: (see end of policy)

SEXUAL HARASSMENT

**SECTION I. SCOPE.**

This policy governs the commitment to the prevention and awareness of and response to sexual harassment at the University of Minnesota (University).

**SECTION II. DEFINITIONS.**

(a) **Sexual Harassment.** *Sexual harassment* shall mean unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement in any University activity or program;
- (2) Submission to or rejection of such conduct by an individual is used as the basis of employment or academic decisions affecting this individual in any University activity or program: or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or academic environment in any University activity or program.

(b) **Retaliation.** *Retaliation* shall mean any form of intimidation, reprisal or harassment against an individual because the individual has made a report of sexual harassment or has participated in an investigation of sexual harassment by or of a University community member including:

- (1) firing, refusing to hire, or refusing to promote the individual;
- (2) departing from any customary employment or academic practice regarding the individual;
- (3) transferring or assigning the individual to a lesser position in terms of wages, hours, job classification, job security, employment or academic status;
- (4) informing another student, staff or faculty member who does not have a need to know that the individual has made a complaint or participated in an investigation of a complaint of sexual harassment;
- (5) impeding the individual's academic advancement in any University activity or program.

(c) **Member of the University Community.** *Member of the University community* shall mean any University faculty member, student, staff member, visitor or other individual engaged in any University activity or program.

Exhibit 42





UNIVERSITY OF MINNESOTA  
**BOARD OF REGENTS POLICY**

Page 2 of 2

Human Resources

**SEXUAL HARASSMENT**

Adopted: May 11, 2012

Supersedes: (see end of policy)

**SECTION III. GUIDING PRINCIPLES.**

The following principles shall guide the commitment of the University for the prevention and awareness of and response to sexual harassment:

- (a) Consistent with its academic mission and standards, the University is committed to achieving excellence by working to create an educational, employment and residential living environment that are free from sexual harassment.
- (b) The University is committed to preventing and eliminating sexual harassment of faculty, staff and students through education and by encouraging all members of the University community to report any concerns or complaints about sexual harassment.
- (c) As a community of faculty, staff and students engaged in research, scholarship, artistic activity, teaching and learning or activities that support them the University seeks to foster an environment that is equitable, humane and responsible and where all members are treated with dignity and respect.

**SECTION IV. IMPLEMENTATION.**

The University shall:

- (a) prohibit sexual harassment or retaliation.
- (b) ensure that department heads, deans, provosts, chancellors, vice presidents, and other supervisors and managers take timely and appropriate action when they know or should know of the existence of sexual harassment. Other persons who suspect sexual harassment should report it to an appropriate person in their unit or to the University equal opportunity officer.
- (c) adopt procedures on each campus for investigating and resolving complaints of sexual harassment in coordination with the director of equal opportunity and affirmative action.
- (d) address violations of this policy through disciplinary or other corrective action up to and including termination of employment or academic dismissal.

**SECTION V. MONITORING.**

The president or delegate shall address complaints of sexual harassment consistent with this policy and law and remedy any discriminatory or harassing practice that deviate from this policy.

Supersedes: Sexual Harassment dated September 11, 1998



UNIVERSITY OF MINNESOTA

## BOARD OF REGENTS POLICY

Page 1 of 7

Academic

### STUDENT CONDUCT CODE

Adopted: July 10, 1970

Amended: December 13, 1974; March 11, 1994;  
June 13, 2003; December 8, 2006; October 11, 2012

Supersedes: (see end of policy)

## STUDENT CONDUCT CODE

### SECTION I. GUIDING PRINCIPLES.

- (a) The University seeks an environment that promotes academic achievement and integrity, that is protective of free inquiry, and that serves the educational mission of the University.
- (b) The University seeks a community that is free from violence, threats, and intimidation; that is respectful of the rights, opportunities, and welfare of students, faculty, staff, and guests of the University; and that does not threaten the physical or mental health or safety of members of the University community.
- (c) The University is dedicated to responsible stewardship of its resources and to protecting its property and resources from theft, damage, destruction, or misuse.
- (d) The University supports and is guided by state and federal law while also setting its own standards of conduct for its academic community.
- (e) The University is dedicated to the rational and orderly resolution of conflict.

### SECTION II. SCOPE.

This policy applies to all students and student organizations at the University of Minnesota (University), whether or not the University is in session.

### SECTION III. DEFINITIONS.

**Subd. 1. Academic Environment.** *Academic environment* shall mean any setting where a student is engaged in work toward academic credit, satisfaction of program-based requirements, or related activities including but not limited to on line courses, learning abroad, and field trips.

**Subd. 2. Campus.** *Campus* shall mean all University premises, including all land, buildings, facilities, and other property owned, possessed, leased, used, or controlled by the University, and adjacent streets and sidewalks.

**Subd. 3. Plagiarism.** *Plagiarism* shall mean representing the words, creative work, or ideas of another person as one's own without providing proper documentation of source. Examples include, but are not limited to:

- copying information word for word from a source without using quotation marks and giving proper acknowledgement by way of footnote, endnote, or in-text citation;
- representing the words, ideas, or data of another person as one's own without providing proper attribution to the author through quotation, reference, in-text citation, or footnote;
- producing, without proper attribution, any form of work originated by another person such as a musical phrase, a proof, a speech, an image, experimental data, laboratory report, graphic design, or computer code;

Exhibit 43



UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS POLICY

Page 2 of 7

Academic

STUDENT CONDUCT CODE

Adopted: July 10, 1970

Amended: December 13, 1974; March 11, 1994;  
June 13, 2003; December 8, 2006; October 11, 2012

Supersedes: (see end of policy)

- paraphrasing, without sufficient acknowledgment, ideas taken from another person that the reader might reasonably mistake as the author's; and
- borrowing various words, ideas, phrases, or data from original sources and blending them with one's own without acknowledging the sources.

It is the responsibility of all students to understand the standards and methods of proper attribution and to clarify with each instructor the standards, expectations, and reference techniques appropriate to the subject area and class requirements, including group work and internet use. Students are encouraged to seek out information about these methods from instructors and other resources and to apply this information in all submissions of academic work.<sup>1</sup>

**Subd. 4. Student.** *Student* shall mean any person taking courses at the University or enrolled in a University program; any person participating as a student in University activities prior to the start of classes; any student who is not enrolled or registered for a particular term but has a continuing relationship with the University; any student who withdraws, transfers, or graduates after an alleged violation of the Student Conduct Code; and any already graduated student when the conduct at issue implicates the student's University degree.

**Subd. 5. Student Organization.** *Student organization* shall mean any organization of students that is or has been registered as a University student organization under applicable University policies or procedures.

**Subd. 6. University-Sponsored Activities.** *University-sponsored activities* shall mean any program or event sponsored by the University, including but not limited to those sponsored by student organizations, or athletics.

**SECTION IV. JURISDICTION.**

**Subd. 1.** The Student Conduct Code shall apply to student conduct that occurs on campus or at University-sponsored activities.

**Subd. 2.** The Student Conduct Code shall apply to student conduct that directly relates to the University's education, services, programs, or rules, including but not limited to scholastic dishonesty, hazing, violation of University rules, and falsification, whether the conduct occurs on campus or off campus.

**Subd. 3.** At the discretion of the president or delegate, the Student Conduct Code also shall apply to off-campus student conduct when the conduct, as alleged, adversely affects a substantial University interest and either:

- (a) constitutes a criminal offense as defined by local, state, or federal law or ordinance, regardless of the existence or outcome of any criminal proceeding; or
- (b) indicates that the student may present a danger or threat to the health or safety of the student or others.

<sup>1</sup> Portions used with permission from New York Institute of Technology and University of Texas, San Antonio.



UNIVERSITY OF MINNESOTA

## BOARD OF REGENTS POLICY

Page 3 of 7

Academic

### STUDENT CONDUCT CODE

Adopted: July 10, 1970

Amended: December 13, 1974; March 11, 1994;  
June 13, 2003; December 8, 2006; October 11, 2012

Supersedes: (see end of policy)

### **SECTION V. THE RESPONSIBILITIES OF DUAL MEMBERSHIP.**

Students are both members of the University community and of the state. Students are responsible to the community of which they are a part, and they are responsible to the academic community of the University. By enforcing its Code, the University neither substitutes for nor interferes with other civil or criminal legal processes. When a student is charged in both jurisdictions, the University will decide on the basis of its interests, the interests of affected students, and the interests of the community whether to proceed with its disciplinary process or to defer action. Determinations made or sanctions imposed under the Code will not be subject to change because criminal charges arising out of the same facts were dismissed, reduced, or resolved in favor of the criminal law defendant.

### **SECTION VI. DISCIPLINARY OFFENSES.**

Any student or student organization found to have committed, attempted to commit, assisted or abetted another person or group to commit the following misconduct is subject to appropriate disciplinary action under this policy:

**Subd. 1. Scholastic Dishonesty.** Scholastic dishonesty means plagiarism; cheating on assignments or examinations; engaging in unauthorized collaboration on academic work; taking, acquiring, or using test materials without faculty permission; submitting false or incomplete records of academic achievement; acting alone or in cooperation with another to falsify records or to obtain dishonestly grades, honors, awards, or professional endorsement; altering, forging, misrepresenting, or misusing a University academic record; or fabricating or falsifying data, research procedures, or data analysis.

**Subd. 2. Disruption of the Academic Environment.** Disruption of the academic environment means engaging in behavior that substantially or repeatedly interrupts either the instructor's ability to teach and/or a student's ability to learn.

**Subd. 3. Falsification.** Falsification means willfully providing University offices or officials with false, misleading, or incomplete information; forging or altering without proper authorization official University records or documents or conspiring with or inducing others to forge or alter without proper authorization University records or documents; misusing, altering, forging, falsifying, or transferring to another person University-issued identification; or intentionally making a false report of a bomb, fire, natural disaster, or other emergency to a University official or an emergency service agency.

**Subd. 4. Refusal to Identify and Comply.** Refusal to identify and comply means willfully refusing to or falsely identifying one's self or willfully failing to comply with a proper order or summons when requested by an authorized University official, by law enforcement personnel, or by emergency medical staff responding to an emergency.

**Subd. 5. Attempt to Injure or Defraud.** Attempt to injure or defraud means making, forging, printing, reproducing, copying, or altering any record, document, writing, or identification used or maintained by the University when done with intent to injure, defraud, or misinform.



UNIVERSITY OF MINNESOTA

## BOARD OF REGENTS POLICY

Page 4 of 7

Academic

### STUDENT CONDUCT CODE

Adopted: July 10, 1970

Amended: December 13, 1974; March 11, 1994;

June 13, 2003; December 8, 2006; October 11, 2012

Supersedes: (see end of policy)

**Subd. 6. Harm to Person.** Harm to person means engaging in conduct that endangers or threatens to endanger the physical and/or mental health, safety, or welfare of another person, including, but not limited to, threatening, stalking, harassing, intimidating, or assaulting behavior.

**Subd. 7. Bullying.** Bullying means aggressive behavior directed at another person, either in person or through electronic means, that causes stress or harm and that is repeated over time, including but not limited to assaulting, defaming, terrorizing, making obscene gestures, or invading privacy.

**Subd. 8. Sexual Assault.** Sexual assault means actual, attempted or threatened sexual contact with another person without that person's consent. Sexual assault is a criminal act that can be prosecuted under Minnesota state law, as well as under the Student Conduct Code and employee discipline procedures.

**Subd. 9. Disorderly Conduct.** Disorderly conduct means engaging in conduct that incites or threatens to incite an assault or breach of the peace; breaching the peace; obstructing or disrupting teaching, research, administrative, or public service functions; or obstructing or disrupting disciplinary procedures or authorized University activities.

**Subd. 10. Illegal or Unauthorized Possession or Use of Weapons.** Illegal or unauthorized possession or use of weapons means possessing or using weapons or articles or substances usable as weapons, including, but not limited to, firearms, incendiary devices, explosives, and dangerous biological or chemical agents, except in those instances when authorized by law and, where applicable, by proper University authority.

**Subd. 11. Illegal or Unauthorized Possession or Use of Drugs or Alcohol.** Illegal or unauthorized possession or use of drugs or alcohol means possessing or using drugs or alcohol illegally or, where applicable, without proper University authorization.

**Subd. 12. Providing Alcohol to Minors.** Providing alcohol to minors means directly or indirectly providing alcohol to anyone under the legal drinking age.

**Subd. 13. Unauthorized Use of University Facilities or Services.** Unauthorized use of University facilities or services means wrongfully using University properties or facilities; misusing, altering, or damaging fire-fighting equipment, safety devices, or other emergency equipment or interfering with the performance of those specifically charged to carry out emergency services; or acting to obtain fraudulently—through deceit, unauthorized procedures, bad checks, or misrepresentation—goods, quarters, services, or funds from University departments or student organizations or individuals acting on their behalf.

**Subd. 14. Theft, Property Damage, or Vandalism.** Theft, property damage, or vandalism means theft or embezzlement of, damage to, destruction of, unauthorized possession of, or wrongful sale or gift of property.

**Subd. 15. Unauthorized Access.** Unauthorized access means accessing without authorization University property, facilities, services, or information systems, or obtaining or providing to another person the means of such unauthorized access, including, but not limited to, using or providing without authorization keys, access cards, or access codes.



UNIVERSITY OF MINNESOTA

## BOARD OF REGENTS POLICY

Page 5 of 7

Academic

### STUDENT CONDUCT CODE

Adopted: July 10, 1970

Amended: December 13, 1974; March 11, 1994;

June 13, 2003; December 8, 2006; October 11, 2012

Supersedes: (see end of policy)

**Subd. 16. Disruptive Behavior.** Disruptive behavior means willfully disrupting University events; participating in a campus demonstration that disrupts the normal operations of the University and infringes on the rights of other individuals; leading or inciting others to disrupt scheduled or normal activities of the University; engaging in intentional obstruction that interferes with freedom of movement, either pedestrian or vehicular, on campus; using sound amplification equipment on campus without authorization; or making or causing noise, regardless of the means, that disturbs authorized University activities or functions.

**Subd. 17. Hazing.** Hazing means any act taken on University property or in connection with any University-related group or activity that endangers the physical and/or mental health or safety of an individual (including, without limitation, an act intended to cause personal degradation or humiliation), or that destroys or removes public or private property, for the purpose of initiation in, admission to, affiliation with, or as a condition for continued membership in a group or organization.

**Subd. 18. Rioting.** Rioting means engaging in, or inciting others to engage in, harmful or destructive behavior in the context of an assembly of persons disturbing the peace on campus, in areas proximate to campus, or in any location when the riot occurs in connection with, or in response to, a University-sponsored event. Rioting includes, but is not limited to, such conduct as using or threatening violence to others, damaging or destroying property, impeding or impairing fire or other emergency services, or refusing the direction of an authorized person.

**Subd. 19. Violation of University Rules.** Violation of University rules means engaging in conduct that violates University, collegiate, or departmental regulations that have been posted or publicized, including provisions contained in University contracts with students.

**Subd. 20. Violation of Local, State, or Federal Laws or Ordinances.** Violation of local, state, or federal laws or ordinances means engaging in conduct that violates a local, state, or federal law, or ordinance, including, but not limited to, laws governing alcoholic beverages, drugs, gambling, sex offenses, indecent conduct, or arson.

**Subd. 21. Persistent Violations.** Persistent violations means engaging in repeated conduct or action in violation of this Code.

### SECTION VII. SANCTIONS.

Student and student organizations found responsible for disciplinary offenses under the Student Conduct Code are subject to sanctions. Factors to consider in determining appropriate sanctions include: the nature of the offense, the severity of the offense, the culpability of the student or student organization, the impact on other students or members of the University community, and the opportunity for student development. Separation from the University through suspension or expulsion is a serious sanction that may be appropriate for: repeated violations of the Code, for serious scholastic dishonesty, and for misconduct that constitutes a threat to community safety or well-being (including, but not limited to harm to person and sexual assault), or significantly disrupts the rights of others or the operations of the University. The following sanctions may be imposed upon students or student organizations found to have violated the Code:



UNIVERSITY OF MINNESOTA

BOARD OF REGENTS POLICY

Page 6 of 7

Academic

STUDENT CONDUCT CODE

Adopted: July 10, 1970

Amended: December 13, 1974; March 11, 1994;  
June 13, 2003; December 8, 2006; October 11, 2012

Supersedes: (see end of policy)

**Subd. 1. Academic Sanction.** An academic sanction means a sanction affecting the course or academic work of the student for violation of Section VI, Disciplinary Offenses, Subdivision 1, Scholastic Dishonesty.

**Subd. 2. Warning.** A warning means the issuance of an oral or written warning or reprimand.

**Subd. 3. Probation.** Probation means special status with conditions imposed for a defined period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation during the probationary period.

**Subd. 4. Required Compliance.** Required compliance means satisfying University requirements, work assignments, community service, or other discretionary assignments.

**Subd. 5. Confiscation.** Confiscation means confiscation of goods used or possessed in violation of University regulations or confiscation of falsified identification or identification wrongly used.

**Subd. 6. Restitution.** Restitution means making compensation for loss, injury, or damage.

**Subd. 7. Restriction of Privileges.** Restriction of privileges means the denial or restriction of specified privileges, including, but not limited to, access to an official transcript for a defined period of time.

**Subd. 8. University Housing Suspension.** University housing suspension means separation of the student from University Housing for a defined period of time.

**Subd. 9. University Housing Expulsion.** University housing expulsion means permanent separation of the student from University Housing.

**Subd. 10. Suspension.** Suspension means separation of the student from the University for a defined period of time, after which the student is eligible to return to the University. Suspension may include conditions for readmission.

**Subd. 11. Expulsion.** Expulsion means the permanent separation of the student from the University.

**Subd. 12. Withholding of Diploma or Degree.** Withholding of diploma or degree means the withholding of diploma or degree otherwise earned for a defined period of time or until the completion of assigned sanctions.

**Subd. 13. Revocation of Admission or Degree.** Revocation of admission or degree means revoking a student's admission to the University or revoking a degree already awarded by the University.

**SECTION VIII. INTERIM SUSPENSION.**

The president or delegate may impose an immediate suspension on a student or student organization pending a hearing before the appropriate disciplinary committee (1) to ensure the safety and well-being of members of the University community or to preserve University property, (2) to ensure the student's own physical or emotional safety and well-being, or (3) if the student or student organization



UNIVERSITY OF MINNESOTA

## BOARD OF REGENTS POLICY

Page 7 of 7

Academic

### STUDENT CONDUCT CODE

Adopted: July 10, 1970

Amended: December 13, 1974; March 11, 1994;  
June 13, 2003; December 8, 2006; October 11, 2012

Supersedes: (see end of policy)

poses an ongoing threat of disrupting or interfering with the operations of the University. During the interim suspension, the student or student organization may be denied access to all University activities or privileges for which the student or student organization might otherwise be eligible, including access to University housing or property. The student or student organization has a right to a prompt hearing before the president or delegate on the questions of identification and whether the interim suspension should remain in effect until the full hearing is completed.

### **SECTION IX. HEARING AND APPEALS OF STUDENT DISCIPLINE.**

Any student or student organization charged with violation of the Code shall have the opportunity to receive a fair hearing and access to a campus-wide appeal. To safeguard the rights of students and student organizations, the president or delegate shall ensure that each campus has an appeals procedure to govern alleged violations of this policy. The appeals procedure shall provide both substantive and procedural fairness for the student or student organization alleged to have violated the Code and shall provide for resolution of cases within a reasonable period of time.

The appeals procedure must describe:

- (a) grounds for an appeal;
- (b) procedures for filing an appeal; and
- (c) the nature of an appellate review.

### **SECTION X. DELEGATION OF AUTHORITY.**

The president or delegate shall implement this policy, including publishing and distributing the Code and the procedures governing the student disciplinary process at the University.

**Supersedes:** Existing Disciplinary Appeals Policies in Contradiction and Specifically Repeals the Appeals Policies dated February 9, 1979.





## ADMINISTRATIVE POLICY

Date Revised

July 2014

Date Effective

March 1999

# Managing Nepotism and Personal Relationships

**Responsible University Officer:** Vice President and Vice Provost for Equity and Diversity

**Policy Owner:** Director of Equal Opportunity Affirmative Action

**Policy Contact:** [Kimberly Hewitt](#)

Printed on: 11/24/2015. Please go to <http://policy.umn.edu> for the most current version of the Policy or related document.

## POLICY STATEMENT

Members of the University community are prohibited from directly influencing the University employment or academic progress of a University member with whom they have a personal relationship. In addition, the policy may be invoked where there is no direct influence on employment or academics, but where the relationship has a negative impact on the educational or work environment.

A University member who is or will be in a position to engage in a prohibited activity must consult with the Office of Equal Opportunity and Affirmative Action (EOAA) to determine whether or not the relationship violates this policy and to develop an appropriate nepotism agreement. Likewise, a supervisor or manager who becomes aware of a potential nepotism violation should report it to the EOAA Office as should any employee who believes that their employment is negatively affected by a personal relationship of their own or another's.

The Office of Equal Opportunity and Affirmative Action may grant exceptions to this policy when eliminating the prohibited activities would unreasonably disadvantage one or both of the University members in the personal relationship. If the exception is granted, a written agreement will be developed so that employment and academic decisions are made impartially. A written agreement will also be created if a relationship has a negative impact on the work environment, even if the relationship does not have a direct influence on employment or academic progress.

### Retaliation

No one acting on behalf of the University may retaliate against an individual for making a report in good faith under this policy or participating in a nepotism investigation. Any employee who engages in retaliation may be subject to disciplinary action up to and including termination of employment. Reports of retaliation will be reviewed and investigated in the same manner in which other allegations of misconduct are handled. This provision aligns with Board of Regents Policy: [Code of Conduct](#).

## REASON FOR POLICY

[RETURN TO TOP](#)

To implement Board of Regents Policy: [Nepotism and Personal Relationships](#). The University is committed to the highest standard of professional conduct and integrity and expects all members of the university community to adhere to them. Members of the University community must take care to ensure that personal relationships within the community do not result in conflicts of interest and situations that might impair objective judgment or create a hostile work environment.

## PROCEDURES

[RETURN TO TOP](#)

- [Responding to Nepotism and Personal Relationships](#)

## FORMS/INSTRUCTIONS

[RETURN TO TOP](#)

Exhibit 44

<https://policy.umn.edu/hr/workplacereationships>

11/24/2015

There are no forms associated with this policy.

## APPENDICES

[RETURN TO TOP](#)

- [Template of an Agreement to Comply with the Board of Regents Policy: Nepotism and Personal Relationships](#)

## FREQUENTLY ASKED QUESTIONS

[RETURN TO TOP](#)

1. **What can I do if I work with two co-workers who are involved in a romantic or familial relationship and I feel they are deriving certain employment advantages from the relationship?**

Consult with someone from the Equal Opportunity and Affirmative Action Office and/or your human resources representative. You may also report any potential violation of the Nepotism Policy through UReport or the University's confidential hotline.

2. **What is meant by a "power disparity"?**

A power disparity usually exists when an persons position or status allows the individual to influence the U employment or academic progress of another member of the U community. Some examples include:

- faculty/student
- supervisor/subordinate
- reviewer/applicant

3. **How do I prepare a Nepotism Agreement?**

After you have determined that the personal relationship would violate the policy you can develop a policy using the template that is attached to the appendices below and review it with someone in the EOAA Office.

## ADDITIONAL CONTACTS

[RETURN TO TOP](#)

Subject	Contact	Phone	Fax/Email
<b>Primary Contact(s)</b>	<b><a href="#"><u>Kimberly Hewitt</u></a></b>	<b>612-625-6791</b>	<b><a href="mailto:khewitt@umn.edu"><u>khewitt@umn.edu</u></a></b>
For consultations or to review implementation plans	Equal Opportunity & Affirmative Action Office	Voice: 612-624-9547 TDD: 612-626-8947	612-624-5223

## DEFINITIONS

[RETURN TO TOP](#)

### Administrator/Supervisor

Any administrator or supervisor who is responsible for managing or supervising a unit.

### Member of University Community

Any University of Minnesota faculty member, student, or staff member, or other individual engaged in any University activity or program.

### Nepotism

Actions by a University member that directly or indirectly influence the University employment (e.g., hiring, promotion, supervision, evaluation, and determination of salary) or academic progress (e.g., grading and advising) of any other University member with whom they have a personal relationship. This definition includes instances where there is no direct influence on employment or academics, but the relationship has a negative impact on the educational or work environment.

### Personal Relationship

A marital or other committed relationship; significant familial relationship, including, relationships by blood, adoption, marriage, or domestic partnership; partner, parent, grandparent, child, sibling, first cousin, uncle, aunt, nephew, niece, spouse, brother- or sister-in-law, father – or mother-in-law, son- or daughter-in-law, step-parent or step-child; consensual sexual or romantic relationship; a close personal friendship; or a significant business relationship.

**Prohibited Activities**

Directly influencing or exerting power over the employment or academic progress of a member of the University community, including but not limited to hiring, promotion, supervision, evaluation, determination of salary, grading, and advising. Retaliating against any individual who reports their concerns about nepotism or who participates in an investigation.

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**RESPONSIBILITIES**[RETURN TO TOP](#)**Equal Opportunity and Affirmative Action Office**

Establish procedures for this policy. Advise and educate departments and individuals on resolutions involving personal relationships and develop nepotism policy where necessary. Store documentation when requested.

**Member of University Community**

Inform their supervisor of any workplace personal relationship involvement.

**Administrator/Supervisor**

Consult with each individual in the relationship, either jointly or separately. Contact EOAA. Protect the employment or academic interests of the subordinate. Document consultation regarding personal relationships. Keep all documentation secure and separate from any official file.

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**RELATED INFORMATION**[RETURN TO TOP](#)

- Board of Regents Policy: [Nepotism and Personal Relationships](#) (PDF)
- Board of Regents Policy: [Sexual Harassment](#) (PDF)
- Board of Regents Policy: [Individual Conflicts of Interest](#) (PDF)
- Administrative Policy: [Individual Conflicts of Interest](#)
- EOAA Brochure: [Equal Opportunity and Affirmative Action at the University of Minnesota](#) (PDF)

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**HISTORY**[RETURN TO TOP](#)**Amended**

July 2014 - Comprehensive Review, Minor Revision. 1. The core University paragraph on retaliation was added. 2. Minor changes were made to the policy to make it consistent with other administrative policies.

**Amended:**

July 2008 - Statement, Exclusions, Definitions, Responsibilities and Procedure clarified and updated. Added new appendix: Template for Nepotism Agreement.

**Amended:**

June 2006 - Title of Policy changed from "Managing Consensual Relationships in the Workplace" to "Managing Nepotism and Personal Relationships" and the procedure title "Responding to Consensual Relationships" changed to: "Responding to Nepotism and Personal Relationships".

**Amended:**

June 2002 - Title of Policy changed from "Managing Personal Relationships in the Workplace" to "Managing Nepotism and Consensual Relationships" and the procedure title "Responding to Personal Relationships" changed to: "Responding to Nepotism and Consensual Relationships". This change was made to make this policy and procedure easier to find.

**Amended:**

May 1999 - Added FAQ section.

**Effective:**

March 1999 - The Regents policy on Nepotism and Consensual Relations was passed on December 11, 1998, modifying the previous policy on Nepotism. This policy establishes the first procedures.



## ADMINISTRATIVE POLICY

Date Revised

July 2013

Date Effective

March 2000

# Reporting and Addressing Concerns of Misconduct

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**Responsible University Officer:** University President

Director, Office of Institutional Compliance

**Policy Owner:** Director, Office of Institutional Compliance

**Policy Contact:** [Lynn Zentner](#)

Printed on: 11/16/2015. Please go to <http://policy.umn.edu> for the most current version of the Policy or related document.

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## POLICY STATEMENT

The individuals described below are expected to report concerns if they have a good faith belief there has been a violation of local, state, or federal law or University policy governing any University activity.

- Employees (faculty and staff);
- Students;
- Individuals employed by the University, using University resources or facilities, or receiving funds administered by the University; and
- Volunteers and other representatives when speaking or acting on behalf of the University.

Employees are encouraged to resolve their concerns at the most local level, by reporting their concerns to their supervisor or other appropriate contact person within their unit. If employees feel uncomfortable addressing their concerns at the local level, or wish for any other reason to address their concerns elsewhere, employees may make their reports directly to University offices responsible for handling the subject area.

Alternatively, employees and other individuals may file a report using the University's confidential reporting service (via a confidential Web link [www.Ureport.ethicspoint.com](http://www.Ureport.ethicspoint.com)) or call toll-free 1-866-294-8680).

Reports will be directed to appropriate University administrators for resolution and investigation, as appropriate. Board of Regents or administrative policies and procedures may have specific protocols for handling certain types of concerns such as Administrative Policy: [Research Misconduct](#).

### Mandatory Reporting for the Protection of Minors

All University employees and volunteers are required to report to the local police department (including the University Police Departments), county sheriff or local social services agency within 24 hours when they know or have reason to believe a covered child (person under 18 years old) is being physically or sexually abused or neglected, or has been within the past three years, including abuse and neglect by non-University persons. While Minnesota law requires reporting by certain professionals at the University, such as educators (including faculty, instructors, researchers, coaches and deans), health care providers, social workers, and others, the University by policy extends this reporting obligation to all employees and volunteers.

### Resolution Of Reported Concerns

Appropriate University officials will promptly address all reported concerns, and will notify the reporter when the matter has been fully addressed.

The University's General Counsel, Auditor, and Director of the Office of Institutional Compliance will inform the President and the Board of Regents of any potential serious or widespread legal violations, significant accounting misconduct, or other matters that in their judgment represent a significant compliance concern.

Exhibit 45

## Protection from Retaliation

No one acting on behalf of the University may retaliate against an individual for having made a report in good faith under this policy. Any employee who engages in retaliation may be subject to disciplinary action up to and including termination of employment. Reports of retaliation will be reviewed and investigated in the same manner in which other allegations of misconduct are handled.

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## REASON FOR POLICY

[RETURN TO TOP](#)

This policy implements Board of Regents Policy: *Code of Conduct* and the reporting requirements in Minnesota statute 625-556 (Reporting Maltreatment of Minors.) The University community's commitment to ethical conduct is detailed in the Code of Conduct. The Code of Conduct addresses the University's responsibility to promote a culture of compliance which includes efforts to prevent, detect, and correct violations of law or policy, which may result from mistakes, lack of information, or, deliberate misconduct. A reporting system and protection against retaliation promotes compliance with law and policy and fair treatment of employees. This policy and the procedures attached to it support existing University policies and procedures for responding to reports of misconduct, and do not establish any additional rights beyond those already provided by law.

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## PROCEDURES

[RETURN TO TOP](#)

- [Reporting and Addressing Concerns of Misconduct](#)

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## FORMS/INSTRUCTIONS

[RETURN TO TOP](#)

There are no forms associated with this policy.

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## APPENDICES

[RETURN TO TOP](#)

- [Additional Service Contacts](#)
- [Information for Health Care Service Providers](#)
- [List and Description of Central Offices that Handle Concerns](#)
- [Reporting Concern Policy Flowchart](#)

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## FREQUENTLY ASKED QUESTIONS

[RETURN TO TOP](#)

- [Reporting and Addressing Concerns of Misconduct FAQ](#)
- [University Employees Reporting Child Abuse, Neglect, and Sexual Assault](#)

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## ADDITIONAL CONTACTS

[RETURN TO TOP](#)

Subject	Contact	Phone	Fax/Email
Primary Contact(s)	<a href="#">Lynn Zentner</a>	612-626-7852	<a href="mailto:lzentner@umn.edu">lzentner@umn.edu</a>
Policy clarification	Office of Institutional Compliance	612-624-3446	612-626-3949
Legal Questions	General Counsel	612-624-4100	612-626-9624
Questions about reporting	Office of Institutional Compliance	612-626-7852	612-626-7431

Anonymous/confidential reporting of legal/policy violations	Toll Free Outside Reporting Service	1-866-294-8680	<a href="http://www.Ureport.ethicspoint.com">www.Ureport.ethicspoint.com</a>
Reporting Retaliation	Katie Stuckert or local HR Professional	612-624-6557	612-624-6372
Reporting Retaliation	Tina Marisam	612-626-9357	<a href="mailto:marisiam@umn.edu">marisiam@umn.edu</a>

## Other Contacts:

- [List and Description of Central Offices that Handle Concerns](#)
- [Related Support Offices](#)

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## DEFINITIONS

[RETURN TO TOP](#)**Human Resource Liaison**

A person assigned by the Vice President for Human Resources to assist in preventing retaliation or unfair treatment of individuals for having reported potential violations of local, state or federal law or University policy.

**Investigation**

The steps taken to analyze all relevant information regarding an allegation and then determine whether sufficient evidence exists to find that misconduct occurred.

**Misconduct**

A violation of local, state, or federal law or University policy.

**Report in Good Faith**

An individual who reasonably believes that a violation has occurred and reports the incident.

**Retaliation**

Taking an adverse action against an individual because of the individual's good faith participation in the protected activity of reporting suspected misconduct. Examples of retaliation include, but are not limited to: impeding academic advancement, departing from any customary academic or employment practice regarding the individual, and termination of position, demotion, threats, and marginalization of the individual. A causal relationship between good faith participation in the protected activity of reporting and an adverse action is needed to demonstrate that retaliation has occurred.

**Ureport**

A confidential reporting service, administered by the Office of Institutional Compliance for the purpose of receiving reports of potential law or policy violations through a toll free number (1-866-294-8680) or Web site ([www.Ureport.ethicspoint.com](http://www.Ureport.ethicspoint.com)).

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## RESPONSIBILITIES

[RETURN TO TOP](#)**All Individuals**

Report good faith concerns about possible violations of local, state, or federal law or University policy governing any University activity. Are truthful and cooperative in investigations of alleged wrongdoing.

**Central Offices that Receive Reports**

Follow procedures for handling reported concerns.

**Collegiate/Unit Administrators**

Follow procedures for handling reported concerns.

**Deans, Vice Presidents, Chancellors, Vice Chancellors**

Annually notify employees of responsibility to report concerns and where to report them. Ensure timely follow-up and resolution of reported allegations in respective college or unit. Ensure that retaliation in response to the good faith reporting of violations of law or University policy does not occur.

**Director of the Office of Internal Audit**

Investigate allegations of financial and operational misconduct. Communicate information regarding allegations received to proper administrators. Consult with the General Counsel. Communicate with the President and the Board of Regents regarding potential serious financial or operational violations.

#### **Director of the Office of Institutional Compliance**

Administer the UReport, a confidential reporting service. Work collaboratively with responsible offices to address reported allegations of misconduct and communicate results of these efforts according to established procedures. Coordinate with the General Counsel and the Director of Internal Audit in communicating potential serious violations to the President and the Board of Regents.

#### **General Counsel**

Conduct investigations where the assertions of the attorney-client privilege and/or other legal issues require the General Counsel's involvement. Consult and coordinate with the Directors of the Offices of Internal Audit and Institutional Compliance as appropriate. Communicate with the President and the Board of Regents regarding potential serious legal violations.

#### **Human Resource Liaison**

Collaborate with responsible administrators to respond to concerns about retaliation or unfair treatment of individuals for having reported in good faith suspected violations of law or University policy

#### **Vice President for Human Resources**

Appoint Human Resource Liaison to protect against retaliation when appropriate. Respond to concerns of retaliation.

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## RELATED INFORMATION

[RETURN TO TOP](#)

- Board of Regents Policy: [Code of Conduct](#)
- 31 U.S.C. section 3729 - False Claims Act
- Social Security Act section 1902(a)(68)
- [Information for Healthcare Service Providers](#)
- Minn. Stat. section 625.556 – Reporting Maltreatment of Minors
- Minn. Stat. section 181.932 - Disclosure of Information by Employees
- Other administrative policies that address retaliation include:
  - [Research Misconduct](#)
  - [Student Employment](#)
  - [Use and Disclosure of Individual Health Information for Research](#)
- [Reporting Misconduct Website](#)

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## HISTORY

[RETURN TO TOP](#)

#### **Amended:**

July 2013 - Minor Revision - Added paragraph about Mandatory Reporting for the Protection of Minors to Statement, added FAQ: University Employees Reporting Child Abuse, Neglect, and Sexual Assault. Updated definitions and responsibilities sections.

#### **Amended:**

July 2012 - Comprehensive Review, Major Revision - 1. Incorporates a new section on mandatory reporting for the protection of minors. 2. Clarifies the section on retaliation and incorporates a definition of retaliation that could be used across the multiple policies that prohibit this behavior.

#### **Amended:**

May 2007 - Amended Policy and added related information to meet new requirements in section 1902(a)(68) of the Social Security Act.

#### **Amended:**

July, 2005 - Changed policy title from "Dealing with Financial and Operational Misconduct" to current title, expanded scope, amended responsibilities, and revised procedures to reflect expanded scope and outside reporting service.

#### **Amended:**

March 2002 - Added procedure on Reporting NCAA Violations. Policy Statement, Contacts and Responsibilities sections revised to reflect the inclusion of NCAA violations in the policy scope.

**Effective:**  
March 2000

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## ADMINISTRATIVE PROCEDURE

# Reporting and Addressing Concerns of Misconduct

Related Policy: [Reporting and Addressing Concerns of Misconduct](#)

## 1. Reporting Concerns of Law or Policy Violations

### When to Report

Anyone who in good faith believes that a violation of law or policy will occur, is occurring, or has occurred at the University should report their concern. People need not know the details of a law or policy or be certain about a violation. If unsure, the better course of action is to raise the concern.

### Where to Report - Options

- To the Local Unit/Supervisor. Typically, concerns should be raised first at the "local" level-within the college or unit. Usually, the local unit is most familiar with the issues and parties and is best equipped to handle the concern. Many units have individuals dedicated to handling certain types of concerns, such as Human Resource "Pros," Research Safety Officers, EOAA Liaisons, Certified Approvers, RRC Managers, etc.
- To a Central Office. Sometimes, because of the subject matter involved or because of work or personal relationships, concerns may be best raised first through a central office established to handle such concerns. Refer to [List and Description of Central Offices that Handle Concerns](#).

Examples include:

- Office of Internal Audits (financial misconduct)
- Athletics Compliance Office (NCAA violations)
- Department of Environmental Health and Safety (environmental safety/OSHA concerns)
- Office of Equal Opportunity and Affirmative Action (discrimination)
- Through the Confidential Reporting Service. Individuals reluctant to raise concerns directly through University offices are encouraged to use the outside confidential reporting service retained by the University. It is available 24 hours a day, 365 days a year, by calling toll free 1-866-294-8680 or via a secure Web site accessed at [www.Ureport.ethicspoint.com](http://www.Ureport.ethicspoint.com). Both the telephone and Web site may be used anonymously.

## 2. Ensuring Fair Treatment of Persons Involved

**Protection for Persons Making a Report.** Retaliation for raising a good faith concern of a law or policy violation is prohibited. The University will provide support as appropriate to ensure fair treatment of employees and students making reports. Support for employees may include appointing someone (normally a central HR consultant or campus-level HR professional from a system campus) to serve as a liaison to communicate with the reporting party and to respond to concerns about retaliation. Administrators handling reports will inform the person making the report, and others as may be necessary, about the University's prohibition against retaliation. If the person making the report self-identifies, but wishes to remain anonymous, his or her identity should not be disclosed except: (1) when an employee's job responsibilities reasonably require knowledge; (2) when required for investigation or resolution of the report; or (3) where permitted or required by law or legal process (e.g., law enforcement, court subpoena). When one or more of these circumstances exist, the reporter will be advised that it is not possible to provide anonymity.

**Protection for Subjects of a Report.** Individuals who are subjects of a report will be treated fairly, respectfully, and consistent with all protections set out in University policy or law. To assure fair treatment, those accused of misconduct should be notified about the nature of the allegations as soon as the administrator responsible for investigating concludes it will not risk the integrity of the investigation. Once advised of the allegation, subjects should be kept informed of the investigation status and the results unless to do so would jeopardize an ongoing investigation.results.

## 3. What College or Unit Administrators Must Do When They Receive a Report

Exhibit 46

**Evaluate Issues and Refer Where Appropriate.** Persons receiving a report of a law or policy violation should promptly evaluate the issues raised and as necessary refer the matter to the most appropriate office or individual. Many units have identified a single person to handle these reports. Units also may have individuals dedicated to handling certain types of concerns.

**Determine Whether You Must Contact a Central Office Before Investigating.** Various central offices (listed in Appendix: [List and Description of Central Offices that Handle Concerns](#)) have responsibility and expertise for handling certain types of concerns. Individuals who receive allegations that fall into these categories will notify the responsible office of the matter before taking further action, refer the matter as appropriate, and collaborate as requested.

- **Office of Internal Audits or Office of Human Resources.** If a report involves substantial investigation (i.e., employee interviews, significant records review, review of computer accounts, etc.) or otherwise presents a situation that an administrator believes is potentially significant, the administrator will consult with his or her central Human Resources contact (for purely employment matters) or the Office of Internal Audits (for all others) before further investigating or handling the matter.
- **General Counsel's Office.** If a report involves allegations of (1) misconduct by a high-level University official; (2) widespread or serious violations of law or University policy; (3) a situation that may likely require the University to self-report a violation to an outside agency or entity or pay a significant financial penalty, the administrator will contact the General Counsel before further investigating or handling the matter.

**Communicate with College or Unit Leadership.** Individuals receiving reports alleging significant legal or policy violations will promptly alert senior leadership within the college or unit involved in the report. Normally, this will include the Dean and Department Head of the College, or Vice President or Vice Chancellor of an administrative unit. If the leadership is a party to the allegations, individuals should instead contact the Office of Internal Audits or General Counsel.

**Promptly Resolve Minor Reported Concerns.** If the reported concern is minor and the solution is straightforward without the need for substantial investigation, the administrator handling the report will promptly resolve the concern. The administrator will ensure a solution is implemented, corrective action is taken, the rights of parties involved are protected, appropriate management within the college or unit involved is notified of the issue and resolution, and proper documentation is maintained. If at any time it appears that the issue is more significant than anticipated, the administrator will notify their Central Human Resources contact (purely employment), the Office of Internal Audits (all others), or the General Counsel's Office as described above before taking further action.

**Maintain Confidentiality.** All individuals who receive allegations will respect the confidentiality of the person raising the allegations, individuals who are the subjects of the allegations, and any confidential or private data disclosed in the report.

#### 4. What Central Offices Must Do When They Receive a Report

**Communicate with Other Offices.** Central offices will notify and where appropriate refer matters to other University offices that have a responsibility or role in handling a reported concern. Central offices will work together to avoid duplication of efforts and promptly direct concerns to responsible offices for investigation and resolution.

**Contact the Office of Internal Audits, General Counsel, or Human Resources where Required.** Central offices will follow the procedures set out in Section 3 above for communicating with the Office of Internal Audits and Office of General Counsel. Where a report or the handling of a report involves significant employment issues, central offices will consult with the appropriate Human Resources contact prior to taking further action.

**Conduct a Thorough Investigation.** Where a report requires an investigation, central offices should:

- **Ensure Fair Treatment of Involved Parties:** Determine what actions should be taken to respond to concerns of retaliation during and following the investigation and to protect the rights of persons accused of misconduct. In some cases, this may include securing the appointment of an "HR Liaison" (normally a central or system campus-level human resources consultant), to work directly with the employee who reported the suspected violation.
- **Develop an Investigation Strategy:** Determine the scope of an investigation, responsibilities of parties involved in the investigation, interviews to be conducted, records to be reviewed, and what other offices should be involved.
- **Identify Potential Reporting Obligations:** Examine whether any notification or report may be required to any outside entity (e.g., federal granting agencies, NCAA), when such notification and report must be made, and how this responsibility will be fulfilled.
- **Develop a Communication Strategy:** Determine when/how to inform parties affected by the allegation and investigation, including: notification to any individual against whom allegations are made about the nature of the allegation and the individual's rights and responsibilities during the investigation; notification and content of information that may be communicated to the reporting party, if any; notification and updates to the leadership of the affected college or unit to keep them informed of the status of the investigation; if appropriate, notification and updates to the President or other central officers. Contact the Office of General Counsel where communications relating to the reported concerns, or the investigation of the concerns, should be protected by the attorney-client privilege or other principle of confidentiality.
- **Establish Timeframes:** Establish a schedule and deadlines for the investigation and reporting, if any.

- **Maintain Documentation:** Ensure the appropriate records are maintained that document the nature of the allegation, the investigation, the findings, and corrective actions taken.

## 5. Implementing Corrective Actions

The administrator primarily responsible for investigating a report will work with other administrators to implement corrective actions, including discipline of University employees. Corrective actions will include evaluation of whether there is a systemic problem and whether programs, education, policies, or oversight activities should be modified to prevent similar incidents.

## 6. Reporting to Outside Agencies/Entities

All findings that are required to be reported to any outside agency or entity will be timely reported. Offices who make such reports will contact the Office of General Counsel where the reports involve potential significant financial penalties, enforcement actions, unless a separate policy or applicable law specifically vests responsibility for reporting findings in a particular office or body, the Office of General Counsel will be responsible for ensuring such disclosures or reports are timely made.

## 7. Reporting to Senior Officials, the President, and Board of Regents

The University's Auditor, General Counsel and Director of Institutional Compliance will ensure that the President and the Board of Regents are informed of concerns about any widespread or serious violations of law or University policy, significant accounting concerns, or other matters that in their judgment represent a particularly significant compliance concern.

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## ADMINISTRATIVE POLICY

Date Revised  
January 2014Date Effective  
January 2014

# Sexual Harassment

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**Responsible University Officer:** Vice President and Vice Provost for Equity and Diversity**Policy Owner:** Director of Equal Opportunity Affirmative Action**Policy Contact:** *Kimberly Hewitt*Printed on: 11/16/2015. Please go to <http://policy.umn.edu> for the most current version of the Policy or related document.

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## POLICY STATEMENT

The University is committed to creating a welcoming and respectful work and educational environment that is free from sexual harassment, and the University provides comprehensive support, education, and reporting mechanisms to all members of the University community.

All members of the University community are prohibited from engaging in sexual harassment and retaliating against individuals based on their participation in a sexual harassment investigation. When they learn about incidents of sexual harassment, University employees who are supervisors must take prompt remedial action to respond to any concerns including referring the matter to relevant internal options.

### Reporting

Any individual who believes they have been subjected to sexual harassment or retaliation for reporting sexual harassment can report their concerns to the Office for Equal Opportunity and Affirmative Action (EOAA) or the relevant internal office for investigation, problem solving, dispute resolution and potential disciplinary action, up to and including termination against perpetrators. Victim survivor services are also available to provide additional support.

### Retaliation

No one acting on behalf of the University may retaliate against an individual for having made a report in good faith under this policy or participated in a sexual harassment investigation. Any employee who engages in retaliation may be subject to disciplinary action up to and including termination of employment. Reports of retaliation will be reviewed and investigated in the same manner in which other allegations of misconduct are handled. This provision aligns with Board of Regents Policy: *Code of Conduct*.

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## REASON FOR POLICY

[RETURN TO TOP](#)

To implement Board of Regents Policy: *Sexual Harassment* and *Student Conduct Code*, as well as to comply with the law in the employment context by Title VII of the 1964 Civil Rights Act, in the education context by Title IX of the Educational Amendments of 1972 and in both the employment and educational contexts by the Minnesota Human Rights Act.

This policy prohibits the conduct covered by this administrative policy and establishes procedures for reporting incidents of sexual harassment and retaliation. The commitment of the entire University to this policy contributes to our goal of creating an inclusive campus climate including the active prevention, awareness of and response to sexual harassment.

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## PROCEDURES

[RETURN TO TOP](#)

- [Reporting Incidents of Sexual Harassment](#)

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## FORMS/INSTRUCTIONS

[RETURN TO TOP](#)

Exhibit 47

<https://policy.umn.edu/hr/sexualharassment>

11/16/2015

There are no forms associated with this policy.

## APPENDICES

[RETURN TO TOP](#)

There are no appendices associated with this policy.

## FREQUENTLY ASKED QUESTIONS

[RETURN TO TOP](#)

There are no FAQs associated with this policy.

## ADDITIONAL CONTACTS

[RETURN TO TOP](#)

Subject	Contact	Phone	Fax/Email
<b>Primary Contact(s)</b>	<b><u><a href="#">Kimberly Hewitt</a></u></b>	<b>612-625-6791</b>	<b><u><a href="mailto:khewitt@umn.edu">khewitt@umn.edu</a></u></b>
Office of Human Resources		<u><a href="#">Office of Human Resources Specialist and Consultant List</a></u>	<u><a href="#">Office of Human Resources Specialist and Consultant List</a></u>
Office for Conflict Resolution	Tina Marisam	612-624-1030	<u><a href="mailto:marisam@umn.edu">marisam@umn.edu</a></u>
Office for Student Conduct and Academic Integrity	Sharon Dzik	612-624-6074	<u><a href="mailto:sdzik@umn.edu">sdzik@umn.edu</a></u>
Human Resources/EOAA University of Minnesota Duluth	Tim Caskey	218-726-6326	<u><a href="mailto:rcaskey@d.umn.edu">rcaskey@d.umn.edu</a></u>
UMD/Student Conduct	Nathaniel Schultz	218-726-7255	<u><a href="mailto:nschultz@d.umn.edu">nschultz@d.umn.edu</a></u>
Human Resources/EOAA University of Minnesota Morris	Sarah Matson	320-589-6021	<u><a href="mailto:mattsosj@morris.umn.edu">mattsosj@morris.umn.edu</a></u>
UMM/Student Conduct	Sandra Olsen Loy	320-589-6013	<u><a href="mailto:olsonloy@morris.umn.edu">olsonloy@morris.umn.edu</a></u>
Human Resources/EOAA University of Minnesota Rochester	Andrea Wilson	507-258-8010	<u><a href="mailto:wils1236@umn.edu">wils1236@umn.edu</a></u>
Rochester/ Student Conduct	Parry Telander	507-258-8023	<u><a href="mailto:tela0009@r.umn.edu">tela0009@r.umn.edu</a></u>
Human Resources/EOAA University of Minnesota Crookston	Les Johnson	218-281-8345	<u><a href="mailto:ljumc@crk.umn.edu">ljumc@crk.umn.edu</a></u>
UMC/Student Conduct	Peter Phaiah	218-281-8505	<u><a href="mailto:phaiah@crk.umn.edu">phaiah@crk.umn.edu</a></u>
UReports			<u><a href="http://www.ureport.ethicspoint.com/">http://www.ureport.ethicspoint.com/</a></u>

## DEFINITIONS

[RETURN TO TOP](#)

### Member of University Community

Any University of Minnesota faculty member, student, or staff member, or other individual engaged in any University activity or program.

### Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement in any University activity or program; (2) submission to or rejection of such conduct by an individual is used as the basis of employment or

academic decisions affecting this individual in any University activity or program; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or academic environment in any University activity of program.

**Retaliation**

Any form of intimidation, reprisal or harassment against an individual because the individual has made a report of sexual harassment or has participated in an investigation of sexual harassment by or of a University community member including (1) firing, refusing to hire, or refusing to promote the individual; (2) departing from any customary employment or academic practice regarding the individual; (3) transferring or assigning the individual to a lesser position in terms of wages, hours, job classification, job security, employment or academic status, (4) informing another student, staff, or faculty member who does not have a need to know that the individual has made a complaint or participated in an investigation of a complaint of sexual harassment; and (5) impeding the individual's academic advancement in any University activity or program.

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## RESPONSIBILITIES

[RETURN TO TOP](#)**Equal Opportunity and Affirmative Action**

Policy oversight and complaint services, consultation regarding allegations and investigation of allegations against employees. Investigation of incidents of sexual harassment by students against students.

**Human Resources**

Internal inquiry and problem solving, consultation and guidance to supervisors.

**Office for Conflict Resolution**

Confidential resolution alternatives and formal hearing process.

**Student Conduct Offices**

Informal resolution process and hearing procedure.

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## RELATED INFORMATION

[RETURN TO TOP](#)

- Board of Regents Policy: [Code of Conduct](#)
- Board of Regents Policy: [Sexual Harassment](#)
- Board of Regents Policy: [Student Conduct Code](#)
- Administrative Policy: [Sexual Assault, Relationship Violence and Stalking](#)

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## HISTORY

[RETURN TO TOP](#)**Effective:**

January 2014 - 1. Specifies reporting options for individuals (employees and students) who believe they are being harassed. 2. Addresses the prohibition of retaliation for reporting harassment or participating in a sexual harassment investigation.

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**UNIVERSITY OF MINNESOTA  
INTERCOLLEGIATE ATHLETICS  
STUDENT-ATHLETE CODE OF CONDUCT**

**I. CONDUCT POLICY STATEMENT**

Student-athletes at the University of Minnesota are expected to represent themselves, their team and the University with honesty, integrity, and character whether it be academically, athletically or socially. Participation on an intercollegiate team is a privilege and should be treated as such. It has many benefits and brings with it a responsibility to be positive and effective members of the team, department, campus and broader communities.

The athletics department is a window to the University and student-athletes often are in the spotlight. For better or worse, their behavior is subject to scrutiny by many including peers, campus, local and national communities and media. The actions of one student-athlete may result in a generalization to all student-athletes and reflects on the individual, team, department and University. It is expected that all student-athletes abide by team, department and University policies. Team guidelines and the Intercollegiate Athletics student-athlete code of conduct will be available to all student-athletes.

Student-athletes who do not conform to this code may be subject to consequences for their actions that may include but are not limited to: a warning, dismissal from the team, reduction or withdrawal of athletically related financial aid, and dismissal from the University. In addition to all University policies, student-athletes are responsible for following the standards in the NCAA student-athlete behavior statement and the Big Ten sports-like conduct statement as well as all city, state and federal laws.

**II. CONDUCT GUIDELINES**

**A. Student-Athletes Are Expected To:**

1. Be respectful of all others and to treat people as they would want to be treated.
2. Communicate with their teammates, coaches, faculty, and other members of the campus community with honesty and timeliness.
3. Follow all Team, Intercollegiate Athletics, University, Big Ten, WCHA and NCAA rules and guidelines.
4. Attend all classes as scheduled unless absences are approved.
5. Complete their academic coursework in a timely fashion and make progress towards a degree each semester.
6. Give their best effort academically, athletically and in life.

**B. Alcohol/Drug Consumption**

The use of alcohol or drugs by student-athletes while involved in any team-related practices, competitions, banquets, travel or other activities is prohibited, *regardless of age*. Student-athletes under the legal age to consume (21 years of age) in Minnesota are expected to abide by city, state

and federal laws. Consequences for violating this policy may include treating the incident as a first positive drug test under the University of Minnesota athletics department Alcohol and Drug Education policy. Additional consequences may include, but are not limited to, the following:

1. Verbal and written warning
2. Participation in educational sessions
3. Required chemical dependency assessment and/or treatment
4. Suspension from the team
5. Loss of eligibility and dismissal from the team
6. Loss of athletics related scholarship aid
7. Dismissal from the University

Additionally, it is expected that the consumption of alcohol by student-athletes who are of legal age will be within the parameters of team, department and University policies and will be handled responsibly. Consequences for underage alcohol use, inappropriate alcohol use by student-athletes of legal age to consume, or illegal drug use will be determined on a case by case basis. The head coach, Alcohol and Drug Education Review Board and the Athletics Director (or his/her designee) may be involved in determining the sanctions for violating this policy. The Athletics Director has final approval for all decisions.

*See the Intercollegiate Athletics Alcohol and Drug Education policy for more specific and complete guidelines.*

### **C. Local, State and Federal Laws**

Student-athletes who are alleged (including arrested or charged) to have broken local, state and federal laws will be subject to team and department sanctions upon a case by case review. Violations involving physical and/or sexual violence, use of illegal weapons, or driving while under the influence will be subject to immediate suspension from team activity pending further investigation. The head coach, in consultation with the athletics director (or his/her designee), will impose sanctions.

Team or Athletics Department disciplinary sanctions may be imposed in advance of any campus disciplinary and/or criminal actions. Disciplinary sanctions may include, but are not limited to: verbal or written reprimand; suspension from the team; reduction, cancellation or non-renewal of athletics scholarship aid; and dismissal from the team. Additional sanctions may be imposed by the broader University, including probation, suspension from school, or expulsion.

For the purposes of this code of conduct, suspension from the team means that student-athletes may not practice, compete or travel with any University of Minnesota Intercollegiate Athletics team. However, suspended student-athletes may, with the approval of the coach and designated sport administrator, attend team meetings and retain privileges to access training table, the athletic training room, academic support services and individual use of weight training. Exceptions to any of these terms may be made by the Athletics Director or his/her designee.



## **D. Sexual Harassment Policy**

The Athletics Department is committed to providing a safe and healthy environment for all of its student-athletes. Sexual harassment is unethical and unlawful and may result in department, University and legal sanctions. Sexual harassment includes unwelcome sexual advances, sex-based conduct that is intimidating, hostile or offensive, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature that is prohibited by the University. Complaints of sexual harassment by a student-athlete will be promptly addressed and should be reported to the Office for Student Conduct and Academic Integrity. Consequences for harassment may include:

1. Verbal and written warning and participation in educational sessions
2. Suspension from the team
3. Loss of eligibility and dismissal from the team
4. Loss of athletics related scholarship aid
5. Dismissal from the University

Examples of prohibited conduct:

- a. Unwelcome sexual flirtation, advances or propositions.
- b. Continued or repeated verbal abuse of a sexual nature
- c. Sexually degrading language to describe an individual
- d. Unwelcome remarks of a sexual nature to describe a person's body or clothing
- e. Display of sexually demeaning objects or pictures
- f. Offensive physical contact, such as unwelcome touching
- g. Coerced sexual intercourse
- h. Sexual assault
- i. Rape, date or acquaintance rape, or other sex offenses either forcible or non-forcible

## **E. Hazing Policy**

Hazing by any member of the University community is prohibited at the University of Minnesota. Hazing is prohibited whenever it occurs on University premises or in connection with any University-affiliated group or activity. Student-athletes who violate the prohibition against hazing are subject to discipline. Any criminal complaints will be reported to law enforcement.

Hazing is an act that endangers the mental or physical health or safety of an individual (including, without limitation, an act intended to cause personal degradation or humiliation), or that destroys or removes public or private property, for the purpose of initiation in, admission to, affiliation with, or as a condition for continued membership in a group or organization.

Such activities and situations include but are not limited to:

1. Physical punishment, contact, exercise, or sleep deprivation that causes excessive fatigue and/or physical or psychological shock;
2. Forced or coerced consumption of food, drink, alcohol, tobacco, and/or illegal drugs;
3. Forced or coerced transportation of individuals;
4. Public humiliation, ridicule, indecent exposure or ordeal;
5. Coercing or forcing illegal acts;

6. Coercing or forcing acts that are immoral or unethical;
7. Blocking an individual's academic, athletic, health or person success;
8. Personal servitude;
9. Mental harassment;
10. Sexual harassment;
11. Deception;
12. Threat of social exclusion;
13. Any activity that involves the use of alcohol or any controlled substance,
14. Any activity that is not in accordance with the University's established policies.

A person commits a hazing offense if the person:

1. Engages in hazing;
2. Solicits, encourages, directs, aids, or attempts to aid another in hazing activities;
3. Intentionally, knowingly, or recklessly permits hazing to occur;
4. Has firsthand knowledge of the planning of a specific hazing incident involving a student and fails to report the plan to the athletics department to prevent the hazing;
5. Has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report it to the Athletics Director or other appropriate official of the institution.

Typically, hazing has occurred in connection with initiation activities. Even if an initiation activity is optional, an individual may not feel empowered to refuse participation. Individuals involved in any form of hazing (including prospects on campus for an official visit) will be held accountable for their actions and will be subject to disciplinary action by the Athletics Department as well as the University. Disciplinary action may include immediate suspension from the team, withdrawal or cancellation of financial aid, permanent dismissal from the team, or dismissal from the University.

If a student-athlete chooses to file a hazing grievance against an individual or group, it should be reported to the Athletics Director or a sport administrator. If requested, every effort will be made to protect the identity of the person reporting the grievance, where permissible under the law. It is possible that a student-athlete may initially voluntarily agree to participate in an initiation activity, and that he or she may later decide within a reasonable period of time that it was an unacceptable hazing activity. A grievance need not be filed for a disciplinary action to occur.

## **F. Gambling Policy**

Student-athletes are expected to abide by the NCAA rule (Bylaw 10.3) which prohibits student-athletes from knowingly:

- a. Providing information to individuals involved in organized gambling activities concerning intercollegiate athletics competition;
- b. Soliciting a bet on any intercollegiate team;
- c. Accepting a bet on any team representing the institution;
- d. Soliciting or accepting a bet on any intercollegiate competition for any item (e.g., cash, shirt, dinner) that has tangible value; or
- e. Participating in any gambling activity that involves intercollegiate athletics or professional athletics, through a bookmaker, a parlay card or any other method employed by organized gambling.

Furthermore, a student-athlete who is involved in any activity designed to influence the outcome of an intercollegiate contest or participates in a wager involving a University of Minnesota contest, the student-athlete shall lose all remaining regular and post-season eligibility in all sports.

### **III. STUDENT HEARING & APPEAL PROCESS**

The Athletics Director has final approval regarding a student-athlete's dismissal from the team. This decision is not appealable. Student-athletes may appeal department decisions in the following areas:

1. reduction or cancellation of aid during the period of the award;
2. non-renewal of financial aid;
3. denial of permission to contact for transfer;
4. denial of one-time transfer exception.

A student-athlete may appeal the decisions related to #'s 1-4 above and is entitled to a review by a hearing panel. The three-member panel is composed of the following individuals: 1) the respective NCAA Faculty Representative (will serve as Chair), 2) a member of the Faculty Oversight Committee and/or Advisory Committee on Intercollegiate Athletics, and 3) a representative from the Office of the Vice President and Chief of Staff. The decision of the hearing panel is final.

The procedures for the hearings in items # 1 through 4 above are available through the Athletics Compliance Office, but will basically follow this timeline:

1. The athletics department makes the decision that is going to be appealed.
2. The athletics department issues a letter of such decision to the student-athlete.
3. The letter notifies the student-athlete that s/he has a right to a hearing on the decision and must make such a request within two weeks.
4. Upon receipt of a request for a hearing, a hearing panel will be appointed and a hearing convened as soon as possible.
5. The hearing panel will issue a written decision within two weeks of the hearing.

### **IV. BIG TEN CONFERENCE SPORTSLIKE CONDUCT POLICY AND STATEMENT**

STUDENT-ATHLETES ARE EXPECTED TO:

1. Treat opponents with respect.
2. Play hard but within the rules.
3. Exercise self-control at all times setting the example for others to follow.
4. Respect officials and accept their decisions without gesture or argument.
5. Win without boasting, lose without excuses and never quit.
6. Always remember that it is a privilege to represent the school and community.

## ACTS OF UNSPORTSLIKE CONDUCT SHALL INCLUDE, BUT NOT BE LIMITED TO:

1. Striking or attempting to strike or otherwise physically abusing an official, opposing coach, spectator or athlete. Any person committing such an act shall be subject to a public reprimand and suspended for up to 50% of the scheduled contests in the sport as deemed appropriate for the first offense, and publicly reprimanded and suspended for such number of additional contests as deemed appropriate for an additional similar offense.
2. Intentionally, or with careless disregard for one's conduct, inciting participants or spectators to violent or abusive action. Violators shall be subject to a public reprimand and a suspension for up to 20% of the scheduled contests in the sport for the first offense, and a public reprimand and a suspension for such number of additional contests as deemed appropriate for an additional similar offense.
3. Using obscene gestures or profane or unduly provocative language or action toward an official, student, coach or spectator. Violators shall be subject to a public reprimand for the first offense, and a public reprimand and a suspension for up to 20% of the scheduled contests for an additional similar offense.

## V. RULES VIOLATION REPORTING POLICY

The University of Minnesota is committed to operating its athletics programs in a manner consistent with the letter and the spirit of NCAA, Big Ten Conference, WCHA and University rules and regulations. Toward that end, our compliance program combines the training and education of coaches, staff and students; the review and modification of athletics department and University operating procedures to ensure compliance with those rules; and prompt institutional response when rule violations do occur.

Our goals are to educate coaches, staff and students in their responsibilities under the rules, to develop operating systems within the Athletics Department and the University that guide staff and students in their efforts to work within the rules, and to respond to each rule violation so that we can correct the situation that led to the problem.

We affirm that staff members and student-athletes of the University of Minnesota Athletics Department have an obligation to report any violations or potential violations of NCAA or Big Ten Conference rules of which they are aware.

ACIA Policy (Adopted Dec. 1989)

***The Intercollegiate Athletics Student-Athlete Code of Conduct is in addition to, and does not replace, the Student Conduct Code of the University of Minnesota. It is applicable to all student-athletes on the current team squad list for actions that occur while matriculated at the University of Minnesota or that are prosecuted while enrolled as a student-athlete at the University.***

*Updated 8/02/07*



Tom McGinnis &lt;tmcginni@umn.edu&gt;

## Departmental EOAA Training

1 message

**Tom McGinnis** <tmcginni@umn.edu>

Thu, Nov 7, 2013 at 3:04 PM

To: ICA Head Coaches <ica-head-coaches@umn.edu>, ICA Sr Management Team <ica-srmanagementteam@umn.edu>, Andrew Parrish <aparrish@umn.edu>, Christine Clarke <ceclarke@umn.edu>, Corrie Sears <cksears@umn.edu>, Cory Chapman <cchapman@umn.edu>, Craig Flor <florx003@umn.edu>, Daniel OBrien <obrie667@umn.edu>, Debra Noll <nollx003@umn.edu>, Douglas Goon <goon@umn.edu>, Ellen Downing <downi004@umn.edu>, George Adzick <adzick@umn.edu>, Jeff Seifriz <seifr001@umn.edu>, Jeffrey Keiser <keiser@umn.edu>, Jessica Fleischmann <fleis0031@umn.edu>, John Pratt <pratt038@umn.edu>, Kristin Scott <klscott@umn.edu>, Kyle Gergely <kgergely@umn.edu>, Lori Gislason <gisla002@umn.edu>, Ryan Maus <maus@umn.edu>, Robert Rohde <rohde001@umn.edu>, Samuel Owens III <owens018@umn.edu>, Tadd Wilson <twilson@umn.edu>, Thomas Perry <perry029@umn.edu>, Victor Cegles III <vcegles@umn.edu>  
 Cc: Madeline Hayes <hayes272@umn.edu>, Caitlin Mahoney <mahoney@umn.edu>, Amanda Rovnak <amrovnak@umn.edu>, Jolene Rider <rider003@umn.edu>, Mary Christensen-White <chris540@umn.edu>, Mary Jo Brandt <brand013@umn.edu>, Shelley Slominski <slomi001@umn.edu>, Michelle Peterson <maun0016@umn.edu>, Cindi Linell <linel002@umn.edu>

The department will be partnering with the Office of Equity and Diversity to provide training to department managers and head coaches on EOAA at the University of Minnesota. This will be an opportunity to ensure we are all familiar with relevant University policies and procedures and our obligations as managers regarding the well-being of our staff.

The training will occur on Wednesday, December 18th from 10:30am-12:00pm in the football team meeting room and will be in place of the monthly unit directors meeting. You will receive a google calendar appointment for this shortly. It is expected that all department staff who oversee full-time staff be in attendance, so please plan accordingly.

Thank you in advance for your participation.

TOM



Exhibit 49



# Supervisors' EOAA Toolkit

## Equal Opportunity and Affirmative Action

Maria Eustaquio, Associate to Director  
Tina Marisam, Associate to Director

December 18, 2013

UNIVERSITY OF MINNESOTA  
Driven to Discover™

Exhibit 50

1



## Objective

Learn tools to identify, respond to, and prevent potential discrimination, harassment, nepotism and retaliation.

Equal Opportunity and  
Affirmative Action  
Office for Equity and Diversity  
UNIVERSITY OF MISSISSIPPI

Our Office investigates complaints of discrimination, harassment, nepotism and retaliation.

Make sure that you can identify these behaviors.

If someone approaches you and says I didn't like the way this person spoke to me, or looked at me or touched me. We want you to be able to identify – hey, this could be a sexual harassment issue or that could be a race discrimination issue or a sexual orientation discrimination issue. Many employees who make complaints about discrimination and harassment won't use those formal or technical terms. Instead they may describe that they are being bullied, or picked on, or just treated unfairly.

Give best practices for responding to discrimination, harassment, nepotism and retaliation that you witness or learn about.

If someone is in your office making a complaint. They may be angry. They may be scared. They may be crying. How do you respond? What do you say? Where do you get help?

We will also talk a little bit about what supervisors can do to prevent discrimination, harassment, nepotism and retaliation.



## The University prohibits discrimination in its programs, facilities and employment based on:

Race, color, creed, religion, national origin, gender, age, marital status, disability, public assistance status, veteran status, sexual orientation, gender identity, and gender expression.

Equal Opportunity and  
Affirmative Action  
Office for Equity and Diversity  
UNIVERSITY OF MINNESOTA

You can't treat someone less favorably because of their membership in one of these protected class. You can't hire someone because they are white or young or straight. You can't decline to promote someone because they are disabled or non-Christian or because of their membership in any other protected class.

Explain difference between sexual orientation and gender identity and expression:

- Sexual orientation is who a person is attracted to.
- Gender identity is a person's subjective experience of their own gender. The University prohibits discrimination against someone because their gender identity is different from their biological sex. So we can't treat someone less favorably because they are transgender or gender non-conforming.
- Gender expression is how one communicates their gender identity to others through behavior, clothing, haircut, voice, and other forms of presentation.





## Identify Discrimination

The University's anti-discrimination policy may be violated by a failure to reasonably accommodate:

- 1) sincerely-held religious observances or practices, or
- 1) mental or physical disabilities.

Equal Opportunity and  
Affirmative Action  
Office for Equity and Diversity  
UNIVERSITY OF MISSISSIPPI

We want to briefly highlight supervisors and coaches' obligation to make reasonable accommodations.

Examples of religious accommodations: Allowing employee or athlete time off for a religious holiday. Adjusting work schedule to accommodate prayer schedule or other religious practices. Providing a place to pray. CONTACT EOAA.

Examples of disability accommodations: Providing interpreters for the hearing impaired, ergonomic adjustments for those with chronic pain, scooters for those who need mobility assistance. Flexible scheduling for those with mental health disabilities. CONTACT DS

Not reasonable accommodation if: (1) results in threat to the health or safety of others; (2) results in fundamental alteration of job or program or activity; or (3) an undue financial or administrative burden.

Religious belief: Theistic or non-theistic beliefs (e.g. morals) occupying a similarly meaningful role in one's life. Typically focusing on life, purpose, death.



## The University prohibits harassment based on protected characteristics.

Protected characteristics include: race, color, creed, religion, national origin, gender, age, marital status, disability, public assistance status, veteran status, sexual orientation, gender identity, and gender expression.

Equal Opportunity and  
Affirmative Action  
Office for Equity and Diversity  
UNIVERSITY OF MINNESOTA

We are going to spend some time on harassment – as this can be hard to identify.



## Identify Harassment

Harassment is unwelcome conduct related to one's sexuality, gender, race, religion or other protected identity that:

- influences employment or coaching decisions; or
- creates a hostile working or athletic environment.

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Conduct may be verbal or physical. **Harassment allegations in the news during 2013:**

**Race or national origin:** An Iranian born college basketball player alleged that Rice's Athletic Director (1) told an assistant coach to recruit more terrorists; (2) asked if he and another player talking in Arabic were having an Al-Queda meeting; (3) told airport security to search three Middle Eastern players more rigorously because of their heritage.

**Reasonable accommodation issue** - Kazemi also claimed that Rice's coaching staff did not accommodate matters related to his religion such as prayer, facial hair and diet.

**Harassment based on religion:** Oakland University's women's basketball players alleged that their coach had required them to attend church services and routinely played Christian propaganda videos on bus rides.

**Sexual harassment:** Oakland University's coach also allegedly regularly photographed the girls in their sports bras and spandex to keep track of any body changes. She also asked them about their sex lives and insisted that they all remain virgins. Coach fired.

**Harassment based on gender identity or sexual orientation:** A Florida A&M baseball player alleged that his coach harangued him about his sexual orientation. Coach said would dress him in a bra and panties. Coach told player "he had the worst body he has ever seen." Coach was fired.

**Take away points:** can be harassing even if intended as a joke. Our policy finds harassment if there is the purpose or effect of creating a hostile work environment.



## The University prohibits sexual harassment and sexual violence.

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Unwelcome conduct of a sexual nature that (1) influences employment or coaching decisions or (2) creates a hostile work or athletic environment.

### Examples of potentially sexually harassing behaviors:

- Unwanted comments on appearance or clothing
- Sexual jokes
- Display of sexually offensive material
- Unwanted physical contact
- Invasion of personal space
- Repeated requests for personal information or dates



# SCENARIOS: IDENTIFY SEXUALLY HARASSING BEHAVIORS

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## Identify Sexual Harassment

**Scenario 1:** Athletes commonly use the words fag and homo while joking around with one another in the locker room. A straight athlete, who was not the target of the comments, complains that he is offended.

### **Is this sexual harassment?**

Click 1 for Yes

Click 2 for No

Click 3 for Unsure

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Yes. Unwelcome comments of a sexual nature. These are biased comments based on sexual orientation and gender. Appear to be creating a hostile environment in the workplace.

Can be offensive even to a straight guy. Can be sexual harassment even if not used directly against the complainant, even if he was just a bystander.

**Eastern Michigan football coach** Ron English was recently fired after using inappropriate language including a homophobic slur during a film session with defensive backs.

You all may say, no problem I would never use those words. If these terms are being used in your locker rooms, you have an obligation to stop this conduct.



## Identify Sexual Harassment

**Scenario 2:** An assistant coach and an athlete often discuss their sex lives. The assistant coach nicknamed the athlete "Fornicate." The athlete often starts these conversations and has started referring to herself as "Fornicate."

### **Is the athlete being sexually harassed?**

Click 1 for Yes

Click 2 for No

Click 3 for Unsure

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No. The athlete is not being sexually harassed so long as the conduct is welcome. Here it appears that the athlete is welcoming these conversations and jokes and nickname. It may be inappropriate, but it is not sexual harassment if welcome.

However, this could be sexual harassment if unwelcome. And it can be hard to tell if such conduct is unwelcome. An athlete may laugh and joke along even if the comments are unwelcome. **Bystander**

The nickname Fornicate actually came from a real case. In November, **Ohio State** fired two assistant cheerleading coaches after receiving sexual harassment allegations from cheerleaders. One of the allegations was that one of the assistant coaches nicknamed one of the cheerleaders "Fornicate." That coach also allegedly routinely talked about the size of the female cheerleaders' butts and made remarks such as "she always has her legs spread" when one cheerleader was in a compromising position during routines. That coach explained that she was "just playing." However, the fact that someone was joking when they made an offensive comment doesn't mean it's not harassment. This was a female coach making comments to female cheerleaders – that doesn't mean it's not sexual harassment.



## Identify Sexual Harassment

**Scenario 3:** A supervisor often hugs her supervisees and sometimes massages the shoulders of one supervisee who experiences chronic pain.

### **Is this sexual harassment?**

Click 1 for Yes

Click 2 for No

Click 3 for Maybe

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Maybe. These behaviors may be reasonably perceived as sexual in nature. It could be part of a sexual harassment claim if unwelcome.

For example, University of Iowa associate director of athletics student services resigned in 2012 after the University found that he had violated the school's sexual harassment policy by, among other things, improper touching that includes shoulder massages, hugging and rubbing. There had been complaints from colleagues, coaches and at least one athlete.

Massages in the workplace generally inappropriate.





## Identify Sexual Harassment

Examples of improper conduct by coaches toward athletes:

1. Looking at athlete's bodies in intrusive or inappropriate ways.
2. Failing to understand the difference between sport-related physical contact and inappropriate physical contact.
3. Failing to understand the difference between appropriate and inappropriate conversations.

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**Sport-related physical contact** – e.g. spotting in gymnastics, when physical contact is necessary part of coaching process

Inappropriate physical contact – massage, hugs, arm around waist or shoulder, butt pat

**We understand that athletics** is an intense environment where close bonds are formed. We understand that physical touch can convey praise or support or acknowledge success. We understand that some behavior that would be inappropriate by a professor in the classroom may be appropriate for a coach. But be aware that some athletes find even the arm around the shoulder or hugs uncomfortable. Even if you don't mean the touch to be sexual, may be interpreted that way if there is no sports-related reason for it.

### **Appropriate questions about personal life**

Inappropriate conversation – sex, sex organs, sexual activities of athletes (even if joking), sex stereotypes, athlete's bodies

### **Example from Syracuse University**

For example, a 2011 Office of Civil Rights investigation into a sexual harassment complaint by former Syracuse Women's basketball player against coach Quentin Hillsman. She accused him of inappropriate texting (including one during the summer that said "I love you, I miss you, I can't wait to see you" and touching (including slapping her bottom). It appears that sexual harassment was not substantiated, but it made the papers.

**Here** – inappropriate conversation. Inappropriate physical contact. Federal investigation. National news.

**Hillsman responded** "I've coached hundreds of student-athletes and never faced an allegation such as this."



The University requires **reporting of potential nepotism situations** to Human Resources or EOAA so that appropriate steps can be taken to avoid any prohibited activity.

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## Identify Nepotism

The University's Nepotism Policy governs **conflicts of interest** that result from **personal relationships** among members of the University of Minnesota community.

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**Conflict of interest:** a conflict between a person's private interests and official responsibilities

For example: A supervisor dating a supervisee. The supervisor's private interest may be to evaluate the supervisee highly, give the supervisee the best assignments and resources, pay more attention to the supervisee's work. The supervisor's official interest is to evaluate and supervise the individual fairly.



## Identify Nepotism

### **Nepotism is:**

- actions by a University member that **directly influence** the **employment or academic progress** of any other University member with whom they have a personal relationship, or other
- personal relationships that have **a negative impact** on the educational or work environment.

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What are actions that directly influence employment? hiring, promotion, supervision, evaluation, and determination of salary

What are actions that directly influence academic progress? Grading, advising, distributing resources or awards

What is a personal relationship? marital or committed relationship, significant familial relationship, consensual sexual or romantic relationship, close personal friendship, significant business relationship

How might a personal relationship have a negative impact on the educational or work environment?

- Example: Coworkers involved in a romantic relationship who are constantly touching and flirting in the office. Constantly fighting and making up.



# NEPOTISM QUIZ: IDENTIFY POTENTIAL NEPOTISM SITUATIONS

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## Identify Nepotism

**Question 1:** A coach and one of her assistant coaches attend the same synagogue. After services each week, they relax and chat at a nearby coffee shop.

**Is this nepotism?**

Click 1 for Yes

Click 2 for No

Click 3 for Unsure

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## Identify Nepotism

**Question 2:** The university president is married to the women's head basketball coach. The president does not supervise or evaluate the coach.

**Is this nepotism?**

Click 1 for Yes

Click 2 for No

Click 3 for Unsure

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Answer: No. It is not nepotism so long as the president does exert any influence over the coach's employment or resources.

However, if the president approves the team's budget or even has conversations with the coach's direct supervisor that could be seen as exerting influence, this is nepotism.

Regardless of whether it meets the definition of nepotism, the situation is potentially problematic.

**For example, Former Oakland University women's basketball program coach** Beckie Francis was married to the University's president. After 13 years of coaching, students finally reported that she pushed her Christian religious beliefs on players, insisting that they attend church services and showing Christian-based videos on bus rides, among other things. Why had this behavior never been reported before? The players expressed that they felt powerless because their coach was married to the school president and couldn't be challenged by anyone in athletics.

If you are aware of any such spousal or other personal relationships within athletics, we advise that you consult with our office. What we do is try to work with the parties to avoid conflicts of interest whenever possible, and to provide clear and safe channels for athletes or employees to turn to with disputes or complaints.



## Respond To Nepotism

**HR and/or EOAA can often craft a nepotism agreement to provide for:**

- alternative reporting and evaluation
- resolution of disputes
- separation of roles
- oversight of allocation of research or programmatic funds

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## The University prohibits retaliation.

**Retaliation:** **Intimidation, reprisal or harassment** against a person because she participated in a harassment, discrimination or nepotism investigation.

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The purpose is to provide a safe environment in which individuals experiencing discrimination or harassment are more likely to come forward with complaints.

Can have a valid retaliation claim even if the underlying discrimination claim failed.



## Identify Retaliation

### **Examples of retaliatory actions:**

- Reducing the individual's duties, hours, wages or playing time
- Departing from any customary employment or athletic practice regarding the individual
- Informing others unnecessarily about the complaint or investigation

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# RETALIATION QUIZ: IDENTIFY RETALIATORY BEHAVIORS

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## Identify Retaliation

**Question 1:** Albert recently complained to the EOAA that his coach discriminated against him based on his race. The EOAA found no discrimination. Now, Albert's coach has benched him because he has missed practice without good reason and refused to follow instruction.

**Is this retaliation?**

Click 1 for Yes

Click 2 for No

Click 3 for Unsure

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No, so long as the coach disciplined Albert because of his missing practice and insubordination and not because of his EOAA complaint.

An adverse action is retaliatory only if it is taken because the athlete or employee complained.

You may take disciplinary actions against an athlete or employee for other reasons, even if that athlete or employee has complained about discrimination or harassment.

Still, some employees or athletes may believe that these adverse actions are retaliation, even if they have nothing to do with the employee's or athlete's discrimination complaint.

Therefore, supervisors and coaches should be prepared to show that they had valid reasons for discipline, unrelated to the complaint. Those reasons should be supported, if possible, by prior documented warnings to the employee or athlete.

Also a good idea to consult with HR or Athletics administration before implementing any discipline with a recent complainant.



## Identify Retaliation

**Question 2:** A coach complained to the EOAA that the athletics director is not fairly allocating resources to women's sports teams. As a result, the athletic director is avoiding the coach and has stopped including the coach in team-related conversations.

**Is this retaliation?**

Click 1 for Yes

Click 2 for No

Click 3 for Unsure

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Yes.

It may be natural for a supervisor to avoid an employee who has made a discrimination complaint against the supervisor.

However, if avoiding an employee has the effect of marginalizing that employee or hurting that person's employment, it can constitute retaliation.



## Prevent Discrimination, Harassment, Nepotism And Retaliation

- Create a welcoming environment.
- Model professional behavior.
- Communicate University discrimination, harassment, nepotism and retaliation policies.
- Watch for warning signs.
- Address misconduct promptly and seriously.

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What comes to mind here is the assault of a woman by a Hamline basketball player last year. The basketball team was in Washington for a game. After the game, the team met up with a woman. At some point an argument occurred and one of the team members punched the woman in the face, knocking her out and causing several fractures. This is an assault case, not harassment or discrimination. But what was particularly disappointing and chilling about this case, and what is relevant to our conversation here, was that after the girl regained consciousness, Hamline team members allegedly refused to take her to the hospital because it was past their curfew.

One player dismissed from the team, and 14 teammates and the coach suspended and eventually left the team. **This wasn't just one bad apple.** This was a problem with the team and its moral core. As the Athletics Department and coaches, you can do a lot to cultivate moral leadership. **By speaking up at practice** if you overhear disrespectful comments, by setting clear standards about what kind of language and behavior is inappropriate, by talking about moral leadership, by rewarding it, you can develop and support moral leaders on your team. And that can create an atmosphere where harassment and discrimination are less likely to occur.

**How to create a welcoming environment:** have an open door policy; show respect and concern; be objective and fair; respond immediately to inappropriate behavior that you witness. **Potential warning signs:** changes in work performance or appearance; increased absenteeism **Failure to address misconduct,** even if it doesn't involve a protected class, communicates that you condone bad behavior.



## Respond To Discrimination, Harassment And Retaliation

The University has a responsibility to respond to discrimination, harassment and retaliation that it knows or should know about.

Your actions (or inaction) can create legal liability and other costs for the University.

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Coaches in particular are held responsible for maintaining a respectful and harassment-free environment for athletes and others in athletics.

**The University of Colorado Boulder case is instructive here.** There, two women sued the University around 2003 alleging that they had (1) been gang raped by football players and recruits; and (2) that university and athletics officials knew female students were at risk of sexual harassment or assault by football players or recruits but did nothing to correct it. The case settled before it went to trial, so we don't know what the ultimate outcome in court would have been. However, those allegations were all over the media and a real disaster for the University, resulting in a number of top people leaving the University.

The lesson: that coaches and athletics administrators are increasingly being held accountable for setting a respectful and harassment free environment. The lesson here, is if there are rape jokes going on in the locker room, you need to stop them. If athletes are joking about trying to get girls or guys drunk at parties, you need to stop those conversations and seriously warn them about that behavior.

**Another instructive example,** Ohio State fired its cheerleading team's head coach based on evidence that she didn't report the sexual misconduct of two assistant coaches to HR or the Athletics Department. The coach had reprimanded one of the assistant coaches herself, but did not report through proper channels.

The lesson: Don't handle discrimination and harassment complaints by yourself. Seek help. Contact your Athletic Director. Contact our office. Contact HR if appropriate.



## Respond To Discrimination, Harassment, Nepotism And Retaliation

### Receiving a complaint

#### How to interact with the complainant:

- Listen attentively without interrupting.
- Don't offer opinions or make judgments.
- Don't use humor to alleviate tension.
- Acknowledge the complainant's feelings.
- Ask open-ended questions.

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How you receive a complaint is important. Your initial reaction can either help or further harm the complainant. If done poorly, it may cause them to seek assistance elsewhere (such as in the media or legal system) or make it harder to bring that person back into the team or workplace fold.





## Respond To Discrimination, Harassment, Nepotism And Retaliation

### Receiving a complaint

#### What to say to the complainant:

- You can't promise absolute confidentiality.
- The University prohibits retaliation.
- You will take actions in response to the complaint.
- The complainant can obtain help from EOAA, HR, and other University resources.

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## Respond To Discrimination, Harassment, Nepotism And Retaliation

### Receiving a complaint

#### What to do after receiving a complaint:

- Take notes of the conversation and maintain them in a file.
- Take action to respond to the complaint, even if no “magic words” were used.
- Contact your supervisor, Athletics Administration, HR and/or EOAA.
- Maintain confidentiality to the extent possible.
- Follow up with the complainant.

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You should treat all complaints seriously, even if they don't turn out to be harassment or discrimination or retaliation. Bullying that is not based on a protected class must also be addressed.

#### Confidentiality:

Sharing information about a complaint to those who do not need to know could itself be seen as retaliatory.

The fewer people who know about a complaint, the smaller the chances are that someone will retaliate against the complainer. Other than HR and EOAA, make sure that you tell only the people who need to know.

Confidentiality shows respect for complainant and creates an atmosphere where others may come forward after witnessing improper behavior.



## Respond To Discrimination, Harassment, Nepotism And Retaliation

**Report complaints or improper conduct to:**

- Your supervisor or Athletics Administration.
- Human Resources
- EOAA Office
- EthicsPoint

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## EOAA Role

The EOAA is a neutral party that responds to discrimination, harassment, retaliation and nepotism complaints through informal problem-solving or formal investigations.

**Formal investigations:**


- Interview witnesses and review documents.
- Determine whether the University's policies have been violated.
- Make recommendations for responsive action.

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## EOAA Role

- EOAA Director Kimberly Hewitt is the University's Title IX Coordinator.
- Title IX prohibits discrimination based on sex in participation and benefits of education, including athletics programs.



DISCRIMINATION, HARASSMENT,  
NEPOTISM & RETALIATION  
ROLEPLAY:  
  
RECEIVING A COMPLAINT

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We have given a brief sketch of a potential scenario. You should make up additional details as necessary during the role-play.



## Resources

- Department or Central Human Resources: 4-UOHR
- EOAA Office: 4-9547, [eoaa@umn.edu](mailto:eoaa@umn.edu), <https://diversity.umn.edu/eoaa/> (includes Title IX reporting)
- Ethicspoint: 1-866-294-8680, <https://secure.ethicspoint.com/domain/media/en/gui/9167/index.html>

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## Resources For Personal Support

- Aurora Center: <http://www1.umn.edu/aurora/>  
24 Hour Help Line: 612-626-9111
- Employee Assistance Program (EAP):  
<http://www1.umn.edu/ohr/wellness/eap/index.html>
- University Counseling and Consulting Services (UCCS):  
<http://www.uccs.umn.edu/>
- Boynton Mental Health: [www.bhs.umn.edu/east-bank-clinic/mental-health-services.htm](http://www.bhs.umn.edu/east-bank-clinic/mental-health-services.htm)
- Center for Conflict Resolution: <http://www.ocr.umn.edu/>

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**Maria Eustaquio**, Associate to Director  
[meustaqu@umn.edu](mailto:meustaqu@umn.edu)

**Tina Marisam**, Associate to Director  
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**Equal Opportunity and Affirmative Action**

274 McNamara Alumni  
200 Oak Street SE  
Minneapolis, MN 55455

(612) 624-9547

<https://diversity.umn.edu/eoaa/>

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**Role Play Exercise: Person A**

Scenario 1:

<b>Your role</b>	<b>Supervisor</b>
<b>Background</b>	Your supervisee has asked to meet with you to discuss some concerns about Pat. You and Pat attended college together many years ago. You have noticed that your supervisee's work has deteriorated recently and that this supervisee seems to be taking abnormally long lunch breaks.
<b>Goal</b>	You want to understand your supervisee's concerns. You also want to learn whether any workplace situation is contributing to your supervisee's recent performance problems.

Scenario 2:

<b>Your role</b>	<b>Supervisee</b>
<b>Background</b>	You are Jewish. You are upset that your coworker Jane is constantly playing religious Christmas music in the cubicle next to yours. Jane has also repeatedly invited you to attend her Christian church, despite your clear statement to her that you are not interested. You are also upset that your supervisor has not been sensitive to your religious beliefs. Your supervisor threw a pig roast for the department's summer party, even though it is common knowledge that your religious beliefs prevent you from eating pork. Your supervisor also scheduled an important meeting during Rosh Hashanah.
<b>Goal</b>	You want Jane to stop playing religious music and discussing her religion with you. You want your supervisor to be more sensitive to your Jewish beliefs.

**Exhibit 51**

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**Role Play Exercise: Person B**

Scenario 1:

<b>Your role</b>	<b>Supervisee</b>
<b>Background</b>	<p>You notice that your coworker Pat often stares at you when you walk by. Pat often makes comments about your clothing and has told you that you are too good looking to work here. Once, when you were upset at work, Pat put an arm around you. Another time, Pat massaged your shoulders and neck and commented that your muscles were way too tight. Pat often brushes up against your chair when walking behind your desk. You told Pat that you need more personal space, but Pat's behavior hasn't changed. You have begun to feel tense and self-conscious at work.</p> <p>Pat and your supervisor are personal friends outside of the workplace. You believe that your supervisor has seen Pat ogle you and brush up against you, and should have stopped this behavior earlier. You are concerned that your supervisor will not take your complaint seriously because of this friendship with Pat.</p>
<b>Goal</b>	You want Pat to leave you alone. You want to convey that you are upset that your supervisor has not stopped Pat's offensive behavior.

Scenario 2:

<b>Your role</b>	<b>Supervisor</b>
<b>Background</b>	Your supervisee has requested a meeting with you to express some concerns. You have heard rumors that your supervisee has been complaining about a coworker, Jane. As far as you know, Jane is a model employee who has never behaved unprofessionally.
<b>Goal</b>	To understand and address your supervisee's concerns.

Wednesday December 18, 2013

M Club Room

Supervisors' Toolkit:

U Learn

TCF BANK  
STADIUM

Cornie Sears - 4980127	CHUCK WELCH - 4973082
Ben Kozar - 2103384	Hugh McCutcheon
Mike Ellis - 4807655	John Pratt
<del>Tom McGinnis</del> - 4629026	↓
Jessica Alister - 4390574	1539610
Randy Handel - 4374083	↓
Kristin Scott - 4626051	4814716
PEYTON DAVIS, III - 3642669	
Lynn Holleran - 3282103	
STEFANIE COLAN - 4766491	
JT BREWSTER - 1309864	
Moira Novak - 2264236	
Meg Stephenson - 2102443	
Geoff Young - 3727755	
Deb Noll - 1170584	
MIKE BURNS - 3456140	
John Carlson - 1848323	
MIKE McDONALD - 2107389	
Steve Brown - 1868637	
CRAIG FLOR - 1456132	
Todd Winsor - 2715870	
Ben Bortum - 3083459	
Tom Owens - 1543991	
Jeff Keiser - 2718095	
Terry Gantley - 0902444	
Jeff Seifert - 1618320	
Marisa Leonte - 4997673	

Exhibit 52

Wednesday, December 18, 2013

M Club Room  
TCF BANK  
Stadium

# Employee ID's

Wenbo Chen - 4229993

Mike Halloran - 1390092

Steve Plasencia - 0922280

BRAD FROST - 2774086

Thomas Berg - 0873682

COFF CHAPMAN - 4240247

Brent Holck - 2371756

Ryan Meus - 3003030

Chad Rasmussen - 2882338

Jenny Yehlen - 2371247

Beth Gray - 4963049

Andrew Parnish - 4225381

Kelly Kremer - 2253216

Levi Lewis - 1327431

DEREK HILLESTAD - 4092760

VIC CEGLAS III - 5012346

JARSLICA FLECHMANN - 2112781

Doug Goon - 2739838

Scott Ellison - 1061538

Marc Ryan - 2105218

John Anderson - 0937906

Nowood Jaeger - 4746230

Ellen Downing - 2109294

Christine Clarke - 4382992



Tom McGinnis &lt;tmcginni@umn.edu&gt;

## EOAA Training

1 message

Tom McGinnis <tmcginni@umn.edu>  
 To: Intercollegiate Athletics <ica-umn@umn.edu>

Tue, Nov 18, 2014 at 12:56 PM

Department Staff,

Thank you to everyone who has already registered for one of the EOAA trainings in December. Just a quick reminder to please claim a spot before the session that works with your schedule fills up. All full-time department staff are required to attend one of the sessions unless you were in attendance at the session last December.

Thanks again and please let Ellen or I know if you have any questions.

TOM

——— Forwarded message ———

From: **Ellen Downing** <downi004@umn.edu>  
 Date: Fri, Nov 7, 2014 at 10:31 AM  
 Subject: Sign Up for Training  
 To: ICA <ica-umn@umn.edu>

The Athletic Department will be partnering with the Office of Equity and Diversity, Equal Opportunity and Affirmative Action to provide education and training to coaches and staff in order to learn tools to identify, respond to and prevent potential discrimination, harassment, nepotism and retaliation. This will be an opportunity to ensure we are all familiar with relevant University policies and procedures and our obligations regarding the well-being of our student-athletes and staff.

Each staff member is required to attend one of the 60-minute sessions that will be offered in December. The dates/times of each session are as follows:

Thursday, December 4 – 9:00 AM – 10:00 AM in the Football Team Meeting Room

Thursday, December 4 – 10:30 AM – 11:30 AM in the Football Team Meeting Room

Tuesday, December 16 – 9:00 AM – 10:00 AM in the Football Team Meeting Room

Tuesday, December 16 – 10:30 AM – 11:30 AM in the Football Team Meeting Room

Wednesday, December 17 – 1:30 PM – 2:30 PM in Williams Arena

Wednesday, December 17 – 3:00 PM – 4:00 PM in Williams Arena

Please confirm your attendance at one of the above sessions at <http://www.athletics.umn.edu/athladministration/eaatraining.php>.

Exhibit 53

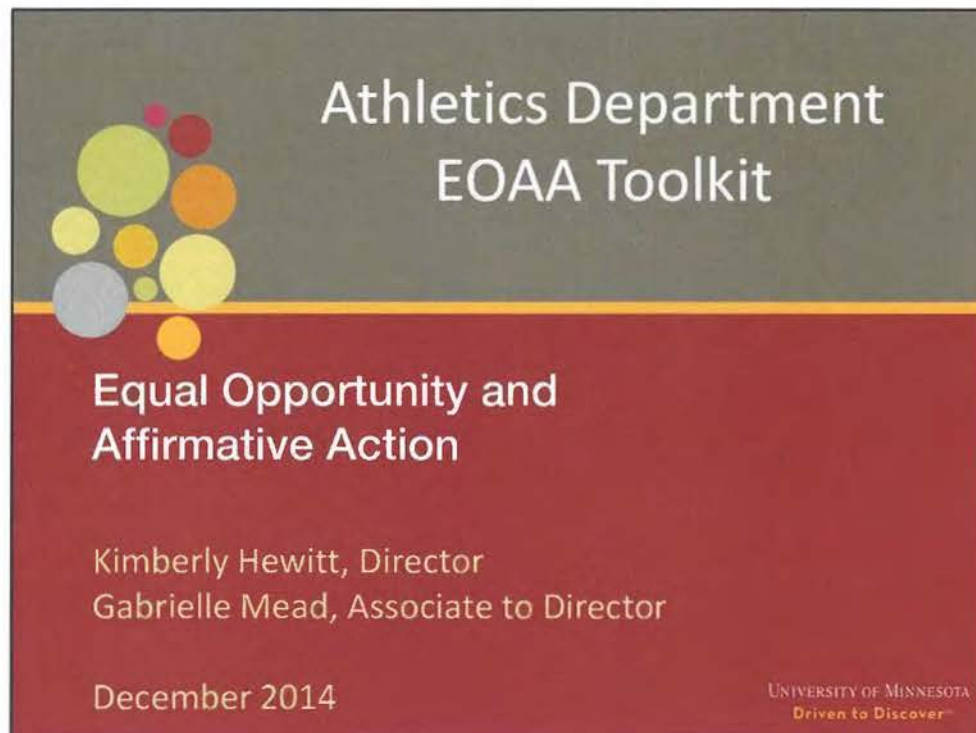
If you attended the preventing discrimination, harassment, nepotism and retaliation training which was held in December 2013, your attendance is optional in 2014.

Thank you in advance for your participation and please let Tom or I know if you have any questions.

Ellen Downing

612/625-3361





Our Office investigates complaints of discrimination, harassment, sexual assault, nepotism and retaliation.

Exhibit 54





## Objective

Understand the University's policies and resources relating to discrimination, harassment, nepotism, retaliation, and sexual assault.

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Why do you coaches and staff in the athletics department need to know about these policies?

1. If you are in a coaching or related role, students may come to you with complaints about discrimination, harassment or sexual assault. Undergraduates in particular may feel more comfortable coming to you than to professors or others. If you receive such a complaint, you need to know how to respond.
1. Student athletes may request accommodations for a disability or religious practice from you. You need to know how to respond.
2. Both in your interactions with students and with other staff, you need to understand how to avoid conduct and comments that could be perceived as discriminatory or harassing.
1. You may experience discrimination, harassment or sexual assault from others. Learn about resources for reporting and personal support.



## Identify Discrimination

**The University prohibits discrimination in its programs, facilities, and employment based on:**

race, color, creed, religion, national origin, gender, age, marital status, disability, public assistance status, veteran status, sexual orientation, gender identity, and gender expression.

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Discrimination means treating someone less favorably because of their membership in a protected class.



## Identify Discrimination

The University's anti-discrimination policy may be violated by a failure to reasonably accommodate:

1. sincerely-held religious observances or practices; or
2. mental or physical disabilities

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Usually think of discrimination policies as telling us what we can't do. These policies also set forth some requirements for things we must do.

**Religious accommodations:** Allowing employee or student time off for a religious holiday. Adjusting work or coursework schedule to accommodate prayer schedule or other religious practices. Providing a place to pray. General rules of thumb: (1) Ask questions directed to determining what the impact of the accommodation will be on coursework; (2) Try to accommodate. The University must accommodate unless it would constitute an undue burden; (3) Consult with our office if necessary. Don't deny an accommodation without consulting with our office.

**Disability accommodations:** Rule of thumb here is easy – work with DRC on all these requests. Don't accept medical records. Don't have conversations with medical providers.

**Background:** Not reasonable accommodation if: (1) results in threat to the health or safety of others; (2) results in fundamental alteration of job or program or activity; or (3) an undue financial or administrative burden.

Religious belief: Theistic or non-theistic beliefs (e.g. morals) occupying a similarly meaningful role in one's life. Typically focusing on life, purpose, death. Atheism is protected.



## Identify Harassment

**The University prohibits harassment based on:**

race, color, creed, religion, national origin, gender, age, marital status, disability, public assistance status, veteran status, sexual orientation, gender identity, and gender expression.

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## Identify Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature that:

- Influences employment or academic decisions;
- Unreasonably interferes with an individual's work or academic performance; or
- Creates a hostile working or academic environment.

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Important component of this definition is that the conduct is **UNWELCOME**. This is not about consensual relationships; not about us trying to regulate dating in the department. We are talking about unwelcome conduct of a sexual nature that has an impact on the working or learning environment.

A male supervisor and his female report are dating. She breaks it off. He fires her. A female instructor tells a student that she would consider supporting him for a scholarship if he had dinner with her.

- Threats or bribes for sexual activity
- Sexual innuendoes and comments
- Sexually suggestive sounds or gestures
- Intrusive sexually explicit questions
- Repeatedly asking a person out for dates or to have sex
- Touching, patting, pinching, stroking, squeezing, hugging, tickling, or brushing against a person
- Neck/shoulder massage
- Rating a person's sexual attractiveness
- Ogling or leering, staring at body parts

- Frequent jokes about sex or males/females
- Displays of pictures, calendars, cartoons or other materials with sexually explicit or graphic content
- Sexually explicit emails, text messages, or other electronic postings



## Identify Other Harassment

Harassment is also unwelcome conduct related to one's **gender, sexuality, disability, age race, religion, national origin or other protected identity** that:

- Influences employment or academic decisions;
- Unreasonably interferes with an individual's work or academic performance; or
- Creates a hostile working or academic environment.

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### **Influences employment or academic decisions:**

An instructor tells a student that she would have a better chance at getting ahead if she started attending a Christian church.

### **Examples of behavior that could interfere with work or academic performance or create hostile working environment:**

Jokes or emails or pictures that are based on negative stereotypes about a person's protected identity

Bullying or intimidating individuals based on their protected identity



## Quiz Question 1

Student-athletes are talking about the new recruits for next year. One person says, "Those kids from Africa are so fast. I just hope they can understand the rules."

- **Are the students' comments acceptable?**

*Press 1 for Yes; 2 for No; 3 for Unsure*

- **If not, what are the concerns?**
- **What could you do if you observe this conduct?**

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No, the comments are not acceptable. Without more, we probably would not say these comments violate our discrimination policy. But we want to pay attention to these kinds of biased comments because they can add up and/or lead to more serious and problematic conduct.

### **Concerns:**

- Comments make assumptions about a group of people based on their identity: national origin.
- The comment assumes that these individuals will not be able to understand the rules. Is that because we are assuming there is a language barrier? Are we making assumptions about intelligence? Either way, they are assumptions based not on someone's behavior or conduct, but on their identity: being "from Africa."
- We are concerned about the comments even if there is a compliment included in there.

### **What could you do?**

- Say: "let's not make assumptions about people"
- Discuss what it means to have a diverse group of people working together
- Think about how to welcome this group from Africa
- Consider whether the team is welcoming to all of its members, including current members





## Quiz Question 2

A student-athlete talks to her coach about being uncomfortable with the way the trainer is helping her stretch out her hamstrings.

- **Is the trainer's conduct acceptable?**

*Press 1 for Yes; 2 for No; 3 for Unsure*

- **If not, what are the concerns?**
- **How should you respond to this concern?**

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We don't know, but the student is uncomfortable so we need to do something about it. Is this a violation of the University's sexual harassment policy? Don't have enough information.

### **Concerns:**

- First concern is that the student is uncomfortable with some physical contact. We need to address that.
- Coaches, trainers, medical staff have to be particularly aware of the ways in which performing their jobs can be problematic and so have to be even more aware. Touching – particularly contact with certain parts of the body – can be perceived as being sexual in nature.
- Here, the trainer might not be doing anything intentionally sexual in nature and anything different than the trainer has done in the past. But that does not make it okay in this situation.
- We also need to be very aware of the power dynamic in this situation. While we can experience sexual harassment or other forms of harassment from peers, the power differential here between a student and staff member who may have influence over her athletic performance is relevant.

### **How should you respond?**

- Listen to the student's concern and do not be dismissive.
- Provide resources to the student for personal support and for possible reporting.
- Do not promise confidentiality.
- Do something with the information: talk to supervisor; talk to trainer; talk to EOAA; pay attention to what others are saying or doing. People do not have to use any magic words to express a complaint or concern.

- Possibly in consultation with supervisor or EOAA, talk to trainer about concerns.
- Develop a plan going forward that the student is okay with.
- Follow up with student later to make sure concerns addressed.



## Quiz Question 3

Alex, a student-athlete, is sad about recently breaking up with a long-time partner. An assistant coach gives Alex a hug and invites Alex get coffee to talk about it.

- **Is the coach's conduct acceptable?**

*Press 1 for Yes; 2 for No; 3 for Unsure*

- **If not, what are the concerns?**

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This one raises some questions, and we might need more context to figure out how concerned we are about this situation.

### Questions/concerns that come to mind:

- Hug:
  - What kind of hug was it? How long, where were the hands?
  - Was the hug welcome?
  - Hugs can be tricky. Some people are more comfortable with physical comfort than others. We don't prohibit hugs, but we say that you should be careful about them. Pay attention to whether welcome. Pay attention to length. Pay attention to how often you are giving them out. Pay attention to who you are giving them out to.
  - There are other ways of expressing comfort besides touching.
- Coffee date:
  - Where & when are they having coffee? The setting can make a difference. Is there an attempt to be in a quiet dark place, alone together?
  - Just the two of them might raise some questions. Special relationship? Nepotism situation?
- Power dynamic:
  - We also have to again pay attention to the power dynamic here. Assistant coach is trying to comfort and provide support, but how much of that is Alex really looking for from the assistant coach? Does Alex feel compelled now to accept the assistant coach's overtures to keep the assistant coach happy?

**Conclusion:** We don't know if this situation is actually a problem. But we do want you to be

aware of where there could be a problem. Make sure you are asking questions about whether this is appropriate by being able to identify where there could be EOAA issues.



## Quiz Question 4

A coach and some athletes are joking about one of the athletes being “bi-polar.” One person says, “let’s just hope he’s mad when we let him on the field.”

- **Are the comments acceptable?**

*Press 1 for Yes; 2 for No; 3 for Unsure*

- **If not, what are the concerns?**

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No. Concerns about harassment based on disability.

### **Concerns**

- Quick to diagnose others – problematic because of stigma attached to mental illness. Could be harassment based on disability.
- Problem whether or not the person being discussed is in the room.
  - It doesn’t have to be someone who has a mental illness who can say something.
  - You don’t have to even talk about the person being discussed to call out the biased comments.
- Another problem is that the coach is one of the people engaging in the jokes. Coaches set the example. They model what is acceptable. If a coach is part of the joking and laughing, it makes it harder for someone who is offended by the comment to speak out.



## Quiz Question 5

A staff member makes negative comments related to sexual orientation. Another staff member objects. The first staff member responds, "I don't see what the problem is, I thought you were straight."

- **Are the comments acceptable?**

*Press 1 for Yes; 2 for No; 3 for Unsure*

- **If not, what are the concerns?**

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No.

### **Concerns.**

- Sexual orientation is one of the protected classes under our policy (and Minnesota law) and so negative comments related to sexual orientation could constitute harassment in violation of our policy.
- Such comments create an unwelcoming environment for our staff and students, even if there is not a policy violation.
- The comments are problematic regardless of whether someone listening or someone in the room is part of the group that is being mocked. So the sexual orientation of the person speaking up is not relevant to whether the comments are acceptable.

**Another note:** It is sometimes hard to speak up in these kinds of situations. But it is important to ensuring that we are creating a welcoming environment for everyone. If someone does have the courage to speak up, how much more powerful would it be for someone else to support him or her.



## Identify Nepotism

The University's Nepotism Policy governs **conflicts of interest** that result from **personal relationships** among members of the University of Minnesota community.

The University requires reporting of potential nepotism situations to Human Resources or EOAA so that appropriate steps can be taken to avoid any prohibited activity.

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**Conflict of interest:** a conflict between a person's private interests and official responsibilities

**For example:** An instructor dating one of her students. The instructor's private interest may be to evaluate the student highly or pay more attention to the student. The instructor's official responsibility is to treat all students fairly and equitably.

**For example:** A graduate student with equipment scheduling responsibilities gives preferential treatment to her fiancé for use of lab equipment.

**This policy means:** If you are a TA, you can't be in a romantic or sexual relationship with a student you teach, evaluate or supervise. If such a relationship occurs, report it to EOAA.

**HR and/or EOAA can often craft a nepotism agreement to provide for:** alternative reporting and evaluation, resolution of disputes, separation of roles, oversight of allocation of research or programmatic funds



## Identify Retaliation

**The University prohibits retaliation.**

**Retaliation:** **Intimidation, reprisal or harassment** against a person because she participated in a harassment, discrimination or nepotism investigation.

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Intended to protect individuals who report discrimination, harassment or nepotism or participate in investigations of such complaints.





## Sexual Violence

**The University prohibits all forms of sexual assault, stalking, and relationship violence.**

- EOAA Director Kimberly Hewitt is the University's Title IX Coordinator.
- If you hear of something that might implicate sexual violence policies, call EOAA.
- *See Sexual Assault, Stalking and Relationship Violence Policy.*

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# Tips and Resources

*See Handouts*

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## EOAA Role

The EOAA is a neutral party that responds to discrimination, harassment, retaliation, sexual assault and nepotism complaints through informal problem-solving or formal investigations.

**Formal investigations:**

- Interview witnesses and review documents.
- Determine whether the University's policies have been violated.
- Make recommendations for responsive action.

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## EOAA Trainings

### **Sexual Harassment**

Learn and discuss strategies for identifying, preventing, and responding to sexual harassment.

### **Supervisors' EOAA Toolkit**

Discuss practical tools for supervisors to identify, prevent, and respond to potential discrimination, harassment, retaliation and nepotism.

### **Addressing Bullying Behavior in the Workplace**

Learn to identify and address bullying behavior.

### **Religious Accommodation**

Learn to prevent mistreatment based on religious preferences and to accommodate individuals' religious needs.

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**Kimberly Hewitt, Director**

[boyd0009@umn.edu](mailto:boyd0009@umn.edu)

**Gabrielle Mead, Associate to Director**

[gdmead@umn.edu](mailto:gdmead@umn.edu)

**Equal Opportunity and Affirmative Action**

274 McNamara Alumni

200 Oak Street SE

Minneapolis, MN 55455

(612) 624-9547

[eoaa@umn.edu](mailto:eoaa@umn.edu)

<https://diversity.umn.edu/eoaa/>

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# Quiz Questions

**Quiz Question 1:** Student-athletes are talking about the new recruits for next year. One person says, “Those kids from Africa are so fast. I just hope they can understand the rules.”

- Are the students’ comments acceptable?
- If not, what are the concerns?
- What could you do if you observe this conduct?

**Quiz Question 2:** A student-athlete talks to her coach about being uncomfortable with the way the trainer is helping her stretch out her hamstrings.

- Is the trainer’s conduct acceptable?
- If not, what are the concerns?
- How should you respond to this concern?

**Quiz Question 3:** Alex, a student-athlete, is sad about recently breaking up with a long-time partner. An assistant coach gives Alex a hug and invites Alex get coffee to talk about it.

- Is the assistant coach’s conduct acceptable?
- If not, what are the concerns?

**Quiz Question 4:** A coach and some athletes are joking about one of the athletes being “bi-polar.” One person says, “let’s just hope he’s mad when we let him on the field.”

- Are the comments acceptable?
- If not, what are the concerns?

**Quiz Question 5:** A staff member makes negative comments related to sexual orientation. Another staff member objects. The first staff member responds, “I don’t see what the problem is, I thought you were straight.”

- Are the comments acceptable?
- If not, what are the concerns?

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Exhibit 55



## Tips for Supervisors

### **PREVENT DISCRIMINATION, HARASSMENT, NEPOTISM AND RETALIATION**

- Create a welcoming environment.
- Model professional behavior.
- Communicate University discrimination, harassment, nepotism and retaliation policies.
- Watch for warning signs.
- Address misconduct promptly and seriously.

### **RESPOND TO DISCRIMINATION, HARASSMENT, NEPOTISM AND RETALIATION**

#### How to interact with the complainant:

- Listen attentively without interrupting.
- Don't offer opinions or make judgments.
- Don't use humor to alleviate tension.
- Acknowledge the complainant's feelings.
- Ask open-ended questions.

#### What to say to the complainant:

- You can't promise absolute confidentiality.
- The University prohibits retaliation.
- You will take actions in response to the complaint.
- The complainant can obtain help from EOAA, HR, and other University resources.

#### What to do after receiving a complaint:

- Take thorough notes of the conversation and maintain them in a file.
- Take action to respond to the complaint, even if no "magic words" were used.
- Contact your supervisor, HR and/or EOAA.
- Maintain confidentiality to the extent possible.
- Follow up with the complainant.

#### Where to report complaints:

- Your supervisor; the Athletic Director; Associate Athletic Directors
- Department or Central Human Resources: 4-UOHR
- EOAA Office: 4-9547, [eoaa@umn.edu](mailto:eoaa@umn.edu), <https://diversity.umn.edu/eoaa/>
- Ethicspoint: 1-866-294-8680, <https://secure.ethicspoint.com/domain/media/en/gui/9167/index.html>

Other resources:

- Aurora Center: 612-626-9111, <http://www1.umn.edu/aurora/>
- Employee Assistance Program (EAP): <http://www1.umn.edu/ohr/wellness/eap/index.html>
- University Counseling and Consulting Services (UCCS): <http://www.uccs.umn.edu/>
- Boynton Mental Health: [www.bhs.umn.edu/east-bank-clinic/mental-health-services.htm](http://www.bhs.umn.edu/east-bank-clinic/mental-health-services.htm)
- Office for Conflict Resolution: 612-624-1030, <http://www1.umn.edu/ocr/>





# Tips for Coaches

## Interacting with students

- Consult appropriate resources before denying a student's request for a religious or disability-based accommodation.
- Be thoughtful about choosing the time and place to meet with a student, coach, or staff person.
- Be cautious about sharing jokes or stories that could be interpreted as biased or sexually provocative.
- Be selective about the details of your personal life that you share with athletes and co-workers. Avoid discussing sexual or intimate subjects.
- Avoid commenting on appearance or dress.
- Model professional behavior.

## Responding to others' conduct

- Interrupt offensive or inappropriate comments.
- Provide support and resources to affected persons.
- Report any discrimination, harassment, sexual assault, nepotism or retaliation complaints you receive from students.

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Exhibit 57

## **Reporting Resources**

- Your Athletic Director or Associate Athletic Directors
- Department or Central Human Resources: 4-UOHR
- EOAA Office: 4-9547  
<https://diversity.umn.edu/eoaa/> (includes Title IX reporting)
- Office for Student Conduct and Academic Integrity: 4-6073  
<http://www.oscai.umn.edu/>
- Ethicspoint: 1-866-294-8680  
<https://secure.ethicspoint.com/domain/media/en/gui/9167/index.html>

## **Resources For Personal Support**

- Aurora Center: <http://www1.umn.edu/aurora/>  
24 Hour Help Line: 612-626-9111
- Employee Assistance Program (EAP):  
<http://www1.umn.edu/ohr/wellness/eap/index.html>
- University Counseling and Consulting Services (UCCS):  
<http://www.uccs.umn.edu/>
- Boynton Mental Health: [www.bhs.umn.edu/east-bank-clinic/mental-health-services.htm](http://www.bhs.umn.edu/east-bank-clinic/mental-health-services.htm)
- Center for Conflict Resolution: <http://www.ocr.umn.edu/>
- Center for Student Conflict Resolution: <http://www.sos.umn.edu/index.html>

## **Consulting Resources**

- Disability Resource Center: <https://diversity.umn.edu/disability/home>
- Women's Center: <https://diversity.umn.edu/women/>
- Gay, Lesbian, Bisexual, Transgender, Ally Programs Office:  
<https://diversity.umn.edu/glbta/home>
- Center for Teaching and Learning: <http://www1.umn.edu/ohr/teachlearn/>
- EOAA Office: 4-9547, <https://diversity.umn.edu/eoaa/>

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EOAA Training		
Thursday, December 4, 9:00am - 10:00am		
Location: Football Team Meeting Room		
Signature	Employee	ID #
	<del>Adams, Jordan</del>	<del>4588240</del>
<i>Mike Alister</i>	Alexander, Nikola	3921847
<i>Courtney Anderson</i>	Anderson, Courtney	3867215
<i>Mary Jo Brandt</i>	Brandt, Mary Jo	2109344
<i>Justine Buerkle</i>	Buerkle, Justine	3815687
<i>Jeremiah Garter</i>	<del>Garter, Jeremiah</del>	<del>1873989</del>
<i>Robert Day</i>	Day, Robert	5131952
<i>Jessica Fleischmann</i>	Fleischmann, Jessica	2112781
<i>Jacob Ford</i>	Ford, Jacob	3903685
<i>Russ Fystrom</i>	Fystrom, Russ	791378
<i>Kyle Gergely</i>	Gergely, Kyle	3704154
<i>Madeline Greene</i>	<del>Greene, Madeline</del>	<del>3918179</del>
<i>Randy Handel</i>	Handel, Randy	4374083
<i>Jen Hansen</i>	Hansen, Jen	2119394
<i>Mandy Hansen</i>	Hansen, Mandy	2989021
<i>Sarah Hopkins</i>	Hopkins, Sarah	2385276
<i>Chris Howell</i>	Howell, Chris	1055721
<i>Andy Johnson</i>	<del>Johnson, Andy</del>	<del>3459602</del>
<i>Emily Kidd</i>	Kidd, Emily	3548771
<i>Eric Klein</i>	Klein, Eric	4465644
<i>Kelly Kremer</i>	<del>Kremer, Kelly</del>	<del>2253216</del>
<i>Michael Kylo-Kittle</i>	Kylo-Kittle, Michael	4319253
<i>Christopher Lagasse</i>	Lagasse, Christopher	3871141
<i>Justin Lange</i>	<del>Lange, Justin</del>	<del>5144368</del>
<i>Quincy Lewis</i>	Lewis, Quincy	1764989
<i>Anissa Lightner</i>	Lightner, Anissa	2763631
<i>Urban Ljubic</i>	Ljubic, Urban	3739733
<i>Teresa Logemann</i>	<del>Logemann, Teresa</del>	<del>3760319</del>
<i>Peter Miller</i>	Miller, Peter	2850333
<i>Brandon Morris</i>	<del>Morris, Brandon</del>	<del>5144191</del>

*other session*

*no show*

*no show*

*other session*

*went last year*

*other session*

*other session*

*no show*

**EOAA Training - page 2**

Thursday, December 4, 9:00am - 10:00am

Location: Football Team Meeting Room

Signature	Employee	ID #
	Nelson, Molly	
	Owens, Peyton	3642669
	Perry, Dustin	4399780
	Pettiford, Toni	949286
	Pomeday, Nathan	5141767
	Powell, Kammy	4972748
	Pratt, John	1539610
	Risbrudt, Isaac	1875197
	Rossi, Catherine	5133152
	Schilling, Matt	4577284
	Sears, Corrie	4980127
	Seidel, Krystle	3211418
	Slagle, James	3204283
	Stack-Eaton, Geralen	5168398
	<del>Stakston, Andrea</del>	<del>3313662</del>
	Stenger, Richard	5167806
	Strahota, Tamara	3823041
	Taber, Kate	4160979
	Thompson, Kane	5120392
	Thompson, Shea	4656379
	Yehlen, Jennifer	2371247
	Zdanczewicz, Kristin	5105673
	Pearson, Chad	446 954 4
	David Lindogis	210 2935
	Craig	1457132
	Jim Praska	2924294
	Brittany Barber	5094577
	McGehee	501 2346
	Francis, Brittany	257929

Called attended in 2012  
No show

other session

attended in 2012

EOAA Training		
Thursday, December 4, 10:30am - 11:30am		
Location: Football Team Meeting Room		
Signature	Employee	ID#
	Adzick, George	911972
	Anderson, Kaela	3993162
	Anderson, Kristina	3215644
	<del>Bakke, Eric</del>	<del>3728921</del>
	Bingle, Matt	3129406
	Button, Jacob	3597185
	Carlson, John	1848323
	Chapman, Cory	4240247
	Claxton, Dan	4770355
	Cleary, John	4593643
	Driscoll, Phil	3340049
	<del>Duket, Zach</del>	<del>4315200</del>
	<del>Gabrielson, Julie</del>	<del>3141632</del>
	Harris, Andrew	4368343
	Hayes, Madeline	3867046
	<del>Helleran, Lynn</del>	<del>3282103</del>
	Johnson, Joel	2488488
	<del>Keiser, Jeff</del>	<del>2748095</del>
	Kolesnikov, Kostya	3581010
	Linell, Cindi	3573587
	<del>Louw, Gideon</del>	<del>5134838</del>
	McDonald, Mike	2107389
	Muzerall, Nadine	1852114
	Nelson, Dana	3143335
	Nimis, Jacqueline	2515506
	Nolden, Sam	3742604
	Owens, Sam	1543991
	Pacheco, Devin	2813035
	Poeschl, Julie	3745776
	<del>Potulny, Grant</del>	<del>2584870</del>

*No show*

*No show*

*No show*  
*No show*

*attended in 2013*

*attended in 2013*

*No show*

*called no show*

Exhibit 59

EOAA Training - page 2

Thursday, December 4, 10:30am - 11:30am

Location: Football Team Meeting Room

Signature	Employee	ID#
	<del>Praska, Jim</del>	<del>2924294</del>
	<del>Quinn, Joseph</del>	<del>2199539</del>
	Reder, Lynden	2112927
	Redman, Michele	4590791
	Reisig, Dan	5087557
	Romo, John	2105756
	<del>Ryan, Marc</del>	<del>2105218</del>
	Schutter, Lindsay	3474423
	Stominski, Shelly	1262965
	Smolka, Sandra	2105256
	Stakston, Andrea	3313662
	Taney, Whitney	3740621
	Thornton, Paul	4088854
	Turcotte, Sarah	2725998
	Waintraub, Deana	4776167
	<del>Winslow, Jeff</del>	<del>2532095</del>
	Woelfel, Stephanie	3797609
	Wright, Garrett	3231890

other session  
reopen him

no show

	Justin Lange	15144368
	Jordan Adams	4588240
	Justin Smith	2526567
	Amy Johnson	3459602
ED Lockrie	ED Lockrie	3065851
	Teresa Logemann	3760319
	Minche Vos	3881029

**EOAA Training - Session 3**

Tuesday, December 16, 9:00am - 10:00am

Location: Football Team Meeting Room

Signature	Employee	ID #
	Andrews, Bradley	4879049
	Ashton, Chris	3097820
	Bussman, Marty	2107334
	Carter, Jeremiah	1873989
	Chen, Wenbo	4229993
	Cope, Andrew	5116517
	Felz, Ben	5040362
	Filler, Alex	3253950
	Gabrielson, Julie	3141632
	Goon, Doug	2739838
	Guentzel, Mike	1185480
	Haldorson, Laura	2111303
	Hoekstra, Nicholas	5143037
	Hoffoss, Deb	2102759
	Hotck, Brent	2371756
	Jude, Courtney	3968632
	Karki, Apeckchya	3117741
	Mahoney, Caitlin	2121113
	Merchant, Jessica	4394224
	Moore, Erin	4510008
	OBrien, Dan	1264155
	Probst, Lacey	5141485
	Proulx, Brent	1657899
	Quagliana, Kyle	5006537
	Quinn, Joseph	2199539
	Rhiel, Geoff	4152990
	Ricker, Jake	2974177
	Risbrudt, Isaac	1875197
	Ritter, Piper	2522776
	Sefiriz, Jeff	1618320
	Sheely, Krista	3410470
	Shuey, Stephanie	5145823
	Smith, Justin	2526567
	Traen, Michelle	2926446
	Volek, Stephen	4316632
	Warnke, Daniel	4758586
	Wiley, Sara	2102000
	Wolanin, Josh	4160032

Lynn Holtman 3282103

Exhibit 60

**EOAA Training - Session 4**

Tuesday, December 16, 10:30am - 11:30am

Location: Football Team Meeting Room

Signature	Employee	ID #
	Abrahamson, Ryan	4018591 ✓
	Anderson, John	937906
	Blackshear, John	1233573
	<del>Bush, Laura</del>	<del>3942584</del>
	Carlson, Matt	3697238
	Chmiel, Frederick	5130326
	Christensen-White, Mary	2676042
	Cohorst, Andrew	5109723
	Coutts, Tiffanie	5121549
	Criter, Kevin	3133879
	Dawkins, Nikita	5121626
	DeLisi, Amanda	2412282
	Deutsch, Brian	3392878
	<del>Dietz, Gal</del>	<del>1858748</del>
	Drozynski, Cassie	3877290
	Eggum, Brandon	1753672
	Fornasiere, Rob	2103353
	Ganser, David	5137349
	Glasscock, William	4469031
	<del>Greene, Madeline</del>	<del>3918179</del>
	Griffin, Nate	4469027
	Hagler, Carly	4649858
	Halgren, Kimberly	4403821
	Hall, Jaime	4659156
	Henry, Jenna	4176755
	Houk, Matt	5115477
	Ikeda, Nao	2110266
	<del>Kershaw, Jacob</del>	<del>4018900</del> <i>called</i>
	Lienesch, Jacqueline	4445848
	Liggett, Morgan	5125211
	Louw, Gideon	5134838
	<del>Mansfield, Eli</del>	<del>4993116</del>
	Marso, Adam	4175055
	Miller, Eric	1179626
	Morgan, Peter	4710292
	Motherwell, John	5125183
	Nelson, Andrew	3064707

Exhibit 61



<del>Noll, Deb</del>	<del>1170584</del>
<del>Novak, Moira</del>	<del>2264236</del>
<del>Ochtera, Chelsea</del>	<del>4278434</del>
Jordan Rider, Jo	1767086
Michelle Roberts, Linda	1064332
Paul Rovnak, Paul	4381271
John Schaeckel, John	2662810
Rich Schlotfeldt, Rich	3147337
Kristin Scott, Kristin	4626051
Adam Stirn, Adam	5143069
Marlene Stollings, Marlene	5119015
Lee Swenson, Lee	1905872
Emily Wendolak, Emily	3785390
Garrett Wright, Garrett	3231890

went last year  
 went last year  
 called year  
 went last year

Adzick, George 0911972

Risbrudt, Isaac 1875197

Koichiro Kanno (volunteer ~ no ID)

Jermaine Brown 5191808

Baw Falz 5040362

~~Adzick, George~~

IRU  
 Jason Brossing  
 George Adzick  
 Jermaine  
 Ben Falz  
~~Adzick~~

**EOAA Training - Session 5**

Wednesday, December 17, 1:30pm - 2:30pm

Location: Williams Arena Club Room

Signature	Employee	ID #
	Bahr, Mark	1502239
	Beatty Kollasch, Ronni	1732139
	Brausen, Deaynn	1616344
	Buresh, Brady	5148058
	Chandler, Barb	751271
	Chandler, Mike	2680804
	Duket, Zach	4315200
	Dwyer, Erik	3813171
	Flannigan, Carol	993014
	Gavino, Ron	1239035
	Gislason, Lori	1245539
	Greseth, Lee	1323304
	Hardy, Lisa	2479038
	Hemmer, Mason	3696178
	Holida, Karin	1478501
	Kershaw, Jake	4018900
	Litzelswope, Zacharia	5002495
	Lucia, Don	2404871
	Martin, Dale	3803238
	Miller, Steve	3802359
	Moriarty, Sean	3969750
	Morton, Carla	5099900
	Oberlander, Emily	3462013
	Ochtera, Chelsea	4278434
	Perry, Tom	873682
	Purdy, Ryan	2373957
	Robinson, Kevin	4770282
	Rovnak, Amanda	4381271
	Stirn, Adam	5143069
	Wiberg, Stuart	3626201
	Winslow, Jeffrey	2532095
	Wittek, James	3282485

Exhibit 62

**EOAA Training - Session 6**

Wednesday, December 17, 3:00pm - 4:00pm

Location: Williams Arena Club Room

Signature	Employee	ID #
	Canfield, Deb	1177718
	Goetz, Beth	4963049
	Halldorson, Laura	2111303
	Hohman, Neal	2354073
	Judds, Courtney	3968632
	<del>Maus, Ryan</del>	<del>3003030</del>
	McHale, Daniel	4989592
	Roos, Brent	2106281
	Shtuk, Anna	3583473
	Sturch, Bridget	5093514
	Walsh, Lucas	5148572

YOUNG, KIMANI 4985088

O'Meara, Billy 5131038

Ben Johnson 2898114 Oto Osunrews

4989390

Richard Pitino 4980352

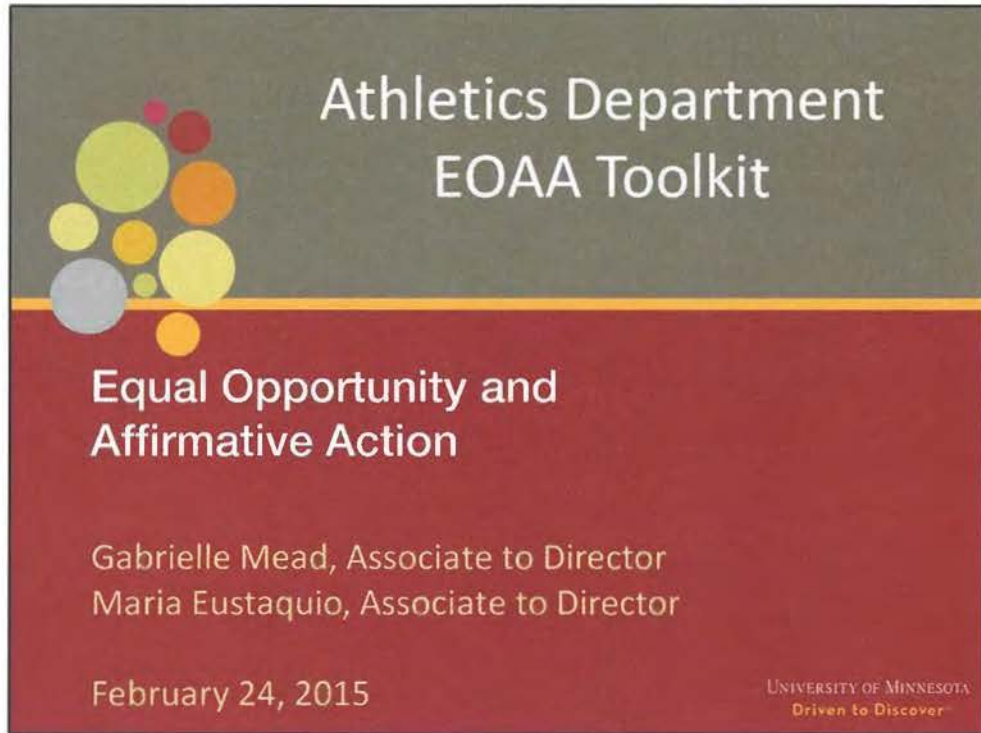
Chris Cordis 1786731

KYLE DRAGUMA 5006537

Jenny Gehler 2371247

Emily Wendick 3785390

Exhibit 63



Our Office investigates complaints of discrimination, harassment, sexual assault, nepotism and retaliation.

Exhibit 64



## Objective

Understand the University's policies and resources relating to discrimination, harassment, nepotism, retaliation, and sexual assault.

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Why do you coaches and staff in the athletics department need to know about these policies?

1. If you are in a coaching or related role, students may come to you with complaints about discrimination, harassment or sexual assault. Undergraduates in particular may feel more comfortable coming to you than to professors or others. If you receive such a complaint, you need to know how to respond.
1. Student athletes may request accommodations for a disability or religious practice from you. You need to know how to respond.
2. Both in your interactions with students and with other staff, you need to understand how to avoid conduct and comments that could be perceived as discriminatory or harassing.
1. You may experience discrimination, harassment or sexual assault from others. Learn about resources for reporting and personal support.



## Identify Discrimination

**The University prohibits discrimination in its programs, facilities, and employment based on:**

race, color, creed, religion, national origin, gender, age, marital status, disability, public assistance status, veteran status, sexual orientation, gender identity, and gender expression.

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Discrimination means treating someone less favorably because of their membership in a protected class.



## Identify Discrimination

**The University's anti-discrimination policy may be violated by a failure to reasonably accommodate:**

1. sincerely-held religious observances or practices; or
2. mental or physical disabilities

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Usually think of discrimination policies as telling us what we can't do. These policies also set forth some requirements for things we must do.

**Religious accommodations:** Allowing employee or student time off for a religious holiday. Adjusting work or coursework schedule to accommodate prayer schedule or other religious practices. Providing a place to pray. General rules of thumb: (1) Ask questions directed to determining what the impact of the accommodation will be on coursework; (2) Try to accommodate. The University must accommodate unless it would constitute an undue burden; (3) Consult with our office if necessary. Don't deny an accommodation without consulting with our office.

**Disability accommodations:** Rule of thumb here is easy – work with DRC on all these requests. Don't accept medical records. Don't have conversations with medical providers.

**Background:** Not reasonable accommodation if: (1) results in threat to the health or safety of others; (2) results in fundamental alteration of job or program or activity; or (3) an undue financial or administrative burden.

**Religious belief:** Theistic or non-theistic beliefs (e.g. morals) occupying a similarly meaningful role in one's life. Typically focusing on life, purpose, death. Atheism is protected.



## Identify Harassment

**The University prohibits harassment based on:**

race, color, creed, religion, national origin, gender, age, marital status, disability, public assistance status, veteran status, sexual orientation, gender identity, and gender expression.

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## Identify Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature that:

- Influences employment or academic decisions;
- Unreasonably interferes with an individual's work or academic performance; or
- Creates a hostile working or academic environment.

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Important component of this definition is that the conduct is **UNWELCOME**. This is not about consensual relationships; not about us trying to regulate dating in the department. We are talking about unwelcome conduct of a sexual nature that has an impact on the working or learning environment.

A male supervisor and his female report are dating. She breaks it off. He fires her. A female instructor tells a student that she would consider supporting him for a scholarship if he had dinner with her.

- Threats or bribes for sexual activity
- Sexual innuendoes and comments
- Sexually suggestive sounds or gestures
- Intrusive sexually explicit questions
- Repeatedly asking a person out for dates or to have sex
- Touching, patting, pinching, stroking, squeezing, hugging, tickling, or brushing against a person
- Neck/shoulder massage
- Rating a person's sexual attractiveness
- Ogling or leering, staring at body parts

- Frequent jokes about sex or males/females
- Displays of pictures, calendars, cartoons or other materials with sexually explicit or graphic content
- Sexually explicit emails, text messages, or other electronic postings



## Identify Other Harassment

Harassment is also unwelcome conduct related to one's **gender, sexuality, disability, age race, religion, national origin or other protected identity** that:

- Influences employment or academic decisions;
- Unreasonably interferes with an individual's work or academic performance; or
- Creates a hostile working or academic environment.

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### **Influences employment or academic decisions:**

An instructor tells a student that she would have a better chance at getting ahead if she started attending a Christian church.

### **Examples of behavior that could interfere with work or academic performance or create hostile working environment:**

Jokes or emails or pictures that are based on negative stereotypes about a person's protected identity

Bullying or intimidating individuals based on their protected identity



# Small Group Work

Discuss Quiz Questions

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## Quiz Question 1

Student-athletes are talking about the new recruits for next year. One person says, "Those kids from Africa are so fast. I just hope they can understand the rules."

- **Are the students' comments acceptable?**  
*Press 1 for Yes; 2 for No; 3 for Unsure*
- **If not, what are the concerns?**
- **What could you do if you observe this conduct?**

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No, the comments are not acceptable. Without more, we probably would not say these comments violate our discrimination policy. But we want to pay attention to these kinds of biased comments because they can add up and/or lead to more serious and problematic conduct.

### **Concerns:**

- Comments make assumptions about a group of people based on their identity: national origin.
- The comment assumes that these individuals will not be able to understand the rules. Is that because we are assuming there is a language barrier? Are we making assumptions about intelligence? Either way, they are assumptions based not on someone's behavior or conduct, but on their identity: being "from Africa."
- We are concerned about the comments even if there is a compliment included in there.

### **What could you do?**

- Say: "let's not make assumptions about people"
- Discuss what it means to have a diverse group of people working together
- Think about how to welcome this group from Africa
- Consider whether the team is welcoming to all of its members, including current members



## Quiz Question 2

A student-athlete talks to her coach about being uncomfortable with the way the trainer is helping her stretch out her hamstrings.

- **Is the trainer's conduct acceptable?**

*Press 1 for Yes; 2 for No; 3 for Unsure*

- **If not, what are the concerns?**
- **How should you respond to this concern?**

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We don't know, but the student is uncomfortable so we need to do something about it. Is this a violation of the University's sexual harassment policy? Don't have enough information.

### **Concerns:**

- First concern is that the student is uncomfortable with some physical contact. We need to address that.
- Coaches, trainers, medical staff have to be particularly aware of the ways in which performing their jobs can be problematic and so have to be even more aware. Touching – particularly contact with certain parts of the body – can be perceived as being sexual in nature.
- Here, the trainer might not be doing anything intentionally sexual in nature and anything different than the trainer has done in the past. But that does not make it okay in this situation.
- We also need to be very aware of the power dynamic in this situation. While we can experience sexual harassment or other forms of harassment from peers, the power differential here between a student and staff member who may have influence over her athletic performance is relevant.

### **How should you respond?**

- Listen to the student's concern and do not be dismissive.
- Provide resources to the student for personal support and for possible reporting.
- Do not promise confidentiality.
- Do something with the information: talk to supervisor; talk to trainer; talk to EOAA; pay attention to what others are saying or doing. People do not have to use any magic words to express a complaint or concern.

- Possibly in consultation with supervisor or EOAA, talk to trainer about concerns.
- Develop a plan going forward that the student is okay with.
- Follow up with student later to make sure concerns addressed.



## Quiz Question 3

Alex, a student-athlete, is sad about recently breaking up with a long-time partner. An assistant coach gives Alex a hug and invites Alex get coffee to talk about it.

- **Is the coach's conduct acceptable?**

*Press 1 for Yes; 2 for No; 3 for Unsure*

- **If not, what are the concerns?**

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This one raises some questions, and we might need more context to figure out how concerned we are about this situation.

### **Questions/concerns that come to mind:**

- Hug:
  - What kind of hug was it? How long, where were the hands?
  - Was the hug welcome?
  - Hugs can be tricky. Some people are more comfortable with physical comfort than others. We don't prohibit hugs, but we say that you should be careful about them. Pay attention to whether welcome. Pay attention to length. Pay attention to how often you are giving them out. Pay attention to who you are giving them out to.
  - There are other ways of expressing comfort besides touching.
- Coffee date:
  - Where & when are they having coffee? The setting can make a difference. Is there an attempt to be in a quiet dark place, alone together?
  - Just the two of them might raise some questions. Special relationship? Nepotism situation?
- Power dynamic:
  - We also have to again pay attention to the power dynamic here. Assistant coach is trying to comfort and provide support, but how much of that is Alex really looking for from the assistant coach? Does Alex feel compelled now to accept the assistant coach's overtures to keep the assistant coach happy?

**Conclusion:** We don't know if this situation is actually a problem. But we do want you to be



aware of where there could be a problem. Make sure you are asking questions about whether this is appropriate by being able to identify where there could be EOAA issues.



## Quiz Question 4

A coach and some athletes are joking about one of the athletes being “bi-polar.” One person says, “let’s just hope he’s mad when we let him on the field.”

- **Are the comments acceptable?**

*Press 1 for Yes; 2 for No; 3 for Unsure*

- **If not, what are the concerns?**

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No. Concerns about harassment based on disability.

### **Concerns**

- Quick to diagnose others – problematic because of stigma attached to mental illness. Could be harassment based on disability.
- Problem whether or not the person being discussed is in the room.
  - It doesn’t have to be someone who has a mental illness who can say something.
  - You don’t have to even talk about the person being discussed to call out the biased comments.
- Another problem is that the coach is one of the people engaging in the jokes. Coaches set the example. They model what is acceptable. If a coach is part of the joking and laughing, it makes it harder for someone who is offended by the comment to speak out.



## Quiz Question 5

A staff member makes negative comments related to sexual orientation. Another staff member objects. The first staff member responds, "I don't see what the problem is, I thought you were straight."

- **Are the comments acceptable?**

*Press 1 for Yes; 2 for No; 3 for Unsure*

- **If not, what are the concerns?**

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No.

### **Concerns.**

- Sexual orientation is one of the protected classes under our policy (and Minnesota law) and so negative comments related to sexual orientation could constitute harassment in violation of our policy.
- Such comments create an unwelcoming environment for our staff and students, even if there is not a policy violation.
- The comments are problematic regardless of whether someone listening or someone in the room is part of the group that is being mocked. So the sexual orientation of the person speaking up is not relevant to whether the comments are acceptable.

**Another note:** It is sometimes hard to speak up in these kinds of situations. But it is important to ensuring that we are creating a welcoming environment for everyone. If someone does have the courage to speak up, how much more powerful would it be for someone else to support him or her.



## Identify Nepotism

The University's Nepotism Policy governs **conflicts of interest** that result from **personal relationships** among members of the University of Minnesota community.

The University requires reporting of potential nepotism situations to Human Resources or EOAA so that appropriate steps can be taken to avoid any prohibited activity.

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**Conflict of interest:** a conflict between a person's private interests and official responsibilities

**For example:** An instructor dating one of her students. The instructor's private interest may be to evaluate the student highly or pay more attention to the student. The instructor's official responsibility is to treat all students fairly and equitably.

**For example:** A graduate student with equipment scheduling responsibilities gives preferential treatment to her fiancée for use of lab equipment.

**This policy means:** If you are a TA, you can't be in a romantic or sexual relationship with a student you teach, evaluate or supervise. If such a relationship occurs, report it to EOAA.

**HR and/or EOAA can often craft a nepotism agreement to provide for:** alternative reporting and evaluation, resolution of disputes, separation of roles, oversight of allocation of research or programmatic funds



## Identify Retaliation

**The University prohibits retaliation.**

**Retaliation:** **Intimidation, reprisal or harassment** against a person because she participated in a harassment, discrimination or nepotism investigation.

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Intended to protect individuals who report discrimination, harassment or nepotism or participate in investigations of such complaints.



## Sexual Violence

**The University prohibits all forms of sexual assault, stalking, and relationship violence.**

- EOAA Director Kimberly Hewitt is the University's Title IX Coordinator.
- If you hear of something that might implicate sexual violence policies, call EOAA.
- *See Sexual Assault, Stalking and Relationship Violence Policy.*

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# Tips and Resources

*See Handouts*

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## EOAA Role

The EOAA is a neutral party that responds to discrimination, harassment, retaliation, sexual assault and nepotism complaints through informal problem-solving or formal investigations.

**Formal investigations:**

- Interview witnesses and review documents.
- Determine whether the University's policies have been violated.
- Make recommendations for responsive action.

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## EOAA Trainings

### **Sexual Harassment**

Learn and discuss strategies for identifying, preventing, and responding to sexual harassment.

### **Supervisors' EOAA Toolkit**

Discuss practical tools for supervisors to identify, prevent, and respond to potential discrimination, harassment, retaliation and nepotism.

### **Addressing Bullying Behavior in the Workplace**

Learn to identify and address bullying behavior.

### **Religious Accommodation**

Learn to prevent mistreatment based on religious preferences and to accommodate individuals' religious needs.

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**Maria Eustaquio**, Associate to Director  
[meustaqu@umn.edu](mailto:meustaqu@umn.edu)

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274 McNamara Alumni  
200 Oak Street SE  
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<https://diversity.umn.edu/eoaa/>

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# OUE 1086: THE FIRST YEAR EXPERIENCE

## FALL 2015 COURSE SYLLABUS

### **INTRODUCTION**

*Welcome to the University of Minnesota! I'm certainly happy you are here, and look forward to our semester together. Please become familiar with this syllabus, as it will serve as a valuable guide for OUE 1086: The First Year Experience. If you have questions, feel free to send me an e-mail or speak with me before or after class. Let's get started!*

### **OUR TEACHING TEAM**

#### **Instructor**

**Julie Whitmore, Ph.D.** | [Youn1048@umn.edu](mailto:Youn1048@umn.edu) (e-mail is the best way to contact Dr. Whitmore)

**Office Hours:** Mondays from 4:15 – 5:00 p.m. in the McNamara Academic Center (MAC)

**By Appointment**

#### **Teaching Assistant**

**Victoria Erhardt** | [erhar045@umn.edu](mailto:erhar045@umn.edu) (e-mail is the best way to contact Stephanie)

**Office Hours:** By Appointment

#### **Discussion Leaders**

**Peyton N. Owens III, Assistant Athletic Director for Student-Athlete Development** | (612) 624-5834, [owens140@umn.edu](mailto:owens140@umn.edu)

**Office Hours:** By Appointment in MAC 225Y

**Anissa Lightner, Director for Student-Athlete Development** | (612) 625-31544, [meyer174@umn.edu](mailto:meyer174@umn.edu)

**Office Hours:** By Appointment in MAC

### **COURSE MEETINGS**

**Lecture:** Monday evenings, 7:00-8:15 pm, STSS 114, through November 9, 2015

**Discussion sections:** Tuesdays, 8:15-9:30 am, 105 BFAB, through November 3, 2015  
Tuesdays, 9:45-11:00 am, 105 BFAB, through November 3, 2015  
Wednesdays, 5:30-6:45 pm, Gibson-Nagurski Football Complex in the Football Team Meeting Room 210, through November 4, 2015  
Wednesdays, 7:00-8:15 pm, Gibson-Nagurski Football Complex in the Football Team Meeting Room 210 through November 4, 2015  
Thursdays, 9:45-11:00 am, 105 BFAB, through November 5, 2015

### **REQUIRED TEXTS**

*The Missing Semester* By Matt Kabala and Gene Natali Jr. [ISBN-10: 0985531592]

*The Last Lecture* By Randy Pausch [ISBN-10: 1401323251]

Exhibit 65

## COURSE PURPOSE

OUE 1086 is a 2-credit hour course for student-athletes designed to assist in the transition from high school to higher education. Course topics include academic skills, self-awareness, identity development, self-authorship, and understanding student-community responsibility through diverse perspectives. This course will provide tools to build positive relationships and enhance the overall college experience by addressing challenges associated with the first year experience. OUE 1086 will introduce students to campus and community resources to increase success in both their academic and athletic careers. This course includes lecture and discussion sections to facilitate learning.

## STUDENT LEARNING OUTCOMES

OUE 1086 will address the following SLOs:

- Ability to **identify, define, and solve problems**.
- Ability to **comprehend and analyze information**.
- **Understand diverse philosophies and cultures** in a global society.
- Ability to **communicate effectively**.
- Skills for **effective citizenship and life-long learning**.

## STUDENT DEVELOPMENT OUTCOMES

OUE 1086 will address the following SDOs:

- **Responsibility and accountability:** Students will take responsibility for their own learning. Discussions will address the respectful appreciation of differences, and behaviors that constitute academic dishonesty; these discussions will encourage students to (a) meet agreed upon expectations, (b) make appropriate decisions regarding their own behavior, and (c) recognize and accept consequences of actions.
- **Independence and interdependence:** Students will be engaged in conversations to assist in determining when to act alone and when to work or consult with others and how to adapt behavior as appropriate in response to team or organization needs.
- **Goal orientation:** Students will create goals to monitor and respond with reflective writing regarding progress.
- **Self-awareness:** Students will engage in activities and discussion designed to assist them in articulating their strengths, including developing a resume as well as reflection on educational and athletic experiences.
- **Appreciation of differences:** Students will be challenged to leave their “comfort zones” and embrace diversity through presentations by guest speakers. Students will be expected to demonstrate respect for the values and beliefs of others.

## COURSE OBJECTIVES

OUE 1086 is designed to:

1. Demystify the expectations of higher education.
2. Promote elements of active learning.
3. Establish individual goals and objectives.
4. Introduce educational opportunities and resources available at the University of Minnesota.
5. Develop study strategies to enhance academic success.

6. Improve critical skills in thinking and problem solving.
7. Provide a venue for practicing oral and written communication skills.
8. Assist in assessing and reducing sources of stress.
9. Encourage meaningful contributions to the community.
10. Promote successful progress from the first year at the University of Minnesota to graduation.

## EXPECTATIONS, ASSIGNMENTS, AND GRADING

### *RESPECT*

In this course, and every university course (and really every area of your life), there is an expectation of mutual respect. As an instructor, I will treat you respectfully and fairly; I will not unduly criticize your work, and will be well-prepared for our course and respond promptly to your e-mails. In return, I expect that you arrive on-time for the course, put away electronic devices, and avoid talking to those around you while a person is speaking to the class. Rude, demeaning, intimidating, or disruptive behavior will not be tolerated. Students who are behaving disrespectfully in class will be given one warning, and then be asked to leave the lecture or lab section.

### *ATTENDANCE*

**Attendance is mandatory.** One of the many goals of OUE 0186 is to help you to establish habits that will help you to succeed in college. Students are expected to attend all OUE 1086 lectures and discussion section meetings and to arrive on time and stay for the entire class period. Students should be mentally and physically present in class. Attendance will be taken in both lecture and discussion. Students will swipe their IDs as they enter providing a record of arrival time.

If you are going to miss lecture or discussion for any reason, it is your responsibility to contact the instructor prior to the absence. **All absences that are not pre-approved will count as unexcused. Arriving 10 minutes or more, after the start of class will also result in an unexcused absence.** Students with unexcused absences will not be allowed to make up class work except in cases of truly extenuating circumstances beyond the student's control, in which case documentation will be required. In cases of extenuating circumstances, you must contact the instructor within 3 days of the absence. **Students with 4 or more absences will receive an F in the course** except in cases of documented unusual extenuating circumstances or absences for religious observation or for representing the University in athletic competition.

*ASSIGNMENTS AND LETTER GRADES*

An outline of course assignments and specific, detailed instructions for each assignment are posted on the course Moodle site and included at the end of the syllabus. **Please contact the instructor prior to submitting your assignment if you have any questions about the expectations for an assignment.** Assignments will be given the following point values:

Assignment	Opportunities	Point Value	Total Points
Reflection Papers (1 page each)	3	5	15
Resume	1	10	10
Short Papers (2 pages each)	Volunteer Experience	15	30
	Secondary Research	15	
In-Class Group Assignments	6	2.5	15
Expository Text Essay (3-5 pages)	1	30	30
<b>Course total</b>			<b>100</b>

*LETTER GRADES BY POINT VALUE*

92 - 100 <b>A</b>	80 – 82 <b>B-</b>	67 - 70 <b>D+</b>
90 - 92 <b>A-</b>	77 - 80 <b>C+</b>	62 - 67 <b>D</b>
87 - 90 <b>B+</b>	72 - 77 <b>C</b>	60 - 62 <b>D-</b>
82 - 87 <b>B</b>	70 - 72 <b>C-</b>	<60 <b>F</b>

*LATE WORK*

Paper copies of all assignments will be due at the beginning of class and will be collected as you walk in the door. If you miss class due to extenuating circumstances (e.g., a documented medical illness) or a pre-approved absence (e.g., team travel), please do your best to contact me prior to your absence. Without pre-approval of absence, **assignments that are submitted late will be docked 10 percent per day.** Exceptions may be granted on a case by case basis.

*EXTRA CREDIT*

There will be one opportunity for extra credit in this course. You may receive up to 5 points extra credit for an electronic classroom response about the career fair. Although this extra credit is available, **the best way to do well in this course is to attend lecture and lab sections, complete course readings, and submit quality, timely work.** If you follow these suggestions, there should be no need for an extra credit opportunity.

## **THE FINE PRINT**

### **Student Conduct**

The University of Minnesota Student Conduct Code governs all activities in the University, including this course. Students who engage in behavior that disrupts the learning environment for others may be subject to disciplinary action under the Code. This includes any behavior that substantially or repeatedly interrupts either the instructor's ability to teach or student learning. The classroom extends to any setting where a student is engaged in work toward academic credit or satisfaction of program-based requirements or related activities. Students responsible for such behavior may be asked to cancel their registration (or have their registration canceled).

### **Disability Accommodations**

Reasonable accommodations will be provided for students with disabilities on an individualized and flexible basis. Disability Services determine appropriate accommodations through consultation with the student. See the instructor for information about contacting Disability Services or call DS Student Services at 612-626-1333.

### **Harassment**

The University of Minnesota is committed to providing a safe climate for all students, faculty, and staff. All persons shall have equal access to its programs, facilities, and employment without regard to race, color, creed, religion, national origin, sex, age, marital status, disability, public assistance status, veteran status, or sexual orientation. Reports of harassment are taken seriously, and there are individuals and offices available for help. Contact the Office of Equal Opportunity and Affirmative Action, 419 Morrill Hall, 612-624-9547.

### **Complaints Regarding Teaching/Grading**

Students with complaints about teaching or grading should first try to resolve the problem with the instructor involved. If no satisfactory resolution can be reached, students may then discuss the matter with the Office of Undergraduate Education Department Chair who will attempt to mediate. Failing an informal resolution, the staff in the OUE office will facilitate the filing of a formal complaint.

### **Complaints Regarding Advising**

Students with complaints about advising should first try to resolve the problem with the advisor involved. If no satisfactory resolution can be reached, students take the matter to the CLA Office of the Assistant Dean, 106 Johnston Hall, 612-625-3846, [asstdean@class.cla.umn.edu](mailto:asstdean@class.cla.umn.edu) (e-mail).

### **University Grading Standards**

- A** - achievement that is outstanding relative to the level necessary to meet course requirements.
- B** - achievement that is significantly above the level necessary to meet course requirements.
- C** - achievement that meets the course requirements in every respect.

**D** - achievement that is worthy of credit even though it fails to meet fully the course requirements.

**S** - achievement that is satisfactory, which is equivalent to a C- or better.

**F (or N)** - Represents failure (or no credit) and signifies that the work was either (1) completed but at a level of achievement that is not worthy of credit or (2) was not completed and there was no agreement between the instructor and the student that the student would be awarded an I (see below).

**I - (Incomplete)** - Assigned at the discretion of the instructor when, due to extraordinary circumstances (e.g., hospitalization) a student is prevented from completing the work of the course on time. Requires a written agreement between instructor and student.

### **Scholastic Dishonesty**

Scholastic dishonesty is defined by Student Judicial Affairs as “submission of false records of academic achievement; cheating on assignments or examinations; plagiarizing; altering, forging, or misusing a University academic record; taking, acquiring, or using test materials without faculty permission; acting alone or in cooperation with another to falsify records or to obtain dishonestly grades, honors, awards, or professional endorsement.” Scholastic dishonesty in any portion of the academic work for a course shall be grounds for awarding a grade of F or N for the entire course.

### **Plagiarism**

Plagiarism occurs when students turn in work that is not their own. Plagiarism occurs when written work 1) fails to cite quotations and borrowed ideas from outside sources, including the World Wide Web and other student work, 2) fails to enclose borrowed language in quotation marks, and 3) fails to put summaries and paraphrases in the writer’s own words. The definition of plagiarism was derived from Diana Hacker’s *A Writer’s Reference*, Fourth Edition. Boston: Bedford/St. Martin’s, 1999.

### **Credits and Workload Expectations**

For undergraduate courses, one credit is defined as equivalent to an average of three hours of learning effort per week necessary for an average student to achieve an average grade in the course. For example, a student taking 15 credits should require approximately 45 hours of work each week.

### **Absence for Religious Observance**

The University of Minnesota permits absences from class for participation in religious observances. Students who plan to miss class must:

1. Inform instructors of anticipated absences at the beginning of the semester;
2. Meet with instructors to reschedule any missed labs or examinations; and
3. Obtain class notes from other students.

Instructors are required to assist students in obtaining course materials and assignments distributed during class sessions and to make arrangements for taking missed examinations.

### **Make-up and Late Work**

Paper copies of all assignments will be due at the beginning of class and will be collected as you walk in the door. If you miss class due to extenuating circumstances (e.g., a documented medical illness) or a



pre-approved absence (e.g., team travel), you will be required to contact the instructor and teaching assistant within 48 hours of the absence to make up what you missed.

**Use of Electronic Devices**

Students will be expected to turn off and put away all laptop computers, cell phones, and other electronic devices before entering the classroom. We will provide handouts of all information that will be covered on the exams; there will be no need to take notes on a laptop. Students who have laptops, cell phones, and other electronic devices out during class will be first warned, and if they do not comply will then be asked to leave and will not receive credit for attending. If the student is asked to leave for a second class period—whether lecture or discussion—the student will earn an F in the course.

**E-mail Communications**

University-assigned student e-mail accounts (x.500) are the University's official means of communication with all students. You are responsible for all information sent to you via your University-assigned e-mail account. If you choose to forward your University e-mail account, you are still responsible for all the information, including all attachments, sent to your University e-mail account.

**OUE 1086 | Fall 2015 Course Outline**

**Note.** Hard copy assignments are due at the beginning of lab the week they are listed.

	<b>Topic</b>	<b>Hard-copy Assignment due</b> [Bring to lab]	<b>Electronic Classroom due</b> [On Moodle]
<b>Week 1</b> [9/7]	Using Resources Syllabus		
<b>Week 2</b> [9/14]	Plagiarism Stress and Time Management Interacting with Professors <i>Introduce Volunteer Paper</i>	<b>Reflection Paper 1</b>	
<b>Week 3</b> [9/21]	Developing your Personal Brand (Guest Lecture: Social Media)	<b>Reflection Paper 2</b>	
<b>Week 4</b> [9/28]	Paper writing, source citing, and the art of completing essays <i>Introduce Essay</i>		
<b>Week 5</b> [10/5]	Guest presentation: U.S. Marine Corps	<b>Research-Supported Short Answer Paper</b>	
<b>Week 6</b> [10/12]	Mental health and motivation (Guest Presentation: Sports Psychologists) Resume (Bring Laptop)		
<b>Week 7</b> [10/19]	Financial Literacy	<b>3 – 5 Page Essay + Works Cited</b>	
<b>Week 8</b> [10/25]	Diversity Awareness	<b>Resume: bring draft to lab</b>	
<b>Week 9</b> [11/2]	Internship and Career Fair Night **Meet at TCF Bank Stadium; 6 <sup>th</sup> floor Indoor Club Room Dress in business casual***	<b>Volunteer Paper</b>	<i>Extra Credit Response Question opens</i>
<b>Week 10</b> [11/9]	Course Evaluations Course wrap-up Exam Preparations, Solid advice SAC Presentation	<b>Reflection Paper 3</b>	Extra Credit Response Question due Monday at 6:45 p.m.



*There's a hero in all of us.*

## Overview

- **Goals**
  - Give you the ability to recognize events where you should Step UP
  - Give you the skills to effectively act and Step UP
- **Introduction**
  - Intervening
  - Bystander Effect - Someone is less likely to intervene when others are present vs. when they are alone
- **What does it mean to Step UP?**
  - Prosocial Behavior
    - Any act performed with the goal of benefiting another person
  - Bystander Intervention
- **The 5 Decision Making Steps**
  1. Notice the Event
  2. Interpret the Event as a Problem/Emergency
  3. Assume Personal Responsibility
  4. Know How To Help
  5. Implement the Help
- **Where can you Step UP?**
  - Academics
  - Alcohol/ Substance Abuse
  - Depression
  - Disordered Eating/Body Image Issues
  - Discrimination
  - Gambling
  - Hazing
  - Sexual Assault/Relationship Violence
- **Utilize the 3-D Strategy**
  - Direct
  - Distract
  - Delegate

Visit [stepup.umn.edu](http://stepup.umn.edu)  
for more information!

Exhibit 66



*There's a hero in all of us.*

Have you ever been concerned about a situation and wanted to help...but didn't?

***You're not alone.***

This situation is more common than you might think, and is known as the bystander effect. Step UP is a prosocial behavior/bystander intervention program that will teach you:

- The 5 Decision Making Steps
- Factors that affect a person who wants to Step UP
- Strategies to effectively Step UP
- Scenarios to Step UP

Step UP is a joint initiative of The Aurora Center for Advocacy & Education, Boynton Health Service, Housing & Residential Life, Student-Athlete Affairs, Fraternity & Sorority Life, Orientation & First-Year Programs, and The Office for Student Affairs.

Visit [stepup.umn.edu](http://stepup.umn.edu) for more information!



For more information or to schedule a training session, contact:  
Traci Thomas-Card, Prevention Program Coordinator  
The Aurora Center for Advocacy & Education/Boynton Health Service  
612.626.9122      [stepup@umn.edu](mailto:stepup@umn.edu)

## **Sex & Excess: Surviving the Party Introduction**

Is partying one of your primary goals in college? Do you or your friends wake up the next day with regrets? Welcome to Sex & Excess: Surviving the Party!

Since 1997 Elaine Pasqua has been presenting programs about the negative effects of high-risk behaviors to thousands of students at over 500 colleges and universities across the United States. Her passion is to prevent students from altering their life goals as she has seen many lives that were changed by one inconsequential decision.

Elaine is a four time nominee for Best Speaker of the Year for the Campus Activities Readers Choice Awards. She provides player development training for the New York Giants, the Jets, Baltimore Ravens, Tampa Bay Buccaneers, Carolina Panthers, Chicago Bears, the NFL, NBA and the Philadelphia Phillies. She is the columnist for Student Activities Magazine "Real Life on Campus," and co-wrote, directed, and produced the video "Be Aware of the Risks of Date Rape Drugs" which has been viewed over a half a million times on YouTube.

As Elaine travels across the country, she continually hears the stories of partying-gone-bad. So get ready for a frank, lively, and open discussion about the party, all that can go wrong, and how you can keep it all right as Elaine brings to you Sex & Excess: Surviving the Party.

Please welcome, Elaine Pasqua.

**Exhibit 67**

# **An Unheard Voice**

## **Introduction**

Ninety seven thousand college students are sexually assaulted each year. Often the survivors are left with long-lasting psychological scars. Elaine Pasqua knows this first hand; she is a survivor of an alcohol-related acquaintance rape and a victim of a date rape drug.

For the past 18 years Elaine has traveled to campuses across the United States, warning thousands of students about the consequences of high-risk behaviors while motivating them to make healthy choices. She has been a keynote speaker for the NCAA, and provides training for the NFL, several NFL teams, the NBA, and the Phillies. Elaine is a four-time nominee for Campus Activities Best Speaker of the Year. She co-wrote, directed and produced the video, “Be Aware of the Risks of Date Rape Drugs,” which has been viewed over 750,000 times on YouTube.

Through her program, “An Unheard Voice,” Elaine has enlightened students about the emotional impact of sexual violence. She fosters healthy communication skills and promotes the value of integrity and bystander intervention. This program is guaranteed to open your eyes and sharpen your instincts!

Please welcome Elaine Pasqua.

# UNIVERSITY OF MINNESOTA

Twin Cities Campus

Office of Equal Opportunity and Affirmative  
Action  
Office for Equity and Diversity

274 McNamara Alumni Center  
200 Oak Street S.E.  
Minneapolis, MN 55455  
Office: 612-624-9547  
Fax: 612-625-5223  
<https://diversity.umn.edu/eoaa/>  
Email: [eoaa@umn.edu](mailto:eoaa@umn.edu)

Dear Student,

I want to let you know about the resources available at the University's Office of Equal Opportunity and Affirmative Action ("EOAA").

EOAA thoroughly and promptly investigates students' reports of sexual assault, stalking, relationship violence and sexual harassment. Our investigations generally include interviews of the impacted and accused students; interviews of witnesses; review of emails, text messages and other relevant communications; and other fact-gathering measures.

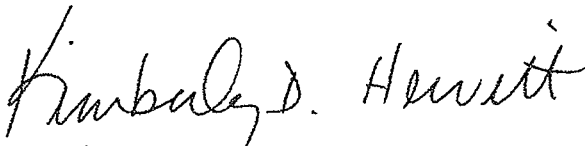
After completing our investigation process, EOAA prepares a report containing the relevant facts and a determination of whether the accused student has violated the Student Conduct Code. The University then informs both the impacted and accused students of this determination, and of the University's proposed resolution. Either the impacted or accused student may then request a formal hearing before the Campus Committee on Student Behavior.

Throughout this process, EOAA makes reasonable and appropriate efforts to maintain the privacy of those who participate in our investigative process. However, EOAA cannot guarantee confidentiality in all circumstances.

If you believe that you may have witnessed or experienced sexual assault, stalking, relationship violence or sexual harassment, I encourage you to contact EOAA and meet with one of our staff members.

Office of Equal Opportunity and Affirmative Action  
274 McNamara Alumni Center  
200 Oak Street SE  
Minneapolis, MN 55455  
612-624-9547  
[eoaa@umn.edu](mailto:eoaa@umn.edu)

Sincerely,



Kimberly D. Hewitt  
University of Minnesota Title IX Coordinator  
Director, Office of Equal Opportunity and Affirmative Action

**Exhibit 68**

[REDACTED]

University of Minnesota  
C/O: President, Eric W. Kalen  
203 Morrill Hall  
100 Church Street S.E.  
University of Minnesota  
Minneapolis, MN 55455

Dear President Kalen,

While hearing about the sexual complaints and harassment regarding athletic director, Norwood Teague. There's someone else that has had complaints against [REDACTED] and has harassed and sexually assaulted woman including myself. [REDACTED] talks perverted about woman's big breasts and something camel toe which relates to a woman's bottom part. [REDACTED] or [REDACTED] as [REDACTED] loves to be called, [REDACTED] works in the athletic office [REDACTED] office. [REDACTED] is [REDACTED] who works there also but as [REDACTED] says "she's lacking."

[REDACTED] has always bragging about [REDACTED] having [REDACTED] way with many women and many sexual encounters too graphic to describe but I have heard about them and as a woman I find quite offensive. I've complained and no one has done anything about this demeaning [REDACTED]

I want to remain confidential if at all possible.  
Thank you, [REDACTED]

Exhibit 69



----- Forwarded message -----

From: **Do The Right Thing** <[REDACTED]>  
Date: Mon, Aug 10, 2015 at 12:42 PM  
Subject: The Truth - December 2012  
To: "[upres@umn.edu](mailto:upres@umn.edu)" <[upres@umn.edu](mailto:upres@umn.edu)>

President Kaler

The personal actions of Mr. Teague during his time serving as the Director of Athletics at the University of Minnesota has left behind many victims. This message will be first of a series documenting known instances of misconduct that produced real victims of the University of Minnesota, not just Mr. Teague. Over the course of the past three (3) years, Mr. Teague's behavior has been consistent and unfortunately covered up by fellow University employees, creating not just victims of Mr. Teague but also real life victims of the University of Minnesota. This message is produced by members of the University of Minnesota Athletic Senior Staff who wish for the entire truth be known as well as immediate course correction be made for the victims and their families of Norwood Teague and the University of Minnesota.

The first case of sexual harassment appears to have happened in December 2012 at the Gophers bowl game in Houston, Texas. A very well respected, beloved and hard working senior member of the athletic department and a member of [REDACTED] [REDACTED] were were shown pornographic images of college aged women on the phone of [REDACTED] that he was exchanging with Norwood Teague during dinner with the senior athletic staff of Texas Tech. When the athletic staff member made it known they were offended by the graphic images, that person was immediately shunned by the new senior administrators of Teague, [REDACTED]

[REDACTED] The staff member was very involved in the department, as well as their family, [REDACTED] was beloved by many within the donor family of the University of Minnesota. The athletic staff was instructed not to communicate with this individual, leading us to believe this person had done something wrong. This real life example troubles many of us to this day, many of us referenced this horrible tragedy to a good person following last Friday's news.

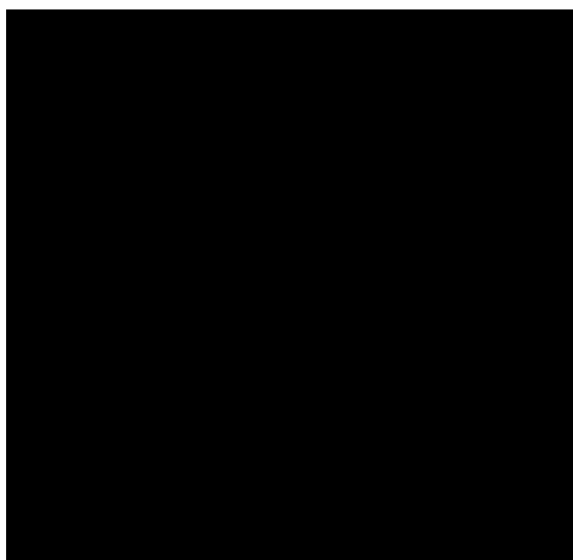
The situation in December 2012 should have led to an immediate Title IX investigation,

**Exhibit 70**

which seemingly would have led to the proper handling of Mr. Teague, [REDACTED] back in 2012. Instead, a very good athletic administrator who did the right thing for the University of Minnesota in 2012 had their athletic career ruined and their family hurt due to the inappropriate sexual behavior of Norwood Teague [REDACTED], as well as the cover up actions of [REDACTED].

Will the University of Minnesota truly do the right thing and bring peace to all the victims? This is very serious question that is at the core of the character and integrity of the University of Minnesota you reference.

The Truth





[REDACTED]

**From:** UPres [upres@umn.edu]  
**Sent:** Thursday, August 20, 2015 7:51 AM  
**To:** [REDACTED]  
**Cc:** Schanfield, Karen  
**Subject:** Re: Please Call

Dear [REDACTED]

Thank you for your email message to me yesterday afternoon. You indicate that you have experience with Norwood Teague that you would like to share. As you may know, the University has engaged an external investigator, Karen Schanfield of the law firm Fredrikson & Byron, to perform an independent review of this matter. I urge you to provide any information you may have to Ms. Schanfield, and am copying Ms. Schanfield on this email so she can get in touch with you.

Eric W. Kaler  
President

On 8/19/15 1:20 PM, [REDACTED]

Good Afternoon President Kaler

I hope all is well with you. [REDACTED]

[REDACTED] He said that "numerous people at the U have directed him to (me)," in regards to Norwood Teague. I sure would like the opportunity to speak with you, if you have a moment. I dearly loved my job at the University of Minnesota, valued my relationship with you as well as my colleagues, donors and friends of the University of Minnesota. [REDACTED]

[REDACTED] I immediately requested to speak with you directly. Even though I never did get the chance to speak with you directly back then, perhaps there was a reason and my experience with Mr. Teague is more beneficial today.

My cell number is [REDACTED], I look forward to hearing from you.

Thank You  
[REDACTED]

**Exhibit 71**





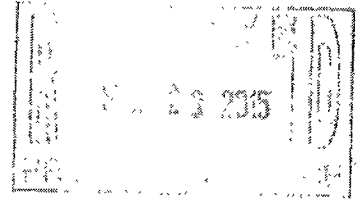
UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

500 WEST MADISON ST., SUITE 1475  
CHICAGO, IL 60661-4544



REGION V  
ILLINOIS  
INDIANA  
IOWA  
MINNESOTA  
NORTH DAKOTA  
WISCONSIN

September 24, 2015



Eric W. Kaler, Ph.D.  
President  
University of Minnesota-Twin Cities  
202 Morrill Hall  
100 Church Street, S.E.  
Minneapolis, MN 55455

Re: OCR Docket # 05-14-2350  
University of Minnesota-Twin Cities

Dear Dr. Kaler:

This is to advise you of the disposition of the complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against the University of Minnesota - Twin Cities (University) on March 20, 2014.

Specifically, the Complainant alleged that the University subjected a student on the women's gymnastics team (Student A) and other student athletes to a hostile environment based upon sex during the fall of 2013 when the [REDACTED] subjected Student A to sexual harassment, the University had notice of the sexual harassment and failed to take effective steps to end the harassment and remedy its effects.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681-1688, and its implementing regulation at 34 C.F.R. Part 106 which prohibit both discrimination on the basis of sex and also retaliation in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the University is subject to Title IX.

**Legal Standard**

The Title IX regulation, at 34 C.F.R. § 106.31(a), provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity operated by recipients of Federal financial assistance.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

www.ed.gov

**Exhibit 72**

The Title IX implementing regulation, at 34 C.F.R. § 106.8(b), provides that a recipient shall adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by Title IX.

The Title IX regulation, at 34 C.F.R. § 106.9(a), provides that a recipient shall implement specific and continuing steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex in the educational program or activity which it operates, and that it is required by Title IX not to discriminate in such a manner.

Under Title IX, recipients are responsible for providing students with a nondiscriminatory educational environment. Sexual harassment that creates a hostile environment is a form of sex discrimination prohibited by Title IX. Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, or physical conduct of a sexual nature. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Sexual harassment of a student creates a hostile environment if the conduct is sufficiently serious that it interferes with or limits a student's ability to participate in or to receive benefits, services or opportunities in the university's program or activity.

Title IX protects students from sexual harassment in a university's education programs and activities. This means that Title IX protects students in connection with all the academic, educational, extracurricular, athletic, and other programs of the university, whether those programs take place on or off campus. If a student files a complaint of sexual harassment, regardless of where the conduct occurred, the school must process the complaint in accordance with its established procedures. Because students often experience the continuing effects of off-campus sexual harassment in the educational setting, a university should consider the effects of the off-campus conduct when evaluating whether there is a hostile environment on campus. A university should take steps to protect a student who was harassed off campus from further sexual harassment or retaliation from the perpetrator and his or her associates.

To establish a violation of the Title IX regulations prohibiting sexual harassment, OCR must find based on the totality of the circumstances that the university student, employee, agent or visitor subjected the student to a sexually hostile environment, specifically unwelcome conduct of a sexual nature in a university-related program or activity that was sufficiently serious to deny or limit the student's ability to participate in or benefit from the university's program. Conduct is unwelcome if the student did not request or invite the conduct and regarded it as undesirable or offensive.

OCR considers the conduct in question from both an objective perspective and the subjective perspective of the alleged victim of harassment. In analyzing claims of sexual harassment, OCR considers the totality of the circumstances to determine whether the harassing conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the recipient's program based on sex, thereby creating a hostile educational environment. These circumstances include the context, nature, scope, frequency, duration, and location of the incidents, as well as the identity, number, age and relationships of the persons involved. The more severe the conduct the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. Indeed, a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. In assessing whether a student was subjected to a sexually hostile environment, OCR considers the relationship between the alleged harasser and the subjects of the harassment.

Sexual harassment of a student athlete by a coach can be discrimination in violation of Title IX. In light of the power and authority a coach has over a student athlete, sexually based conduct by the coach toward a student athlete is more likely to create a hostile environment.

Universities are responsible for taking prompt and effective action to stop sexual harassment and prevent its recurrence. If a recipient determines that sexual harassment that creates a hostile environment has occurred, it must take immediate action to eliminate the hostile environment, prevent its recurrence, and address its effects. The extent of a university's responsibilities if a university employee sexually harasses a student is determined by whether or not the harassment occurred in the context of the employee's provision of aid, benefits, or services to students. OCR will consider a variety of factors in determining whether or not the harassment has taken place in this context.

The factors include:

- The type and degree of responsibility given to the university's employee or agent, including both formal and informal authority, to provide aids, benefits, or services to students, to direct and control student conduct, or to discipline students generally;
- the degree of influence the employee or agent has over the particular student involved, including in the circumstances in which the harassment took place;
- where and when the harassment occurred;
- the age and educational level of the student involved; and
- as applicable, whether, in light of the student's age and educational level and the way the university is run, it would be reasonable for the student to believe that the employee or agent was in a position of responsibility over the student, even if the employee was not.

Title IX requires the university to remedy any effects of hostile environment, as well as take steps to end the harassment and prevent its recurrence. More specifically, it should take



immediate and appropriate steps to investigate or otherwise determine what occurred and take prompt and effective steps reasonably calculated to end any harassment, eliminate a hostile environment if one has been created, and prevent harassment from occurring again. These steps are the university's responsibility whether or not the student who was harassed makes a complaint or otherwise asks the university to take action and whether or not the recipient has "notice" of the harassment.

In addition, students who witness sexual harassment may be subjected to a hostile environment even if they were not the targets of the harassment. A series of incidents at the university, not involving the same students could—taken together—create a hostile environment, even if each would not be sufficient.

In addition to counseling or taking disciplinary action against the harasser, effective corrective action may require remedies for the complainant, as well as changes to the university's overall services or policies.

OCR has identified a number of elements for evaluating whether a recipient's grievance procedures provide for the prompt and equitable resolution of complaints. These include:

- a. Notice to students and employees of the grievance procedures, including where complaints may be filed;
- b. Application of the procedures to complaints alleging harassment carried out by employees, other students, or third parties;
- c. Adequate, reliable, and impartial investigation of complaints, including the opportunity for both parties to present witnesses and other evidence;
- d. Designated and reasonably prompt time frames for the major stages of the complaint process;
- e. Written notice to parties of the outcome of the complaint; and,
- f. An assurance that the university will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

Grievance procedures should specify the time frames within which: (1) the university will conduct a full investigation of the complaint; and (2) both parties will receive a response regarding the outcome of the complaint. OCR recommends that the grievance procedures include an appeal process for both parties. Both parties should be given periodic status updates.

To ensure that students and employees have a clear understanding of what constitutes sexual harassment, the potential consequences for such conduct, and how the school processes complaints, a school's Title IX grievance procedures should also explicitly include the following in writing, some of which themselves are mandatory obligations under Title IX.

- A statement of the school’s jurisdiction over Title IX complaints;
- Adequate definitions of sexual harassment and an explanation as to when such conduct creates a hostile environment;
- Reporting policies and protocols, including provisions for confidential reporting;
- Identification of the employee or employees responsible for evaluating requests for confidentiality;
- Notice that Title IX prohibits retaliation;
- Notice of a student’s right to file a criminal complaint and a Title IX complaint simultaneously;
- Notice of available interim measures that may be taken to protect the student in an educational setting;
- The evidentiary standard that must be used (preponderance of the evidence, i.e., more likely than not that sexual harassment occurred) in resolving a complaint;
- Notice of potential remedies for students;
- Notice of potential sanctions against perpetrators; and
- Sources of counseling, advocacy and support.

In some situations, if the university knows of incidents of harassment, the exercise of reasonable care should trigger an investigation that would lead to a discovery of additional incidents. The specific steps in a recipient’s investigation will vary depending upon the nature of the allegations, the source of the complaint, the age of the student or students involved, the size and administrative structure of the university, and other factors. In all cases, however, the inquiry should be prompt, thorough, and impartial. At the conclusion of a university’s investigation, both parties must be notified, in writing, about the outcome of the complaint, *i.e.*, whether harassment was found to have occurred.

When taking steps to separate an alleged target of harassment from the alleged perpetrator during and subsequent to an investigation, a university should minimize the burden on the complainant, and thus should not, as a matter of course, remove the complainant from his or her classes, or extracurricular activities, while allowing the alleged perpetrator to remain. Additionally, prior to the outcome of an investigation, a university is required to assess whether the complainant requires protection or any other interim services as a result of the alleged harassing conduct, and if so provide them without cost to the complainant. Examples of interim services include academic support, counseling, changes to class schedules, assignments or tests, and increased monitoring, supervision or security at locations or activities where the harassing conduct occurred.

If a university delays responding to allegations of sexual harassment or responds inappropriately, the university’s own inaction may subject the student to a hostile environment. If it does, the university will be required to remedy the effects of both the initial sexual harassment and the effects of the school’s failure to respond promptly and appropriately.

Depending on how widespread the harassment was and whether there have been any prior incidents, the university may need to provide training for the larger school community to ensure that students, faculty and staff can recognize harassment if it recurs and know how to respond.

Finally, the university should take steps to stop further harassment and prevent any retaliation against the person who made the complaint (or was the subject of the harassment) or against those who provided information as witnesses. At a minimum, the university's responsibilities include making sure that the harassed students know how to report any subsequent problems, conducting follow-up inquiries to see if there have been any new incidents or any instances of retaliation, and responding promptly and appropriately to address continuing or new problems.

### **University Policies**

The University maintains eight (8) policies and procedures,<sup>1</sup> which viewed together are intended to ensure the following: (i) that students enrolled in the University are not subjected to sexual harassment; (ii) the University will promptly investigate all incidents of sexual harassment of which it has notice; (iii) the University will take appropriate disciplinary action against students, faculty, and staff who violate the University policies and procedures addressing sexual harassment; and (iv) the University will take prompt and effective responsive action to end sexual harassment and prevent its recurrence, and where appropriate, take steps to remedy the effects of sexual harassment on the student.

The University's equal opportunity statement<sup>2</sup> provides for equal access to and opportunity in its programs, facilities, and employment without regard to race, color, creed, religion, national origin, gender, age, marital status, disability, public assistance status, veteran status, sexual orientation, gender identity, or gender expression.

The University's Title IX statement<sup>3</sup> indicates, "Title IX prohibits sex discrimination including sexual harassment and sexual assault in schools, either in athletics or academics. It

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<sup>1</sup> (1) The Board of Regents Policy, Equity, Diversity, Equal Opportunity and Affirmative Action, (2) The Board of Regents Policy, Sexual Harassment, (3) Administrative Policy Sexual Harassment, (4) The Board of Regents Policy Student Conduct Code, the Definition: Sexual Harassment established by the EOAA, (5) Administrative Procedure Responding to Incidents of Sexual Assault, Stalking and Relationship Violence, (6) Administrative Policy Reporting and Addressing Concerns of Misconduct, (7) The Administrative Policy Sexual Assault, Stalking and Relationship Violence, and (8) Victim Rights Statement.

<sup>2</sup> <https://diversity.umn.edu/eoaa/equalopportunitystatement>

<sup>3</sup> <https://diversity.umn.edu/eoaa/titleix>

is most notable as the governing authority over equity of treatment and opportunity for women in athletics. Title IX inquiries and complaints should be directed to the Title IX Coordinator for the University of Minnesota.” The statement further indicates that the Title IX Coordinator is also the Director of the Office of Equal Opportunity and Affirmative Action, and lists the Title IX Coordinator’s name, office address, email address and telephone number.

### Factual Summary

Student A reported to OCR that she modeled for the [REDACTED] of the University’s women’s gymnastics team for approximately two years, from approximately September 2011 through September 2013. She surmised that she modeled for the [REDACTED] approximately 5 to 15 times. Student A stated that the [REDACTED] paid her \$60 per hour for each of the modeling sessions. According to the *2009 Golden Gophers Women’s Gymnastics* media guide, in addition to coaching intercollegiate gymnastics, the [REDACTED] [REDACTED] “is an accomplished artist and has worked as a technical illustrator for numerous U.S. Sports Federations. He has also sculpted various bronze pieces for both public sites, including Oregon State University and the University of Georgia, as well as several private collections.”<sup>4</sup> The [REDACTED] was the [REDACTED] of the [REDACTED] of the University’s women’s gymnastics team [REDACTED] at all times relevant to this complaint.

According to Student A, during some of the modeling sessions, the [REDACTED] posed her in gymnastics stances and took pictures of her, while dressed in a sports bra and flesh-colored underwear (typically worn by gymnasts under their leotard). Student A reported that the [REDACTED] relied upon the pictures to create bronze sculptures of her likeness. Student A reported that while she and the [REDACTED] did not engage in sexual conduct, the [REDACTED] posed her in sexually provocative poses which made her feel uncomfortable. According to Student A, most modeling sessions were held at the University’s gymnastics practice facility and one session was held at his home.

According to Student A, on September 9, 2013, she told the [REDACTED] that the [REDACTED] modeling sessions made her feel uncomfortable and that she no longer wished to model for the [REDACTED]. Student A told OCR that the [REDACTED] made inappropriate comments to her during the modeling sessions and during gymnastics practices and gave her a note which expressed his personal feelings toward her. Student A indicated that she wanted to complain about the [REDACTED] conduct during modeling sessions prior to September 9, but she feared that her athletic scholarship and position on the team would be jeopardized. On September 10, 2013, the [REDACTED] told the [REDACTED] [REDACTED] and the [REDACTED] that Student A did not want to model for the Volunteer

<sup>4</sup> [REDACTED]

any longer. Student A did not model for the after September 9, 2013.

OCR's investigation revealed that between September 9 and October 15, 2013, several University Athletic Department personnel learned about and discussed among themselves Student A's complaints about the modeling sessions. During this time period, no one advised Student A to file a grievance with the Equal Opportunity and Affirmative Action (EOAA) office or the Title IX Coordinator. On October 8 or 9, the Director of Athletic Medicine reported the modeling sessions to the University's NCAA compliance officer because Student A was paid for the sessions, which is a possible NCAA compliance violation. The University's NCAA compliance officer did not refer the complaint to the EOAA office or to the Title IX Coordinator.

On October 15, 2013, during a routine medical appointment, the Athletic Trainer and gymnastics team physician asked Student A about the modeling sessions. Student A reiterated her discomfort with modeling for the . Student A explained that she complained about the modeling sessions because she did not want other gymnasts to experience the embarrassment and humiliation she suffered while modeling for the . On October 16, 2013, Athletic Department staff reported Student A's complaints to the EOAA office. The EOAA office began an investigation on October 17, 2013. On October 31, 2013, the resigned from his position at the University prior to the conclusion of the EOAA investigation.

On November 5, 2013, the EOAA office completed its investigation and determined that the violated the University's policies prohibiting discrimination and sexual harassment. The EOAA office also noted that the failed to promptly address the sexually harassing behavior of which she had notice.

The EOAA's recommendations included:

- Restricting the access to the gymnasium where the women's gymnastics team practices, and to team-related practices, competitions, and events.
- Prohibiting the from working with University athletes in any capacity.
- Communicating to the that, given his marital relationship with the Team's it is not appropriate for him to use current women's gymnastics team members as models for his work as a sculptor, or to otherwise make sculptures of current team members, even if commissioned by their parents.
- Requiring the to attend sexual harassment training.
- Providing the with coaching about compliance with University policy.
- Athletic Department-wide sexual harassment training.
- Athletic Department-wide review regarding potential inappropriate nepotism situations in the Athletics Department.

The University reported that it provided training on sexual harassment to all athletic department staff in December 2013. The gymnastics staff interviewed by OCR reported that they do not recall attending sexual harassment training in December 2013.

According to the University, the [REDACTED] resigned her position in early September 2014. Student A reached an agreement with the University in November 2014 which resolved the adverse effects of sex harassment experienced by Student A.

### Conclusion

In accordance with Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved at any time when, before the conclusion of an investigation, when the recipient expresses an interest in resolving the complaint. Prior to the conclusion of OCR's investigation, the University expressed interest in resolving the complaint. Subsequent discussions with the University resulted in the execution of the enclosed Resolution Agreement (Agreement) on September 18, 2015, which, when fully implemented, will resolve the issues raised in the complaint. In particular, the University agreed to revise its Title IX policies and procedures, train students and staff, conduct climate surveys, establish a working group of students, faculty and administrations and conduct student focus groups.

The provisions of the Agreement are aligned with the complaint allegation and the information obtained during OCR's investigation, and are consistent with the applicable regulations. OCR will monitor the University's implementation of the Agreement until the University is in compliance with the Title IX regulations at issue in the case.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the University may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, Student A may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

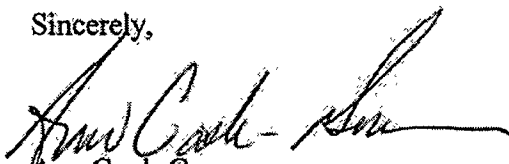
Student A may file a private suit in Federal court, whether or not OCR finds a violation.

Page 10 – Dr. Kaler  
OCR Docket # 05-14-2350

We wish to thank you and the University staff for their cooperation during OCR's processing of this case. In particular, we wish to thank the University's Senior Associate General Counsel Brent Benrud, for his consistent and prompt reports.

If you have any questions, please contact Camille D. Lee, Civil Rights Attorney at 312-730-1561 or [Camille.Lee@ed.gov](mailto:Camille.Lee@ed.gov)

Sincerely,



Ann Cook-Graver  
Supervisory Attorney

Enclosure

cc: Mr. Brent Benrud  
Senior Associate General Counsel

**Resolution Agreement (#05-14-2350)  
University of Minnesota**

The U.S. Department of Education, Office for Civil Rights (OCR), investigated complaint #05-14-2350, filed against the University of Minnesota – Twin Cities (University), pursuant to Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §1681, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination based upon sex in any education program or activity receiving Federal financial assistance. OCR has not made a determination regarding the merits of the complaint allegation. This resolution has been entered into voluntarily by the University and does not constitute a finding or admission that the University is not in compliance with Title IX or its implementing regulations. Accordingly, the University voluntarily agrees to take the actions described in this Agreement.

The University acknowledges its obligations, under Title IX and otherwise, to provide a work and learning environment free from sexual harassment and agrees to take all steps necessary to ensure that students enrolled in the University are not subjected to a hostile environment on the basis of sex. To this end, the University will promptly investigate all incidents of sexual harassment<sup>1</sup> of which it has notice and will take appropriate disciplinary action against students, faculty, administrators or staff who violate University policies and procedures addressing sexual harassment. The University will take prompt and effective responsive action to end sexual harassment, prevent its recurrence, and where appropriate, take steps to remedy the effects of sexual harassment on the affected students.

**ANTI-HARASSMENT STATEMENT**

1. **By January 15, 2016, the University will develop a statement to be issued to the University community, including students, faculty, administrators and staff, stating the University's policy that it does not tolerate sexual harassment. The statement will acknowledge that the prohibited sexual harassment includes sexual misconduct by employees toward students and any other harassment based on sex. The statement will encourage any student who believes he or she has been subjected to sexual harassment to report the incident(s) to the University and note the University's commitment to conducting a prompt investigation. The statement will remind employees of their duty to report all allegations of sexual harassment of which they become aware to the designated staff members. The statement will include the appropriate contact information for the designated staff member(s) to whom students may report allegations of sexual harassment. The statement will warn that students or employees found to have engaged in acts of sexual harassment and employees who fail to report suspected harassment to designated staff members will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension or expulsion of a student and suspension or termination of an employee. The statement will further warn that students or employees who retaliate against individuals who report sexual harassment**

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<sup>1</sup> For purposes of this Agreement, the term sexual harassment is defined to include sex discrimination and sexual assault.



will be promptly disciplined. The statement will include identification of, and the office address, email address, and telephone number of, the individual designated as the University's Title IX coordinator. The statement will further include a statement that inquiries to recipients concerning application of Title IX and its implementing regulation may be referred to the Title IX coordinator or to OCR.

**REPORTING REQUIREMENT:** By November 2, 2015, the University will submit to OCR for review and approval the additional statement referenced in Item # 1.

2. Within 15 days of OCR's approval of the statement, the University will widely publish the statement. The statement will be sent via direct e-mail to the University community, by the Director of the OEOAA, and will be posted on the University's website and in the University's athletic locker rooms.

**REPORTING REQUIREMENT:** Within 45 days of OCR's approval of the statement referenced in Item # 1, the University will provide OCR documentation that the statement has been widely published, as required by Item # 2.

### **TITLE IX SEXUAL HARASSMENT POLICIES AND PROCEDURES**

The University maintains eight (8) policies and procedures,<sup>2</sup> which viewed together are intended to ensure the following: (i) that students enrolled in the University are not subjected to sexual harassment; (ii) the University will promptly investigate all incidents of sexual harassment of which it has notice; (iii) the University will take appropriate disciplinary action against students, faculty, and staff who violate the University policies and procedures addressing sexual harassment; and (iv) the University will take prompt and effective responsive action to end sexual harassment and prevent its recurrence, and where appropriate, take steps to remedy the effects of sexual harassment on the affected student.

3. By December 11, 2015, the University will develop a single policy and procedure which provides for the prompt and equitable resolution of complaints alleging sexual harassment of any kind, including sexual harassment of students by students, employees, including teachers or coaches and third parties. The University will ensure that the revised policy and procedure will include, at a minimum, the following:
  - a. A statement setting forth the University's commitment to having a school environment free from all sexual harassment, explaining that the University

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<sup>2</sup> (1) The Board of Regents Policy, Equity, Diversity, Equal Opportunity and Affirmative Action, (2) The Board of Regents Policy, Sexual Harassment, (3) Administrative Policy Sexual Harassment, (4) The Board of Regents Policy Student Conduct Code, the Definition: Sexual Harassment established by the OEOAA, (5) Administrative Procedure Responding to Incidents of Sexual Assault, Stalking and Relationship Violence, (6) Administrative Policy Reporting and Addressing Concerns of Misconduct, (7) The Administrative Policy Sexual Assault, Stalking and Relationship Violence, and (8) Victim Rights Statement.

- prohibits sexual harassment in the school environment, including all academic, athletic, extra-curricular and school-sponsored activities, encouraging students to immediately report incidents of harassment, emphasizing that responsible employees are required to promptly report incidences of harassment to the harassment complaint coordinator, and specifying that the University will investigate formal and informal complaints of sexual harassment;
- b. Examples of the type of conduct and behavior that is covered by the policy and procedure, including examples of staff-to-student and student-to-student conduct;
  - c. Identification of the kinds of activities and sites where prohibited conduct could occur;
  - d. An explanation of how to report sexual harassment and/or file a complaint (formally or informally) including the name, address, phone number, and email address for the University's Title IX Coordinator and notice of a student's right to file and pursue a concurrent criminal complaint;
  - e. A description of the formal complaint procedures, including designated and reasonably prompt timeframes for major stages of the investigation and for completion of the investigation of a complaint, a requirement that written notice of the outcome be provided to the parties, notice of a student's right not to appear in same hearing room as the accused, and an equal opportunity to have a representative at a hearing, a requirement that both parties will be given equal opportunity to present evidence, an assurance that both parties will receive periodic status updates, an appeal process for both parties conducted in an impartial manner by an impartial decision-maker, and an assurance that the University will keep the complaint and investigation confidential to the extent possible;
  - f. An explanation of interim measures that may be taken by the University before the final outcome of the investigation (e.g., a no contact order; changes to academic situations as appropriate with minimum burden on the complainant; counseling to individuals who have been subjected to or who have engaged in sex-based harassment; health and psychological services; and academic support) to respond to allegations of sexual harassment;
  - g. An assurance that the University will not require a student who complains of harassment to work out the problem directly with the alleged harasser, including through mediation, and a statement that the student has the right to end the informal process at any time and begin the formal stage of the complaint process;
  - h. An assurance that the University uses the preponderance of the evidence standard of review (*i.e.*, it is more likely than not that sexual harassment occurred) in its investigation of complaints;
  - i. Specific information as to the name or title and contact information (including office and email address and telephone number) for the University employee(s) responsible for receiving complaint forms and/or investigating reports of sexual harassment;
  - j. A prominent statement that the complainant has the option to pursue a criminal complaint with an appropriate law enforcement agency, to pursue a sexual harassment complaint under the University's complaint procedures, or to pursue

both processes simultaneously and that even if a criminal investigation is ongoing, the University will conduct its own Title IX investigation and will not wait for the conclusion of a criminal investigation or proceeding to begin its Title IX investigation;

- k. A requirement that all responsible employees<sup>3</sup> report all alleged incidents of sexual harassment of which they become aware, either through reports or observation, to the Title IX Coordinator or other appropriate designee;
- l. In conjunction with item i., above, a requirement that mandatory reporters and other designated employee(s) at the University establish a protocol for recordkeeping of such incidents;
- m. A statement that the University will take appropriate disciplinary action against students and staff who violate the University policies and procedures addressing harassment, and examples of the range of possible disciplinary sanctions;
- n. A statement that the University prohibits retaliation against persons who report harassment or participate in related proceedings, and discipline of individuals who engaged in retaliation;
- o. An assurance that the University's primary concern is student safety and, to encourage reports of sexual harassment, that the University will not discipline a student who makes a good faith report of sexual harassment.
- p. A statement that the University will, where appropriate, take reasonable steps to remedy the harm to the affected student(s) of the sexual harassment, and examples of the types of remedies available, including the provision of counseling to students who have been subjected to or who have engaged in sexual harassment, and the provision of academic support, including recalculating any course grades if necessary;
- q. Identification of the means to investigate incidents of sexual harassment, including but not limited to the various steps the University will take to conduct adequate, reliable and impartial investigations of reported incidents, an assurance that the University will take action to stop the harassment, remedy the harassment, and prevent recurrence, and the University's standards for determining whether a hostile environment exists.
- r. A recitation of the University's obligations to:
  - i. Maintain on going contact with the parties throughout the investigation; and,
  - ii. Contact the parties within a reasonable period of time following conclusion of the investigation to determine whether additional supportive measures are needed.
- s. Include a provision for conducting an annual review of its procedure to ensure the University is acting to prevent sex discrimination (including harassment), to stop it when it occurs and remedy it when it is found to have occurred.

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<sup>3</sup> A responsible employee includes any employee who has the authority to take action to redress sexual harassment; who has the duty of reporting incidents of sexual harassment or other misconduct to the Title IX coordinator or other University designee, or whom a student could reasonably believe has that authority or duty.

**REPORTING REQUIREMENT:** By December 11, 2015, the University will submit to OCR for its review and approval its proposed policy and procedure referenced in Item # 3. If OCR has any objections to the policies and procedures submitted by the University for review OCR will notify the University of its objections promptly. If the University revises the policy and procedure referenced in this item further during the pendency of OCR's monitoring of this case, the University will submit to OCR for review and approval the further revised policies and procedures prior to implementing any revisions.

4. By February 22, 2016, the University will examine its policies and disciplinary procedures for employees, volunteers, and students to determine whether the current rules of behavior and offense categories appropriately and adequately address violations of the University's sexual harassment policies and procedures including non-retaliation provisions, as developed pursuant to Item # 3 and will revise the policies and disciplinary procedures to the extent necessary to ensure they contain such rules of behavior and offense categories.

**REPORTING REQUIREMENT:** By February 22, 2016, the University will submit to OCR for its review and approval its policies and disciplinary procedures referenced in Item # 4. If OCR has any objections to the policies and disciplinary procedures submitted by the University for review, OCR will notify the University of its objections promptly. If the University revises the policies and disciplinary procedures referenced in this item further during the pendency of OCR's monitoring of this case, the University will submit to OCR for review and approval the further revised policies and procedures prior to implementing any revisions.

5. Upon receipt of notice of OCR's approval of the new or revised policies and procedures referenced in items # 3 and # 4, the University will submit the revised policies and procedures for formal review and approval at the next scheduled meeting of the appropriate University policy committee. Upon approval by the committee(s) the University will promptly adopt, implement and publish the new or revised policies and procedures. Publication will include written notice of the policies to the University community, including students, faculty, administrators and staff. The University will make this notification available through the University's website, and any regularly issued newsletters (in print or online), as well as by any other additional means of notification the University deems effective to ensure that the information is widely disseminated.

**REPORTING REQUIREMENT:** Within 30 calendar days after the completion of Item # 5, the University will provide OCR with documentation that it has completed Item # 5, including copies of the written notices to students, faculty, administrators and staff regarding the new or revised policies and procedures and a description of how the notices were distributed, copies of the newsletter(s) with the notice (s) of the revised policies and procedures, a link to its webpage where the revised policies and procedures are located, and documentation of any other additional means of notification used by the University.

**IMPLEMENTATION OF SEXUAL MISCONDUCT AND SEXUAL HARASSMENT  
POLICIES AND PROCEDURES**

6. By March 1, 2016, the University will take the following actions to ensure that its written policies and procedures relating to sexual harassment are implemented in a manner that is prompt and effective:
  - a. Notify/remind all University employees of their existing obligation to promptly, as soon as practicable, report all incidents of sexual harassment of which they become aware to the appropriate staff person responsible for handling sexual harassment complaints.
  - b. Notify/remind its investigative offices to promptly, as soon as practicable but always no later than one week of the report or complaints, interview the complainant and the accused except in extraordinary circumstances or unless the investigator determines that the accused does not pose an immediate threat to the complainant or other students and the investigator determines that it is necessary to gather additional information prior to the interview, and offer interim measures as appropriate, while the complaint investigation is pending.
  - c. Continue to maintain in its investigative files regarding any complaints or other reports of sexual harassment made to the University. The investigative files will include, at a minimum, (a) the name and sex of the alleged victim and, if different, the name of the person reporting the allegation; (b) the nature of the allegation, a description of the incident(s), and the date(s) and time(s) (if known) of the alleged incident(s); (c) the date that the complaint or other report was made; (d) if the alleged victim was under 18 years of age, the date the parents of the alleged victim were notified of the allegation, consistent with the Family Educational Rights and Privacy Act (FERPA) and other applicable federal legal obligations; (e) the date the accused was interviewed; (f) the names and sex of all persons alleged to have committed the alleged harassment, if known; (g) the names of all known witnesses to the alleged incident(s); (h) the dates that any relevant documentary evidence (including cell phone and other records as appropriate) was obtained; (i) any written statements of the complainant (or the victim, if different from the complainant), the accused, and any known witnesses and the dates those statements were obtained; (j) the outcome of the investigation and disciplinary process; (k) University policy which incorporates the proper legal standards; and (l) the response of the University, including any interim and permanent steps taken with respect to the complainant and the accused and steps taken to assure the complainant is not subjected to retaliation.
  - d. Upon receipt of a complaint or report of sexual harassment that may constitute criminal conduct, including any report of inappropriate touching of a student by an employee, the University will immediately provide notice to relevant law enforcement officials, consistent with mandatory reporting requirements under state law. In such cases, the University will provide to the complainant a written notice describing the options of pursuing a criminal complaint with a law

enforcement agency, pursuing the University's investigation and disciplinary process, or pursuing both options at the same time, and the potential consequences of pursuing both options (*i.e.*, possible deferral of the University's investigation and disciplinary process). The University will obtain a written acknowledgement from the complainant of which option(s) the complainant wishes to pursue. When a complainant elects to pursue a criminal complaint exclusively, the University will request that the local prosecutor's office immediately advise the University of its decision on whether to prosecute the complaint. The University will maintain documentation of the date of the deferral and request to the prosecutor's office. In cases where the prosecutor's office declines prosecution, the University will provide written notice to the complainant of the decision of the prosecutor's office and resume its investigation and disciplinary process as appropriate. The University will maintain documentation of the date that the process was resumed.

**REPORTING REQUIREMENT:** By June 30, 2016 and June 30, 2017, and June 30, 2018, the University will provide OCR with documentation that it has implemented the provisions of Item # 6, including copies of all final reports in sexual harassment investigations from the most recently completed academic year, all notices provided to law enforcement officials of possible criminal sexual conduct in the most recently completed academic year.

#### **TRAINING – NEW STUDENTS AND NEW PERSONNEL**

7. By March 1, 2016, and by September 15 of each subsequent academic year, the University will include in its required training for all new students and employees effective training relating to the policies and procedures adopted pursuant to Items # 3 and # 4. At a minimum the training will encompass the following:
  - a. Notification reminding all students and staff of its commitment to having a school environment free from sexual harassment and explaining what they should do if they believe they have been subjected to sexual harassment, including their duty to immediately report allegations of possible sexual harassment of which they have knowledge and possible discipline of employees who fail to report sexual harassment.
  - b. A review of the University's Title IX policies and procedures developed in accordance with this agreement, including an explanation of what constitutes sexual harassment, the role of the Title IX Coordinator, as well as disciplinary sanctions related to findings of violations of its sexual harassment policies and procedures and/or the policy prohibiting retaliation and intimidation.
  - c. A general overview of Title IX, including how the law's nondiscrimination provisions apply to students, the names and contact information for the designated staff member(s) to whom students or others may report allegations of sexual harassment, where to locate the University's sexual harassment policies and procedures on the University's website, and the existence of OCR and its authority to enforce Title IX.

- d. An explanation of the prohibition against retaliation contained in Title IX.

**TRAINING – STUDENT GROUPS**

8. By March 1, 2016, and by September 15 of each subsequent academic year, the University will provide effective, targeted sexual harassment training to identified student groups relating to the policies and procedures adopted pursuant to Items # 3 and # 4 and will contain, at a minimum the specific topics itemized in Item # 7.

**TRAINING – DIRECTLY INVOLVED PERSONNEL**

9. By March 1, 2016, and by September 15 of each subsequent academic year, the University will provide effective training to all University staff, who are directly involved in receiving, processing, investigating and/or resolving complaints or other reports of sexual harassment and to counselors, administrators, security officers, and coaching staff, or other University personnel who are likely to receive confidential reports of sexual harassment. The training will review the University policies and procedures referenced in Items # 3 and # 4 of this agreement and include instruction on how to conduct and document adequate, reliable, and impartial sexual harassment investigations, including the appropriate legal standards to apply in such investigations. The training will provide instruction on how to create and provide appropriate interim measures as well as the issuance of disciplinary action and the proper method for investigating non-retaliation allegations. The training will also provide attendees with instruction on recognizing and appropriately addressing allegations of predatory behavior and complaints pursuant to Title IX.

At the conclusion of the training for University staff described in this item, the University will administer a written quiz or other assessment tool, consistent with University practice, to the staff who participated in the training to ensure their understanding and retention of the key concepts discussed in the training, including the University's policies and procedures.

**REPORTING REQUIREMENT:** By March 31, 2016, October 15, 2016 and October 15, 2017, the University will provide OCR with documentation that it has provided new students and personnel, targeted student groups and University staff with the training referenced in Items # 7, # 8, and # 9. The documentation will include the dates of the training, the names, credentials and titles of the trainer(s), a copy of any materials used or distributed during the training, a copy of any materials used or distributed during the training, a summary of the quiz or assessment tool results, a sign-in sheet with the names and titles of the University staff who attended the training.

If the University revises the training referenced in this item further during the pendency of OCR's monitoring of this case, the University will submit to OCR for review and approval the further revised training prior to implementing any revisions.

**TRAINING - CURRENT STAFF AND STUDENTS**

**10. By September 15, 2016 of each academic year, the University will provide an effective training program for all students and employees that will address the University's policy and procedures referenced in Item # 3 and #4, including, but not limited to, sexual harassment and retaliation in order to promote respect and tolerance for others and to avert the establishment of a hostile environment based on sex for students enrolled in the University. The University will remind students of its commitment to having a school environment free from all harassment and explain to students what they should do if they believe they or other students are being harassed. The program will include a review of all of the University's harassment and non-retaliation policies and procedures, including an explanation of what sexual harassment is, available interim measures and remedies, as well as disciplinary sanctions related to findings of violations of its harassment policies and the policy prohibiting retaliation. The University will also provide students with the name and contact information of a University employee, such as a counselor, that the students may contact if they wish to confidentially discuss any concerns they have and remind students of the availability of counseling services. The University will distribute written materials during the program that contain the information discussed. The training will provide attendees with instruction on recognizing and appropriately addressing allegations of predatory behavior and complaints pursuant to Title IX.**

**REPORTING REQUIREMENT: By October 15, 2016, October 15, 2017, and October 15, 2018, the University will provide OCR with documentation of the implementation of Item # 10, including a description of the program and the method of its delivery.**

**CLIMATE SURVEYS**

**11. By December 1, 2016, the University shall draft a survey to assess the effectiveness of the training and orientation sessions referenced in Items # 7, # 8, # 9, and # 10, by conducting surveys of employees and students. The surveys shall specifically inquire about employees' and students' knowledge of the applicable University policies and shall solicit feedback as to whether survey takers believe the University will respond to harassment complaints in a manner that is prompt, equitable, fair and effective.**

**REPORTING REQUIREMENT: By February 1, 2016, the University will provide OCR the surveys it proposes to use to assess the effectiveness of the training and orientation sessions reference in items # 7, # 8, # 9, and # 10. Upon approval by OCR, the University will administer the surveys to all employees and students. If OCR has any objections to the survey submitted by the University for review, OCR will notify the University of its objections promptly after receiving the draft survey. By June 30, 2016, July 31, 2017, and July 31, 2018, the University will provide documentation to OCR of the results of the surveys and a description of any actions the University proposes to take in response.**



**12. By June 30, 2016, and annually thereafter, the University will conduct a University climate survey to assess the effectiveness of the steps taken pursuant to this agreement and otherwise by the University, to achieve its goal of having an environment free of sexual harassment. The climate check will be completed by sending a survey to each University student that contains questions about the student's knowledge of sexual harassment and any experiences with sexual harassment while attending the University, and the student's awareness of the University's sexual harassment policies and procedures and resources available for students. Information gathered through these climate checks will be used to inform further steps taken by the University. Finally, part of the University's ongoing climate checks will include information for students about whom they can report concerns about sexual harassment to as described in other provisions of this agreement.**

**REPORTING REQUIREMENT: By February 1, 2016, the University will submit to OCR for approval the proposed climate survey and the method of its administration. If OCR has any objections to the survey submitted by the University for review, OCR will notify the University of its objections promptly. By July 31, 2016, and July 31, 2017, and July 31, 2018, the University will provide OCR the results of the most recent survey and a description of all actions the University plans to take as a result.**

#### **STAFF INVESTIGATIONS**

According to the University, the University's women's head gymnastics coach (head coach) and the volunteer women's gymnastics coach (volunteer coach) are no longer employed with the University. The University has hired a head coach, assistant coach, and associate coach for the women's gymnastics team.

**13. By November 30, 2015, consistent with its discipline procedures for employees, the University will investigate any remaining employees' conduct to assess the extent to whether University personnel had knowledge of reports of harassment of Student A or other students, but failed to take action to report and/or investigate such harassment consistent with the requirements of the University's Anti-Harassment Policy. Based upon the outcome of its investigation, it will implement appropriate discipline or take other appropriate actions.**

**REPORTING REQUIREMENT: By December 1, 2016, the University will provide OCR documentation that it has implemented Item #13, including a description of any disciplinary or other actions taken and the reason(s) the discipline was determined appropriate. For any employees who had notice of the alleged sexual harassment and for whom the University determines discipline is not appropriate, the University will provide a statement of the reason(s) why discipline was not determined to be appropriate.**

#### **STUDENT-FOCUSED REMEDIES**

**14. By November 30, 2015, the University will send a certified letter to each currently-enrolled student who was a member of the women's gymnastics team between August 1, 2011, and September 2, 2014, excluding Student A. The letter will invite the student to meet with a University behavioral health specialist to ascertain whether the student suffered or continues to suffer adverse effects as a result of the conduct of the former Volunteer Coach and/or the former Head Coach between August 1, 2011, and September 2, 2014. In the event such adverse effect is identified, the University shall, at the recommendation of the behavioral health specialist, provide remedial services, such as academic counseling, psychiatric counseling, or other remedies to the student to address such adverse effects.**

**REPORTING REQUIREMENT: By December 2, 2015, the University will provide OCR a list of students to whom it sent a certified letter. For each student, the University shall indicate whether she elected to meet with a behavioral specialist. For the student who met with a behavioral specialist, the University will specify whether remedial services were indicated, and describe the recommended remedial services.**

#### **STUDENT-ATHLETE FOCUS GROUPS**

**15. By February 1, 2016, the University will convene focus groups of male and female athletes to discuss whether sexual harassment continues to occur in the University's athletic program. The University will identify for OCR additional actions the University will take to redress sexual harassment in the athletic program in response to information obtained during the focus group meetings.**

**REPORTING REQUIREMENT: By May 1, 2016, the University will document the actions identified as necessary to redress sexual harassment in the athletic program in response to information conveyed at the focus groups described in Item # 15 and will provide OCR with copies of or access to the backup data collected from the focus groups. By June 30, 2016, the University will document to OCR that it has taken the actions identified in its February 1, 2016 report to OCR.**

#### **ADMINISTRATORS, FACULTY & STUDENTS WORKING GROUP**

**16. By February 1, 2016, the University will establish a working group that includes University administrators, faculty, and students to make recommendations to the University regarding the effectiveness of the University's anti-harassment program for all students in the University including the communications strategies. The University will designate an employee to coordinate the group's meetings and works. The working group will be asked to provide University officials with input regarding strategies for preventing harassment, ensuring that University students understand their right to be protected from discrimination on the basis of sex, including harassment, and to be protected from retaliation for reporting discrimination, and effective communications strategies to ensure that University students understand how to report possible violations of the University's anti-harassment policy and are aware of the University's obligation to promptly and effectively respond to complaints**

alleging sex discrimination, including harassment. The working group will also provide specific suggestions for developing an effective orientation program that promotes respect and tolerance for others and prevents the establishment of a hostile environment based on sex for students enrolled in the University and encourages bystander intervention. The designated employee will prepare a written summary of the steps the working group has recommended.

**REPORTING REQUIREMENT:** By February 1, 2016, the University will provide OCR a list of individuals on the working group described in Item # 16. By May 1, 2016, the University will provide OCR with a copy of the working group's recommendations and a description of any steps that the University has taken or will take in light of the recommendations. By December 30, 2016, and December 30, 2017, the University will provide documentation of steps taken in the previous academic year to implement the working group's recommendations.

#### **MAINTENANCE OF DATA**

17. The University will maintain documents relating to specific complaints or other reports of sexual harassment of students, including the following:

- a. a copy of all written reports for complaints or any other reports of incidents involving allegations of sexual harassment of any kind;
- b. a narrative of all actions taken in response to the reports by University personnel, including any written documentation;
- c. a copy of any and all disciplinary sanctions issued to students or employees for violations of the sexual harassment policies and procedures;
- d. documentation demonstrating any interim and/or remedial efforts offered and provided to the complainant, the accused and/or witnesses of the incident(s), such as counseling or other appropriate services; and,
- e. a description of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.

**REPORTING REQUIREMENT:** By June 30, 2016, and June 30, 2017, the University will provide to OCR copies of the documentation referenced in Item # 17 for the just completed academic year.

18. By January 1, 2015, the University will develop a monitoring program to assess the effectiveness of its anti-harassment efforts. At the conclusion of each academic year starting with the 2015-2016 academic year, the University will conduct an annual assessment of the effectiveness of its anti-harassment efforts. Such assessment shall include:

- a. consultation with the working group developed pursuant to Item #18 above;
- b. student and employee surveys;
- c. review of all documentation collected pursuant to the terms of this agreement; and
- d. evaluation and analysis of the data collected, including any proposed recommendations for improvement.

**REPORTING REQUIREMENT:** By June 30, 2016, and June 30, 2017, the University will provide documentation it has implemented the steps referenced in Item # 18 for the most recently completed academic year.

\* \* \*

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the University understands that, during the monitoring of this Agreement, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. §§106.8 and 106.31, which were at issue in this complaint.

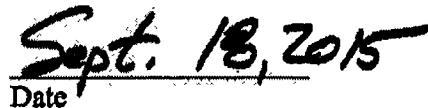
The University understands that the OCR will not close the monitoring of this Agreement until OCR determines that the University has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. §§106.8(b) and 106.31(a), which were at issue in this complaint.

The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of the University of Minnesota – Twin Cities.



Eric W. Kaler, President



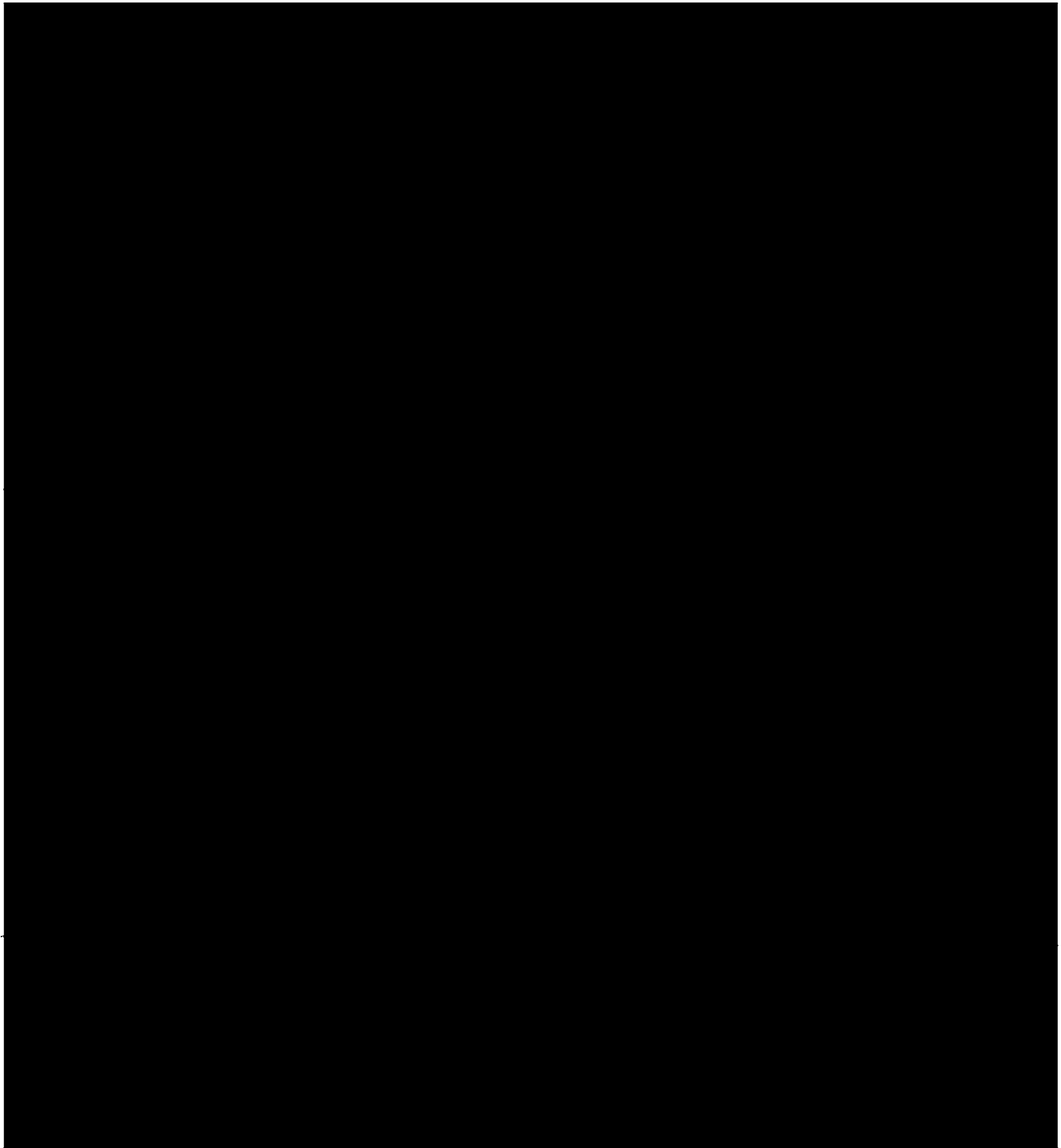
Date



# University of Minnesota Athletics

Bierman Field Athletic Building | 516 15th Avenue S.E. | Minneapolis, MN 55455

August 14, 2015

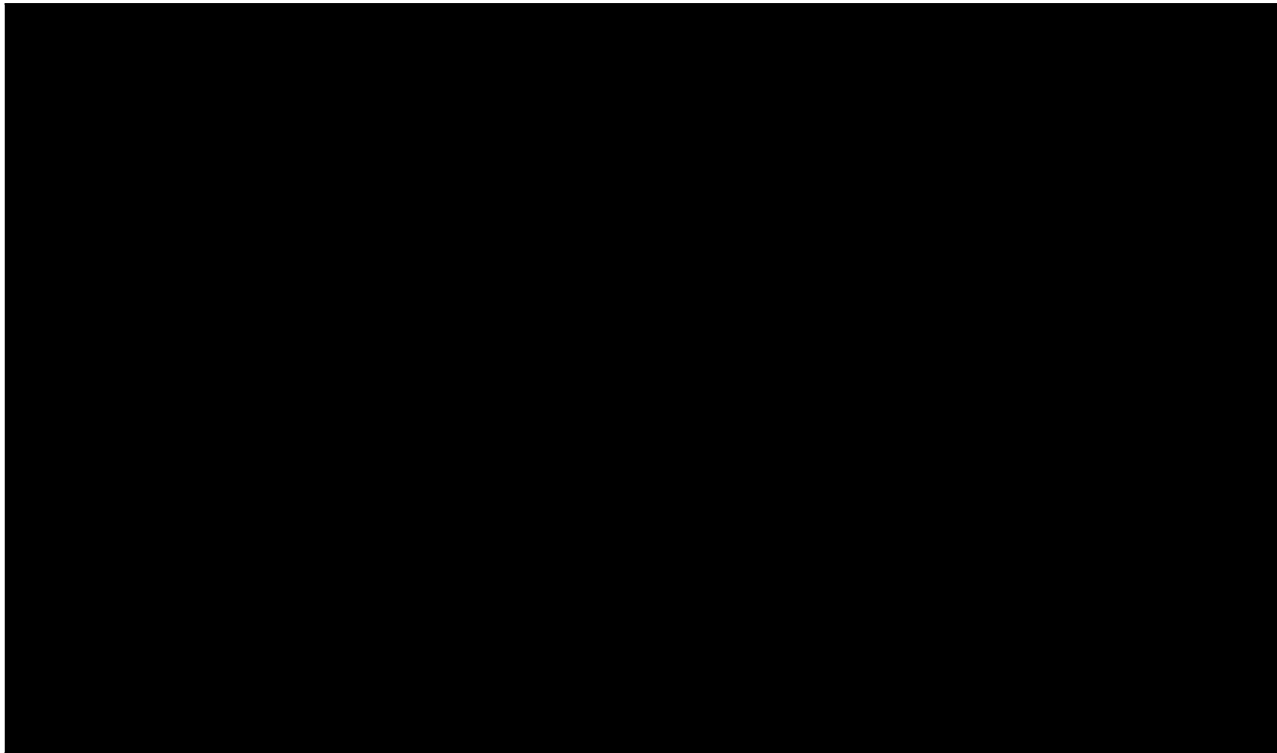


11/15/2015 10:28 AM



**Exhibit 74**

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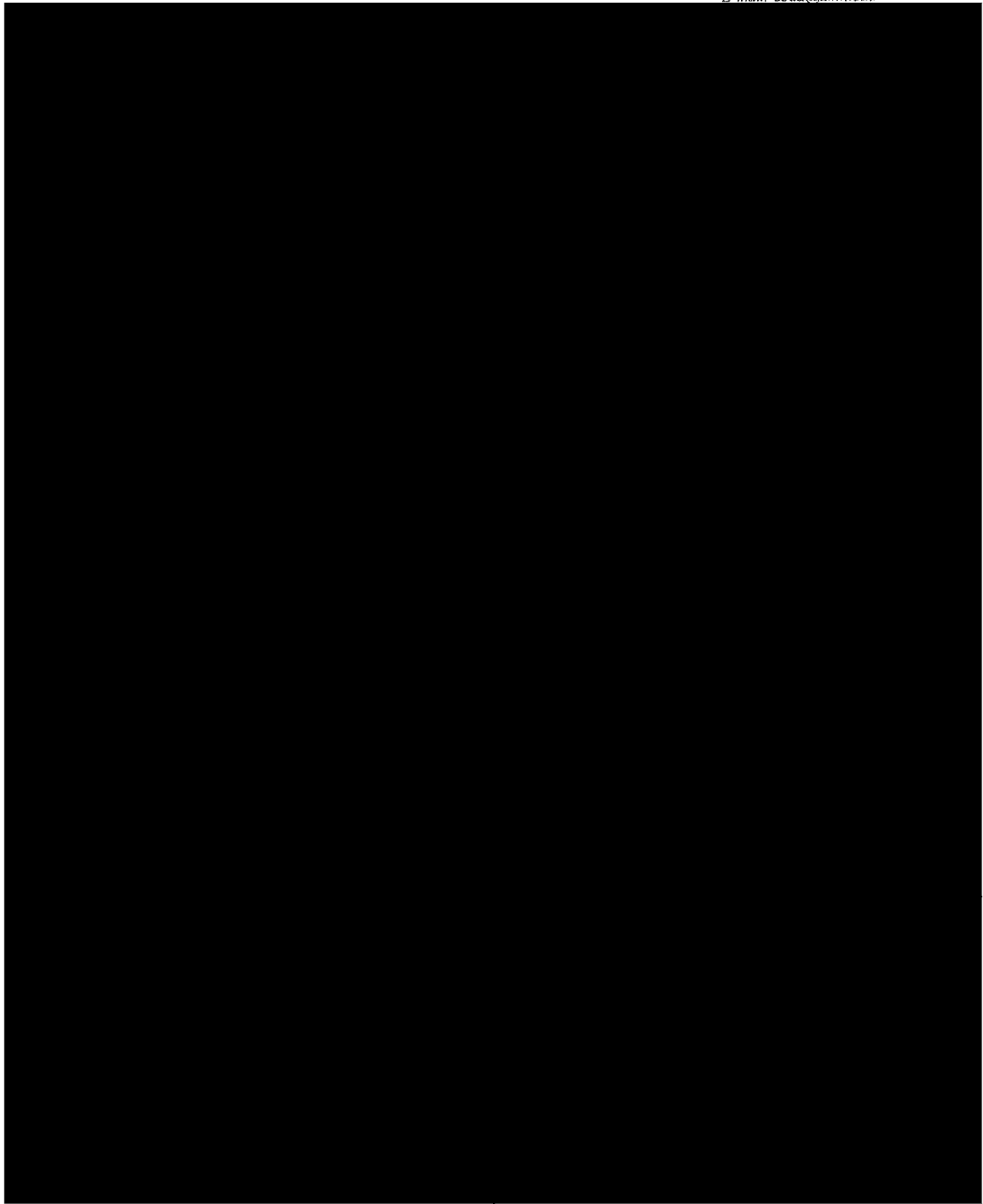
UNIVERSITY OF MINNESOTA

*Twin Cities Campus*

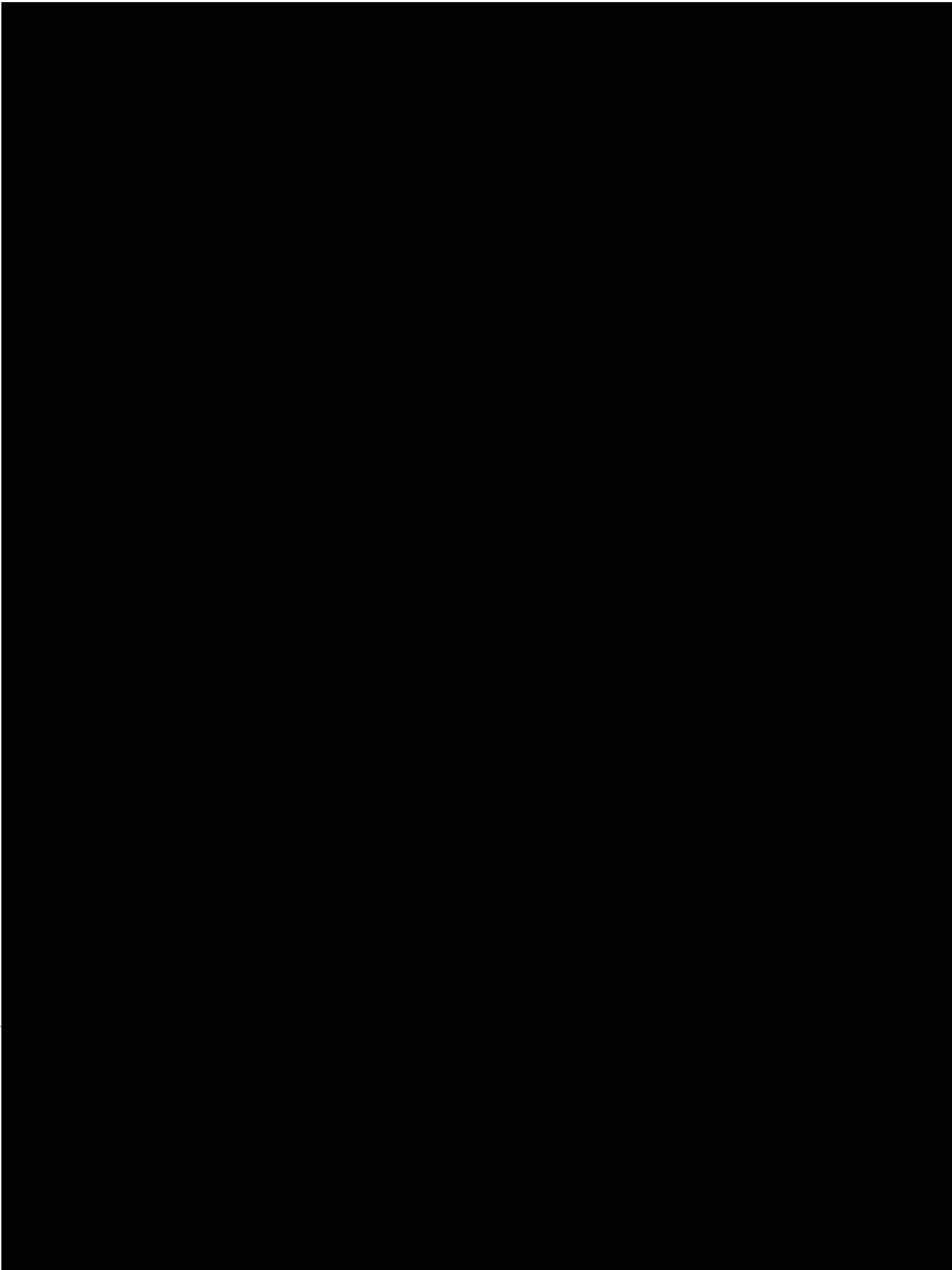
*Office of Equal Opportunity and Affirmative Action  
Office for Equity and Diversity*

*274 McNamara Alumni Center  
200 Oak Street S.E.  
Minneapolis, MN 55455*

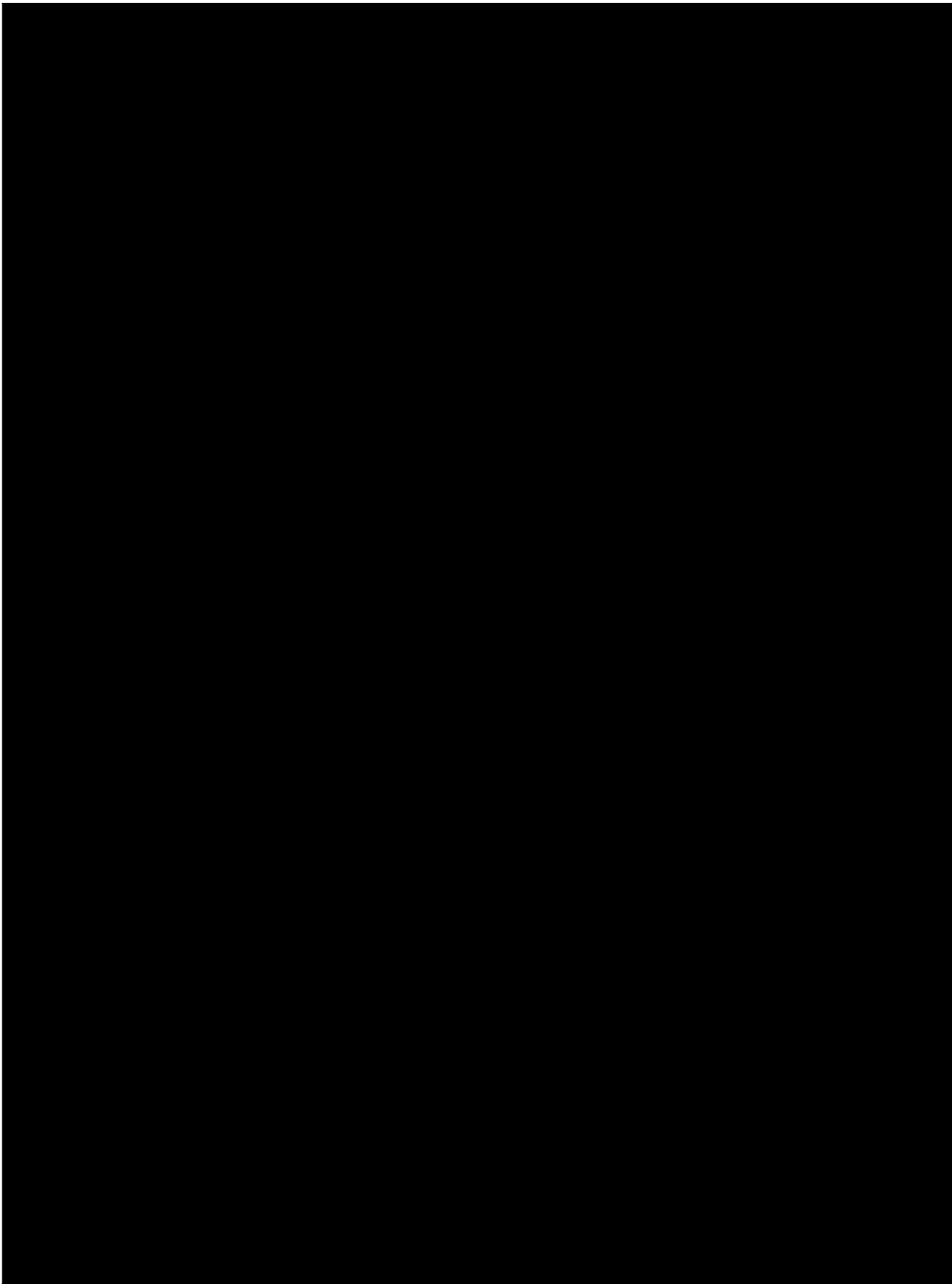
*Office: 612-624-9547  
Fax: 612-625-5223  
<https://diversity.umn.edu/eoaa/>  
E-mail: [eoaa@umn.edu](mailto:eoaa@umn.edu)*

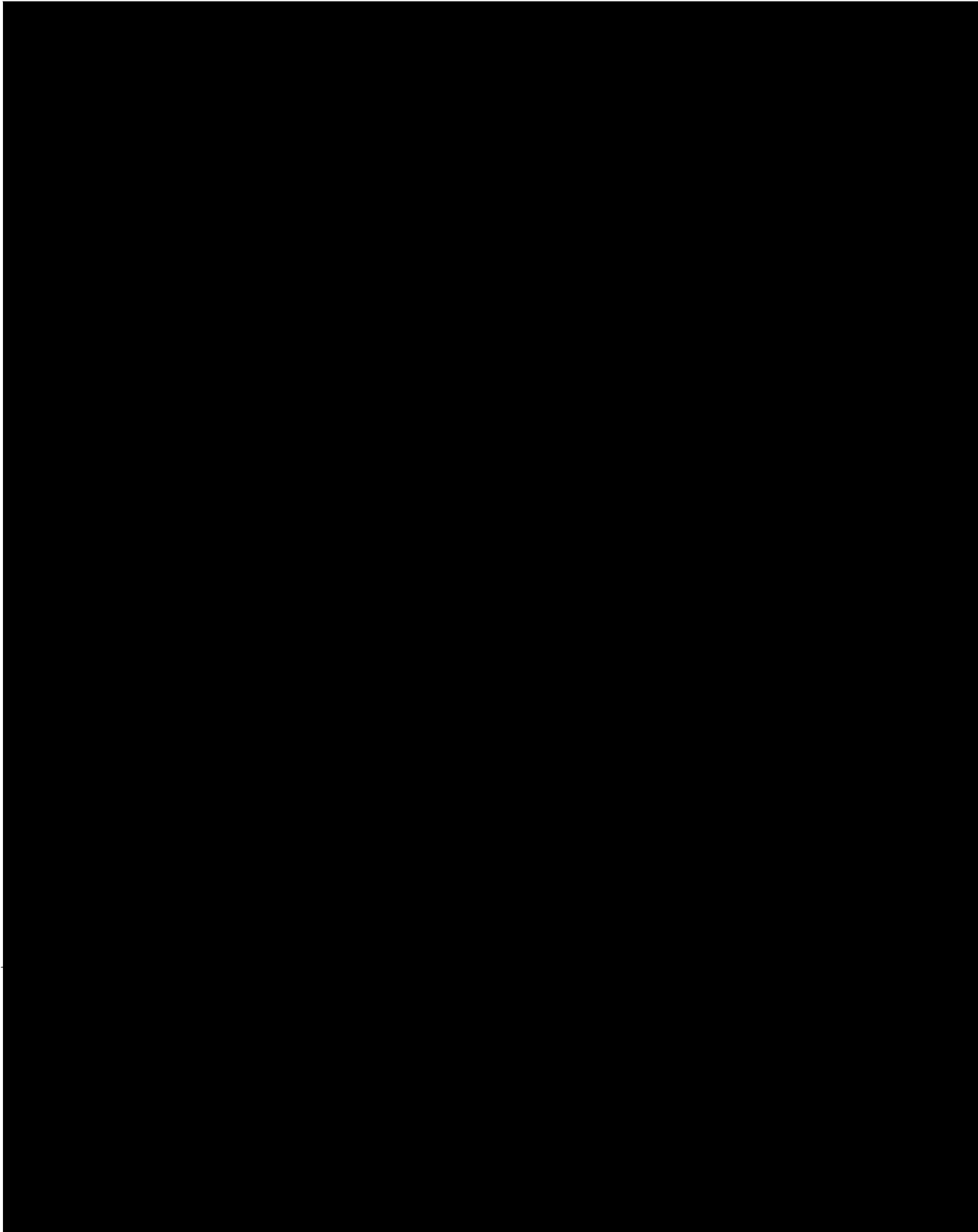


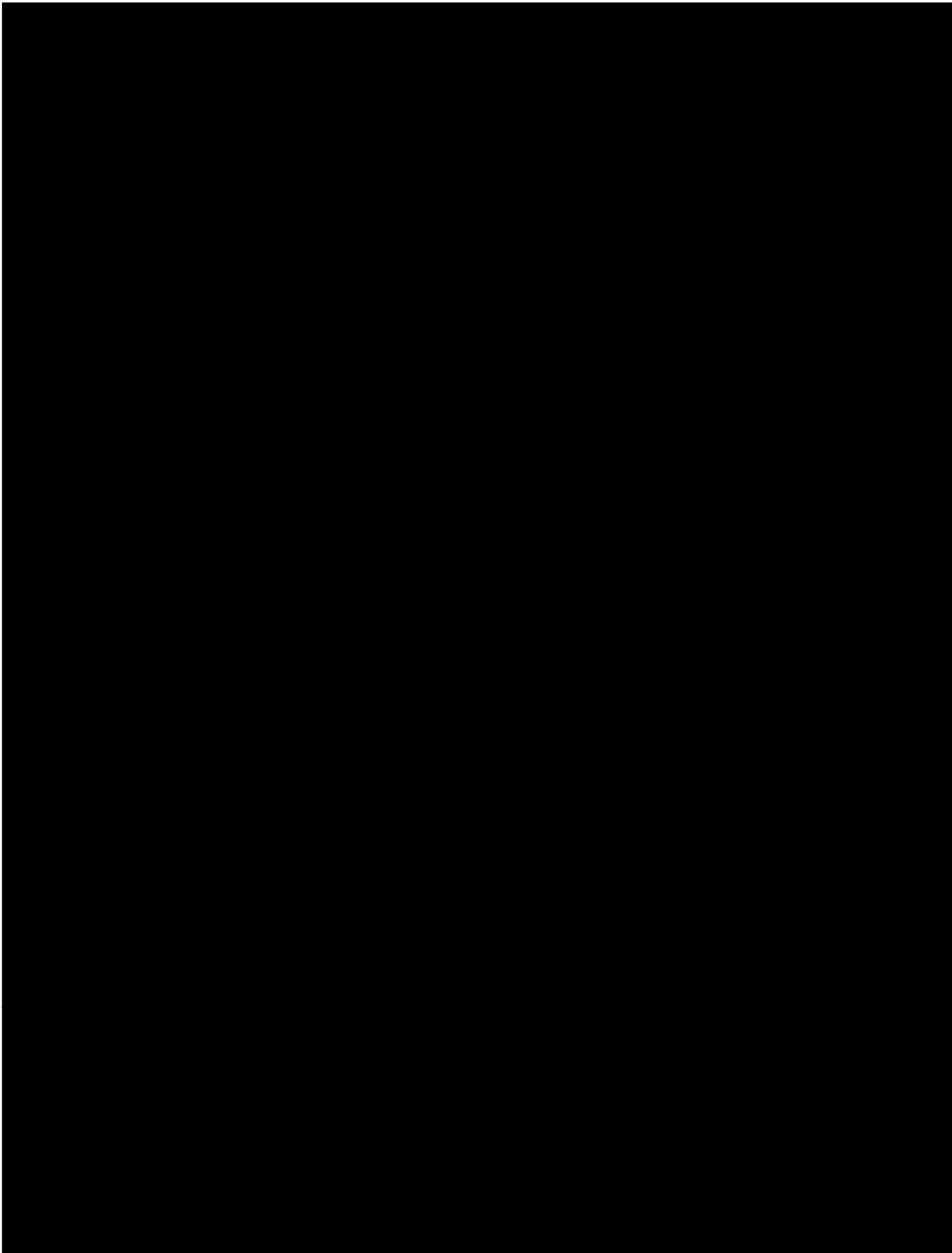
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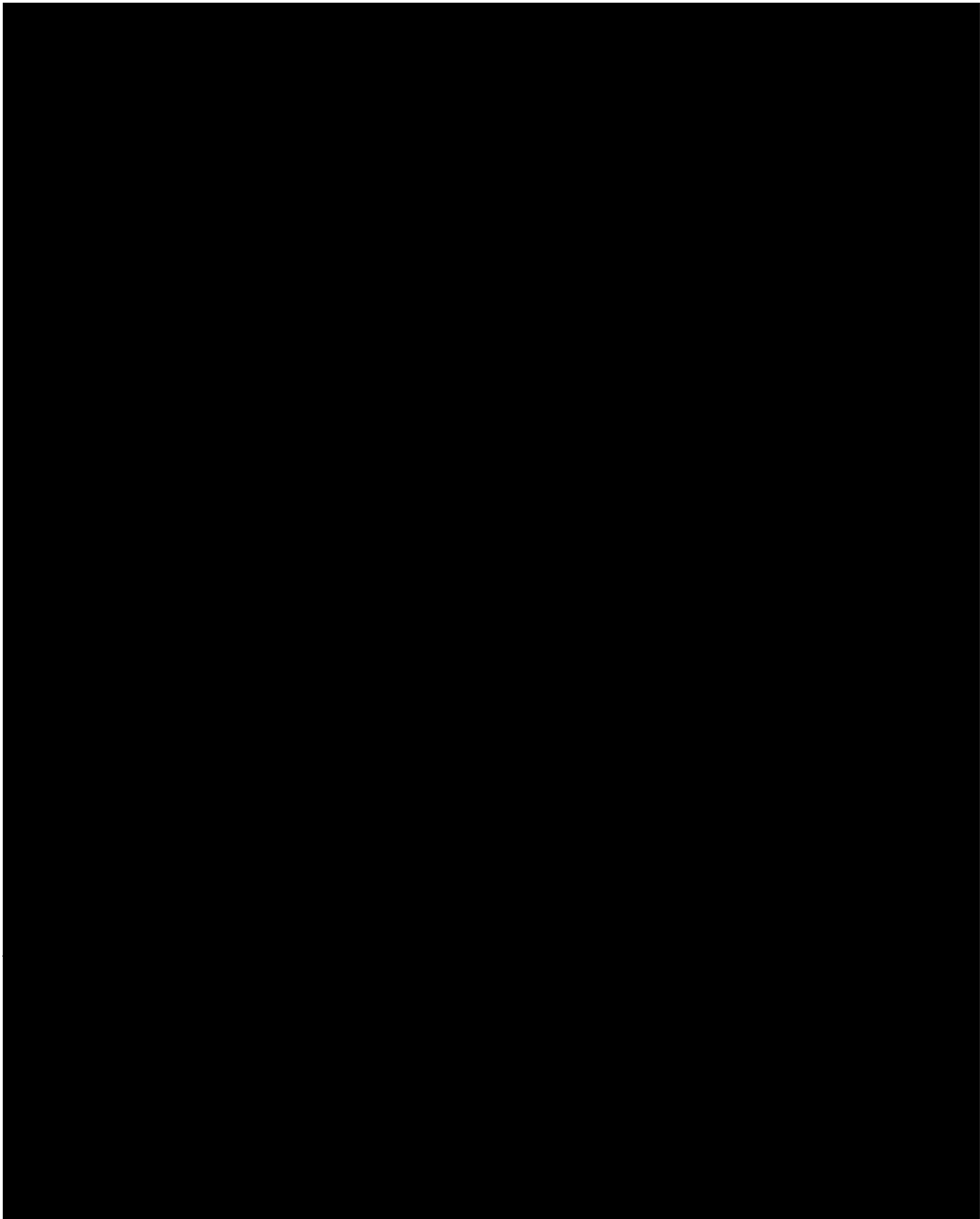


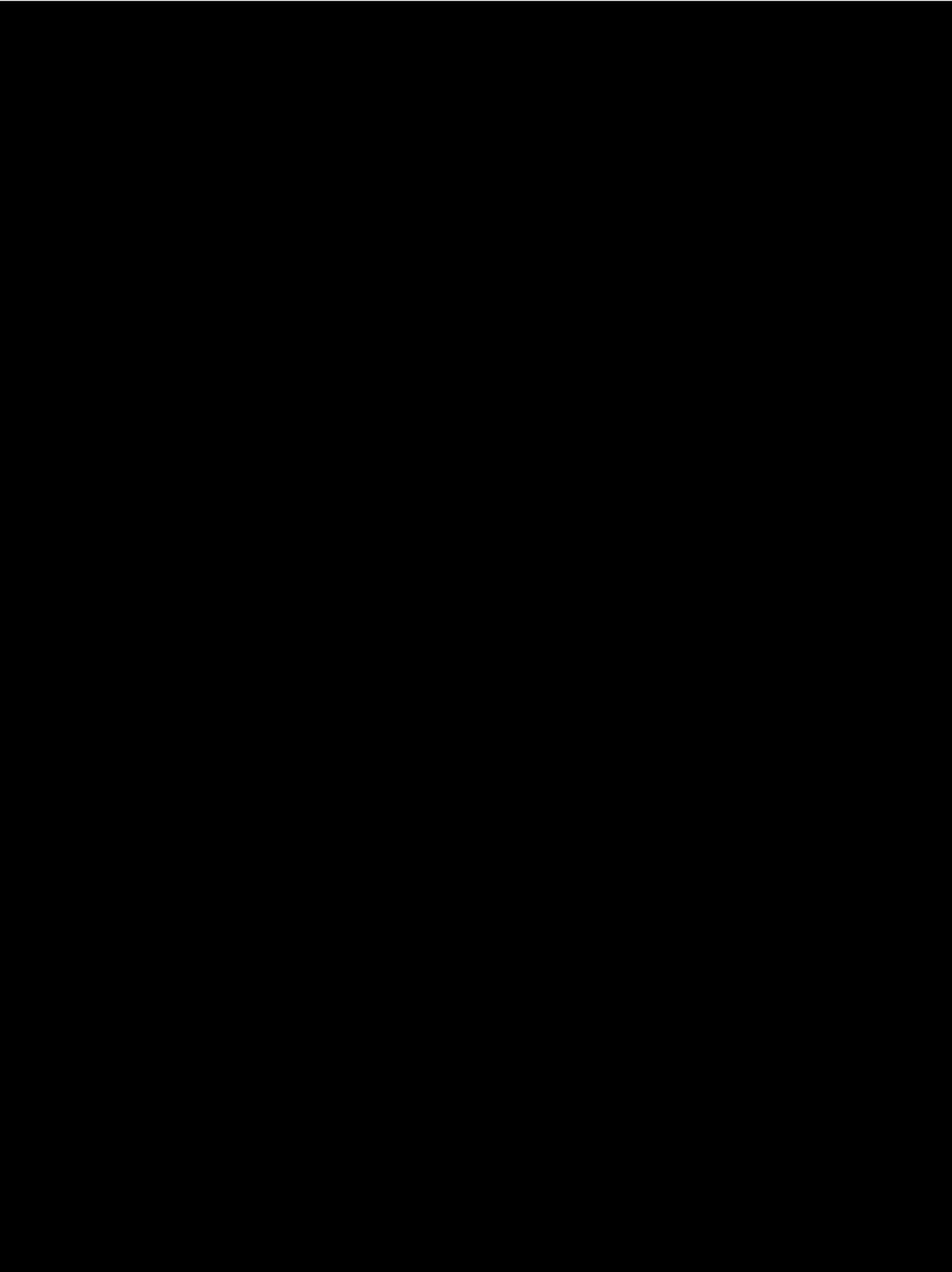


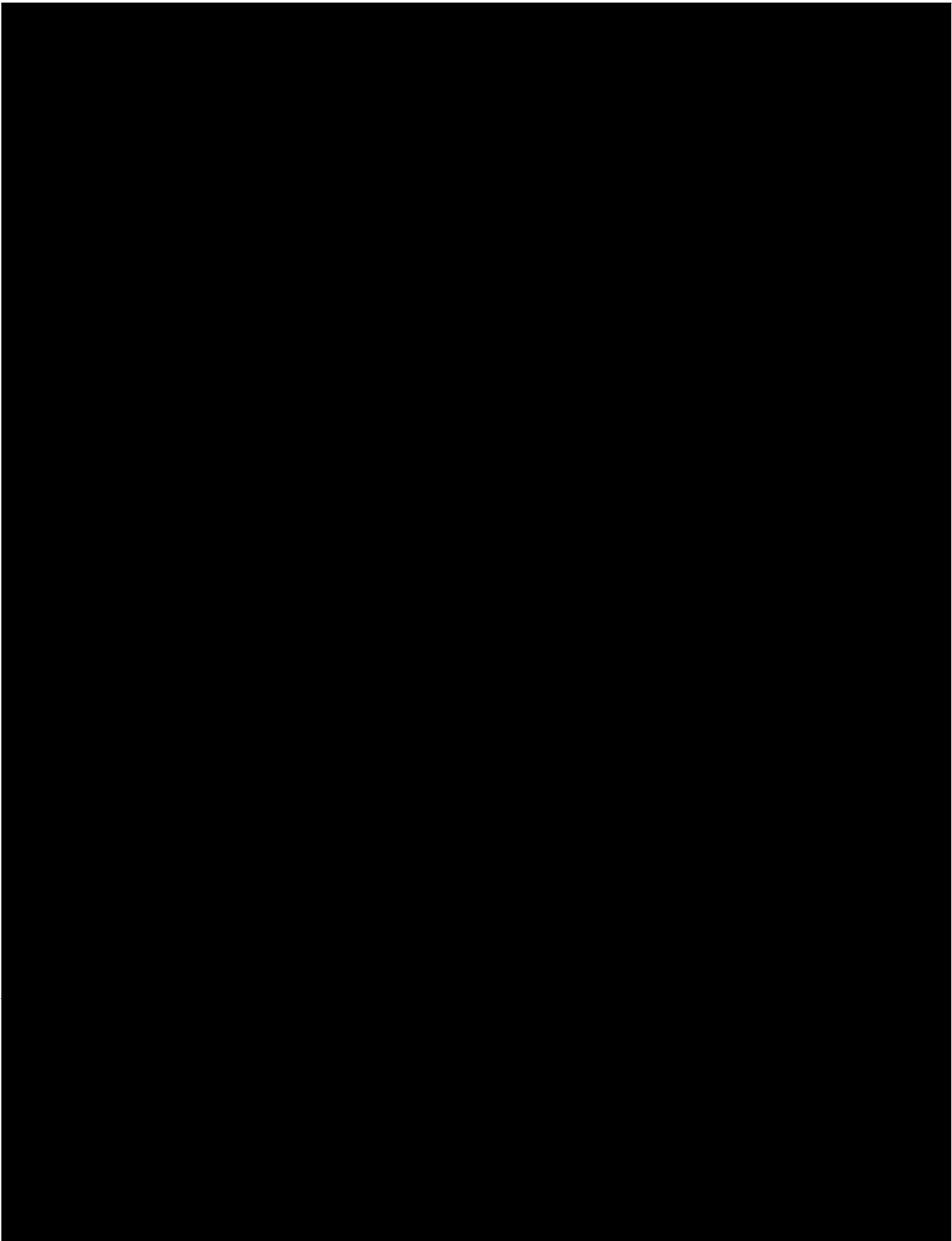


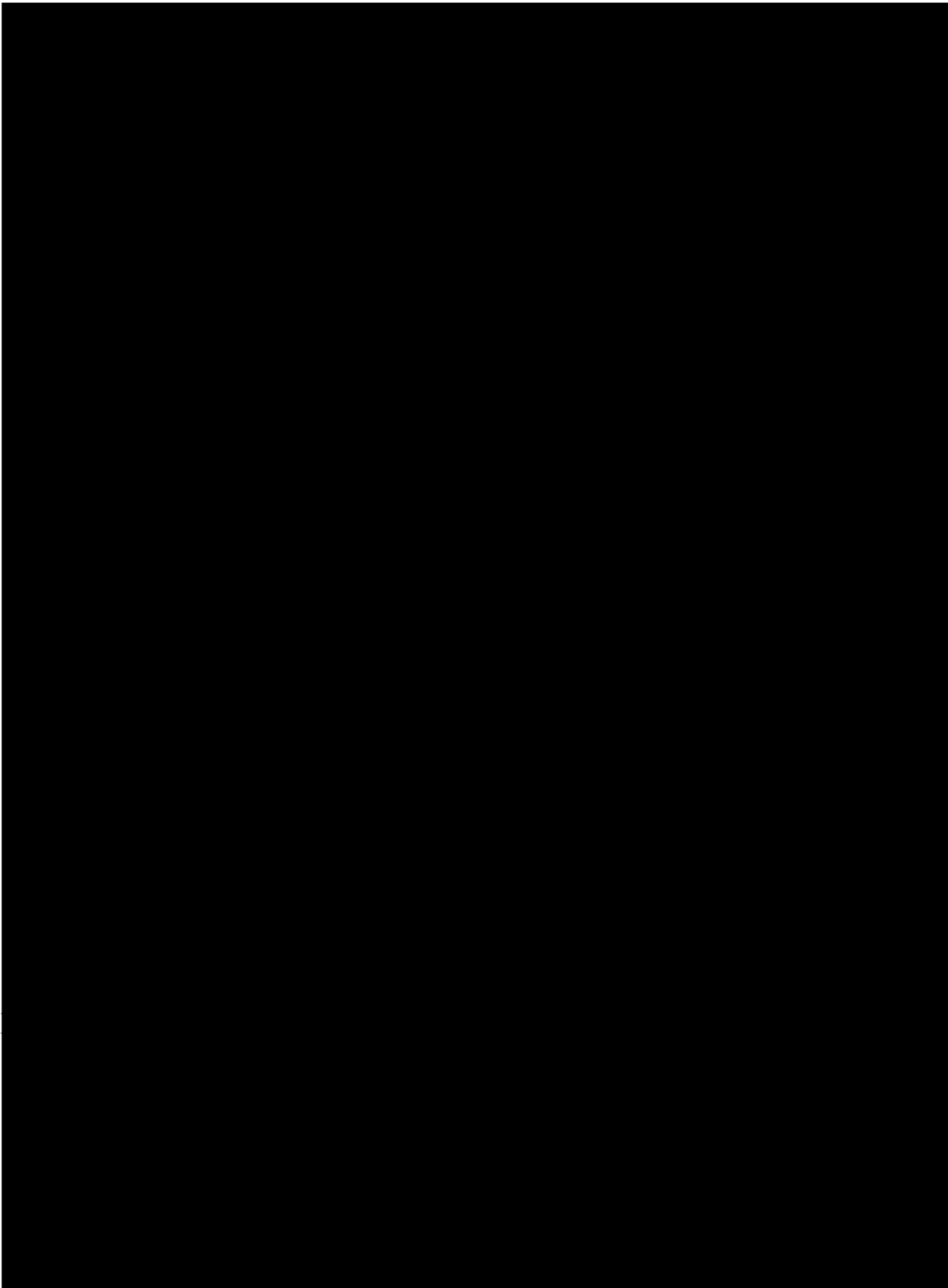


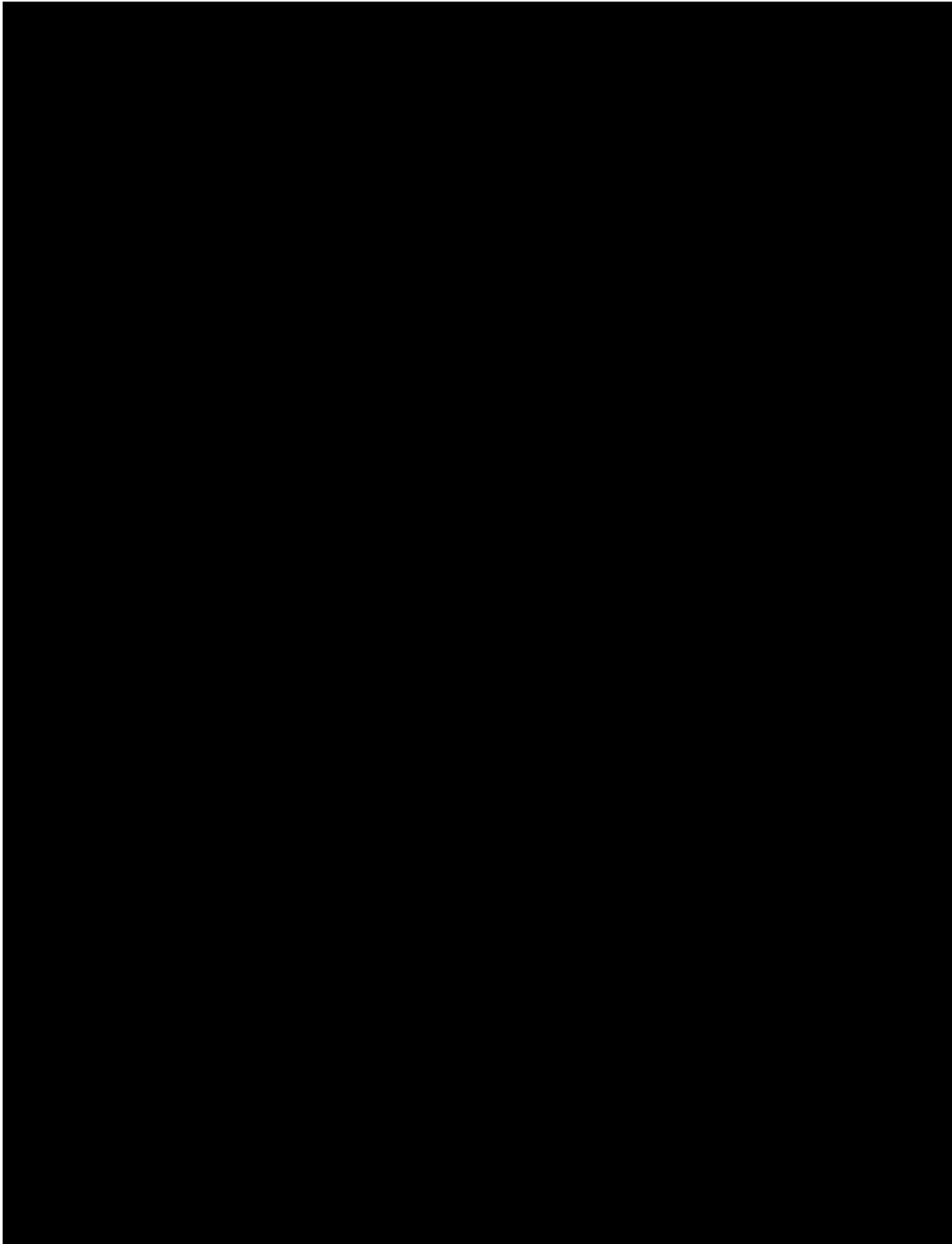




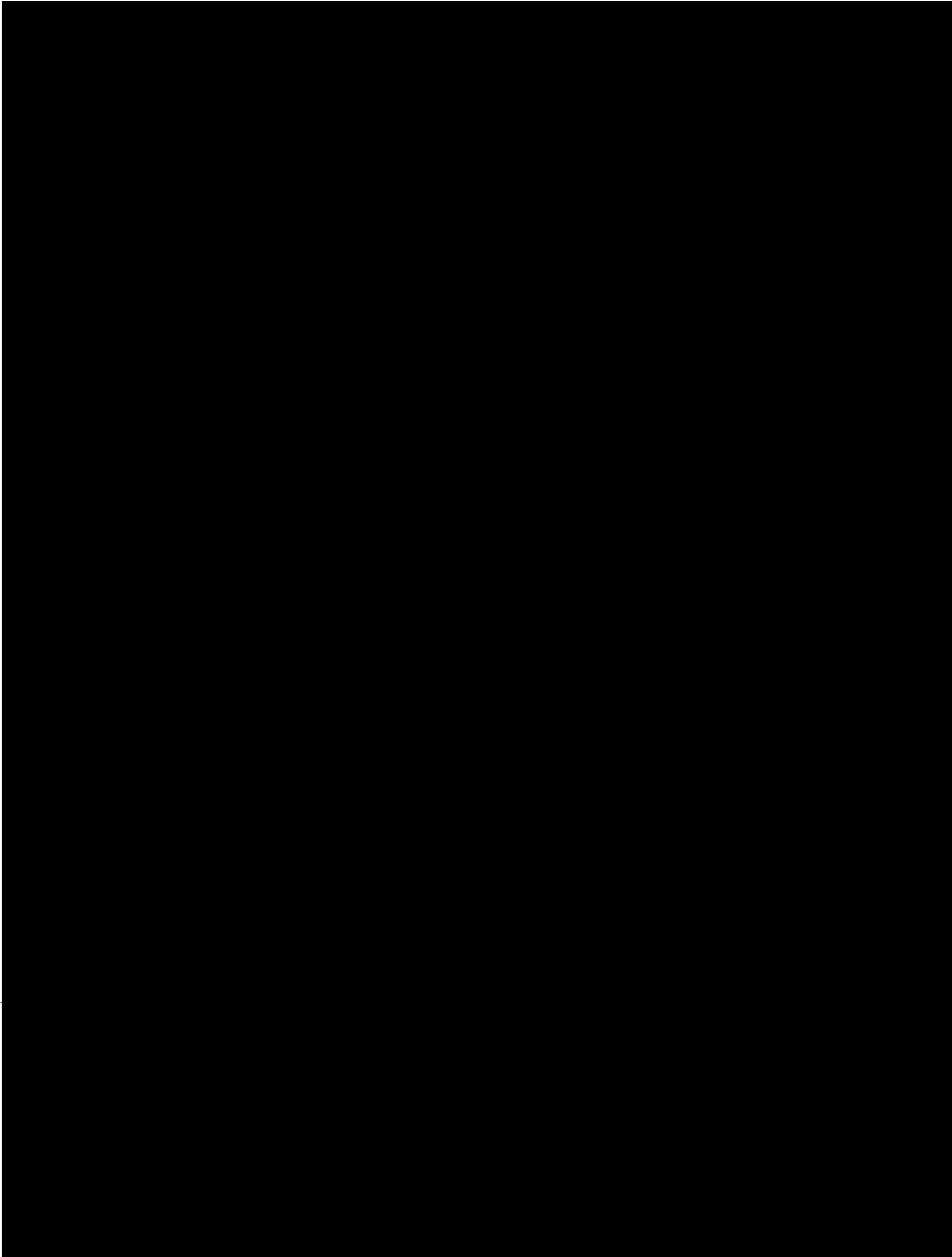


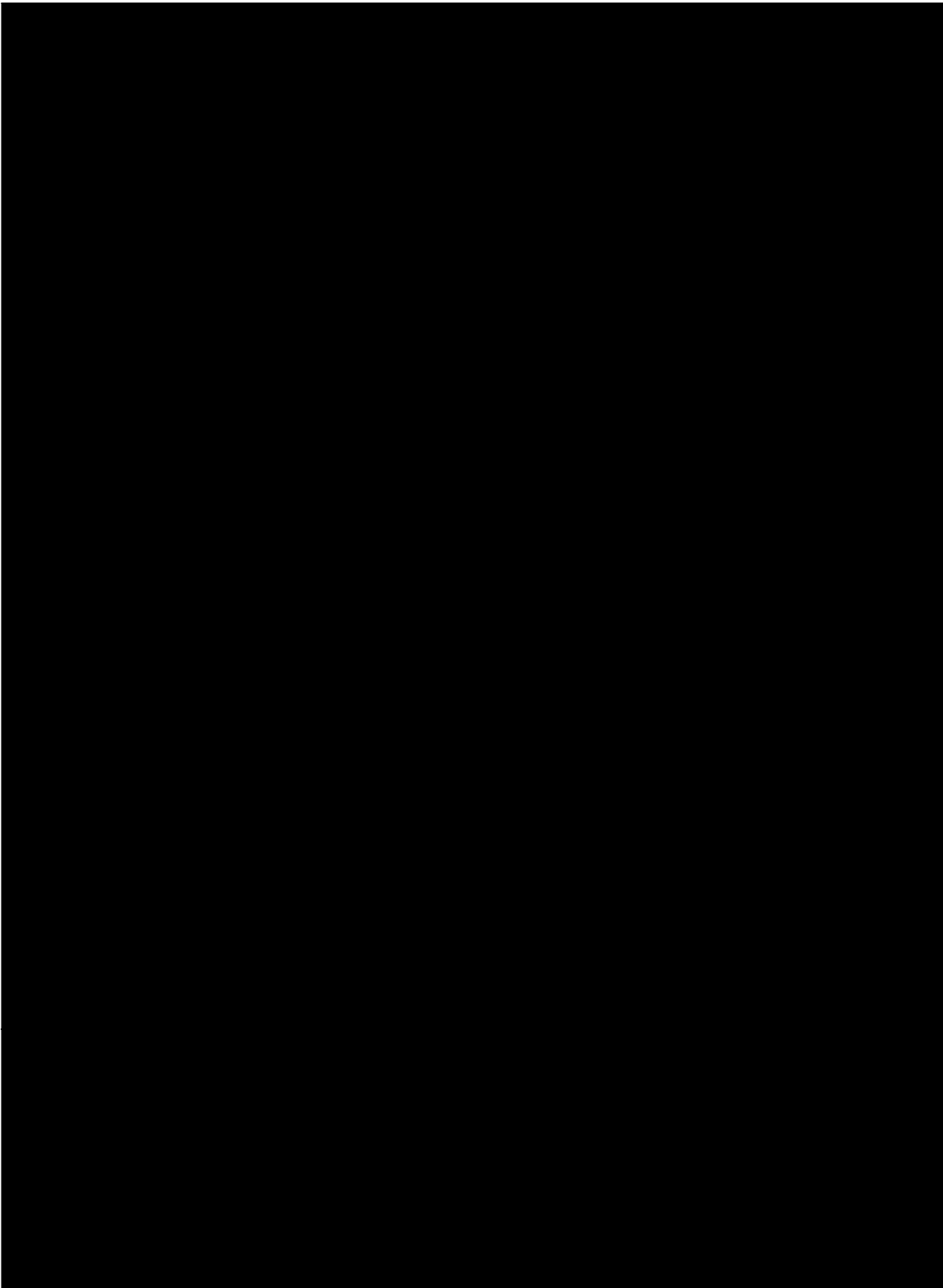


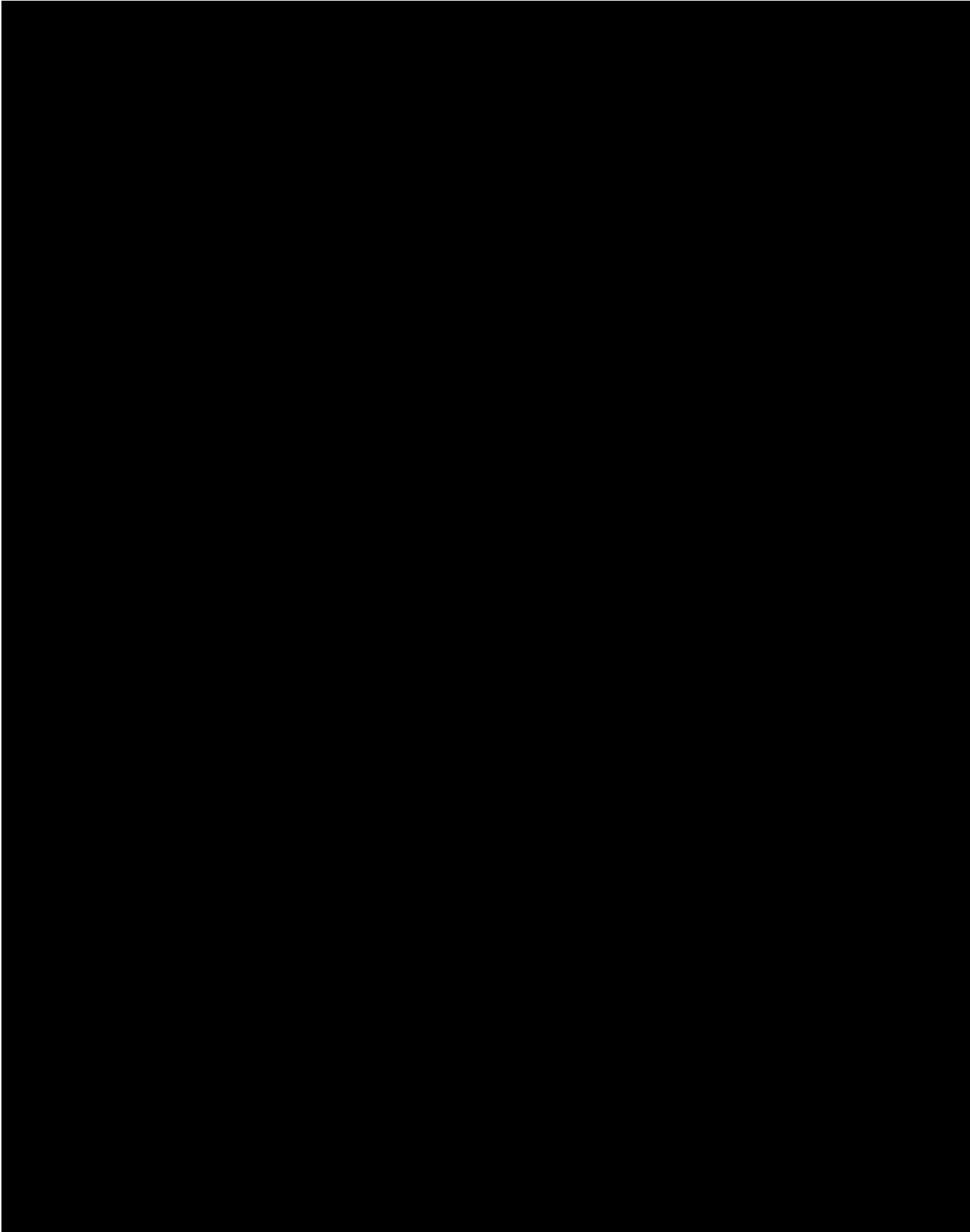




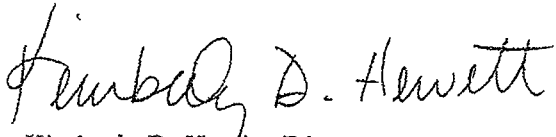








Sincerely,



Kimberly D. Hewitt, Director  
Office of Equal Opportunity and Affirmative Action



Tina Marisam, Associate to the Director  
Office of Equal Opportunity and Affirmative Action

cc: Marc Ryan  
Beth Goetz

UNIVERSITY OF MINNESOTA



*Twin Cities Campus*

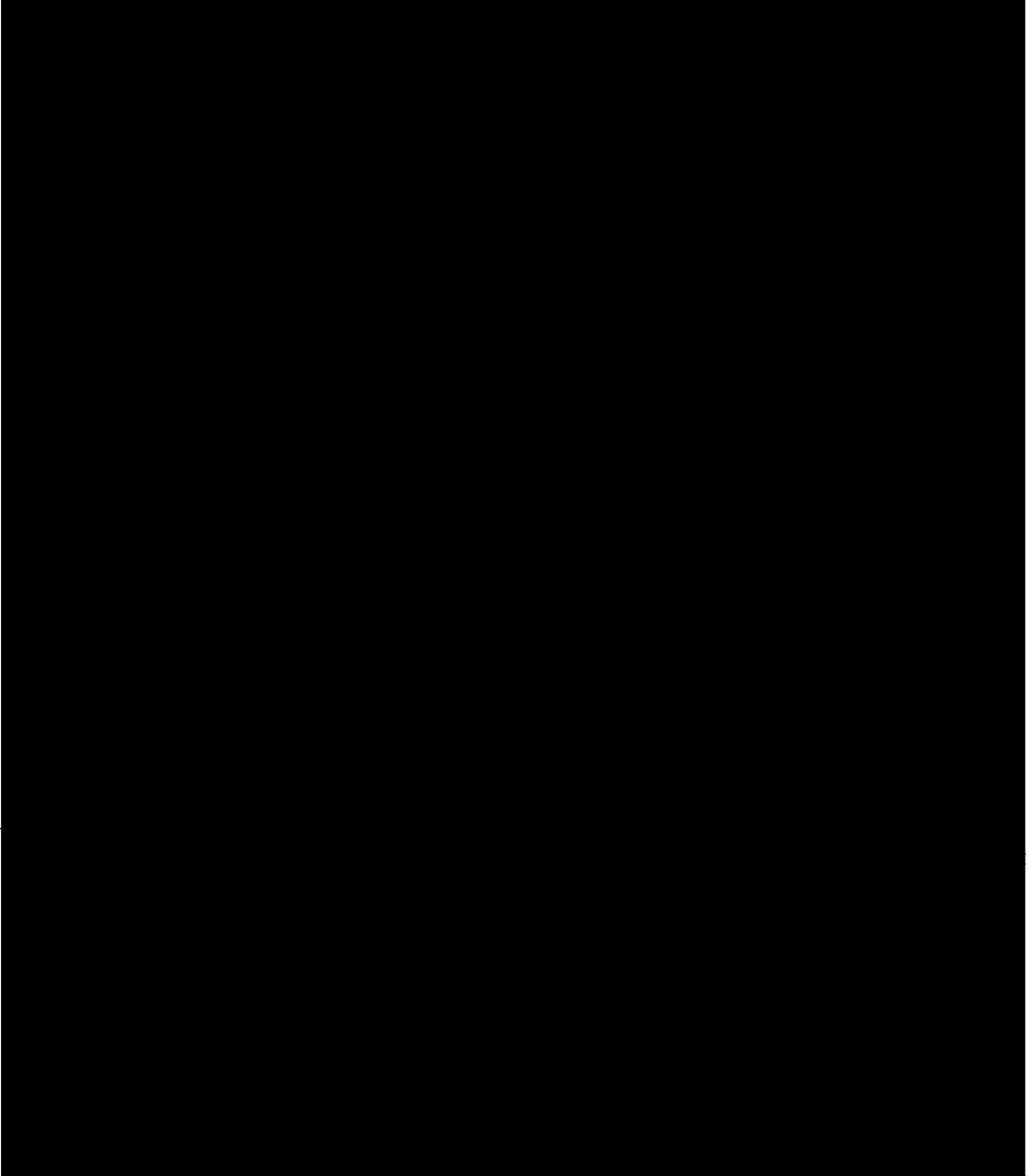
*Office of Equal Opportunity and Affirmative Action  
Office for Equity and Diversity*

*274 McNamara Alumni Center  
200 Oak Street S.E.  
Minneapolis, MN 55455*

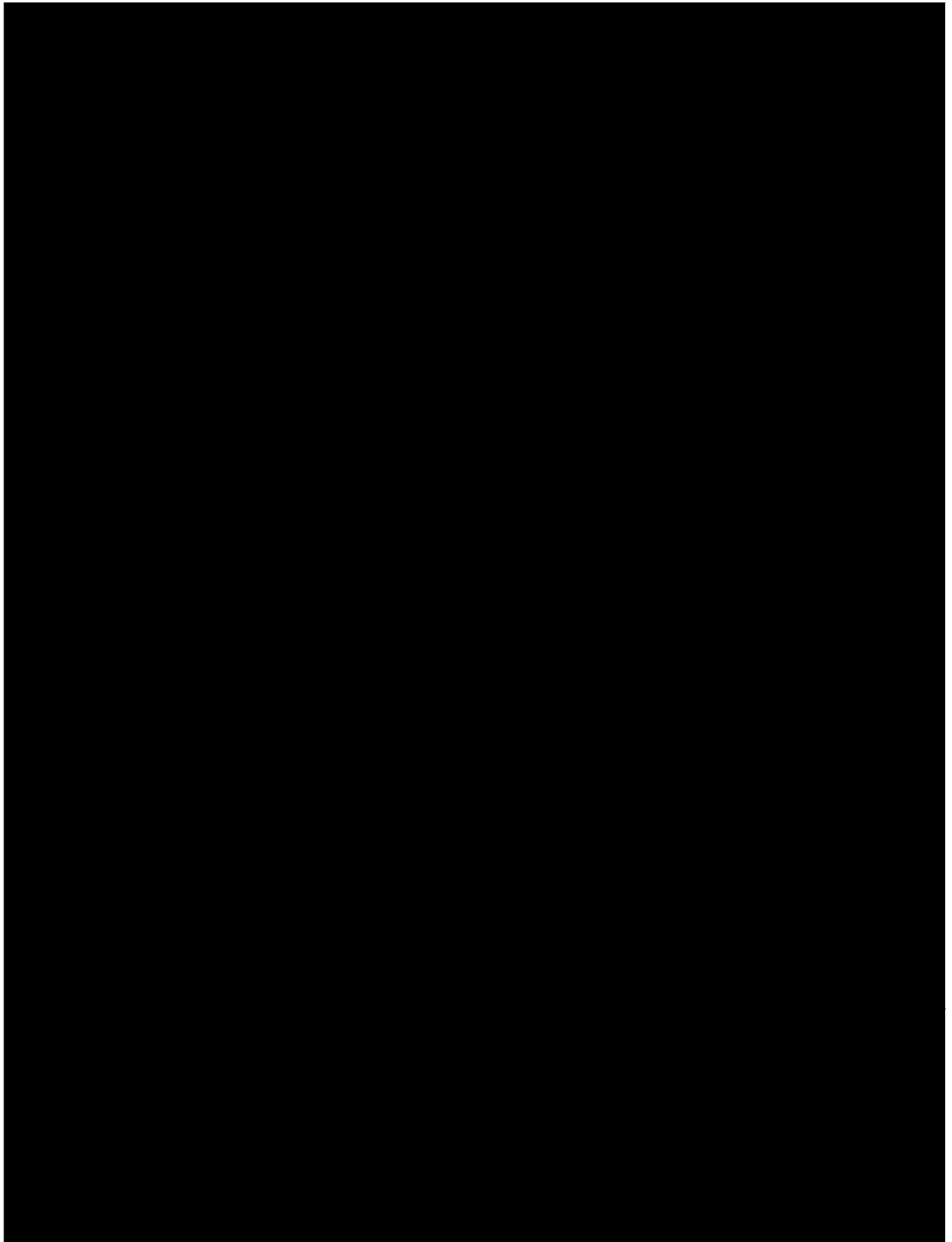
*Office: 612-624-9547  
Fax: 612-625-5223  
<https://diversity.umn.edu/eoaa/>  
E-mail: [eoaa@umn.edu](mailto:eoaa@umn.edu)*

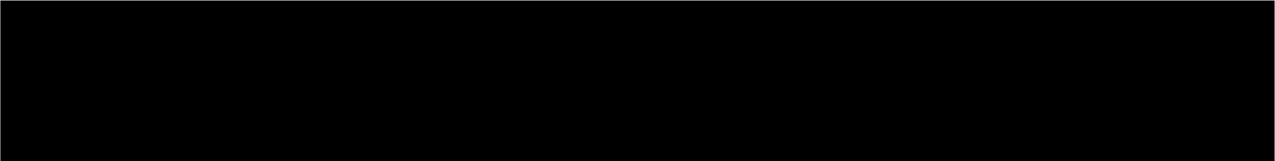
**PRIVATE AND CONFIDENTIAL**

November 5, 2013

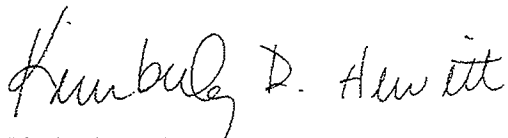


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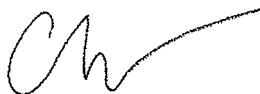




Sincerely,



Kimberly D. Hewitt, Director  
Office of Equal Opportunity and Affirmative Action



Tina Marisam, Associate to the Director  
Office of Equal Opportunity and Affirmative Action

cc: Marc Ryan  
Beth Goetz

---

<sup>3</sup> Recommendations for responsive action have been sent to Mr. Teague.

# UNIVERSITY OF MINNESOTA

*Twin Cities Campus*

*Office of Equal Opportunity and Affirmative Action  
Office for Equity and Diversity*

*274 McNamara Alumni Center  
200 Oak Street S.E.  
Minneapolis, MN 55455*

*Office: 612-624-9547*

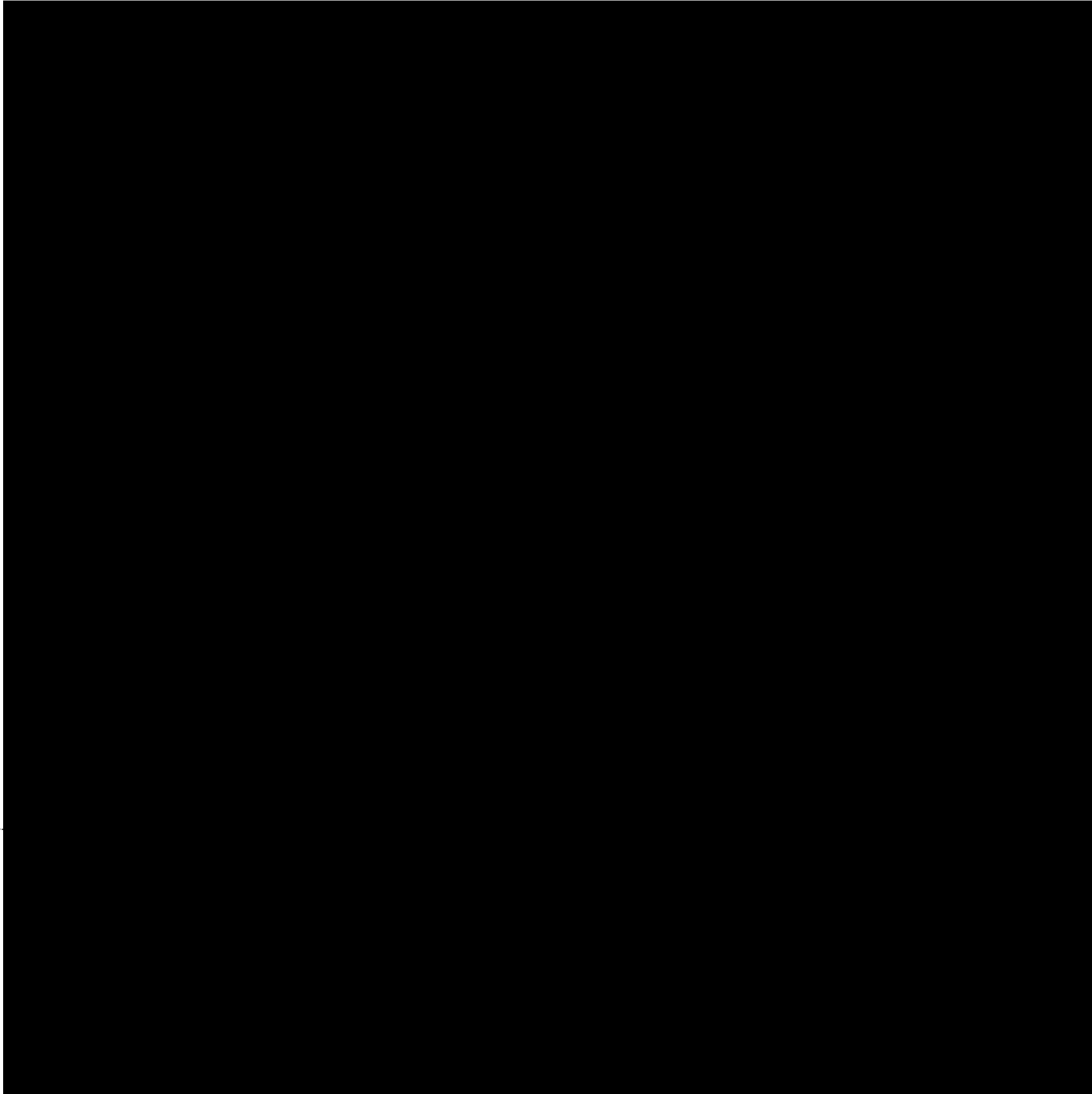
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*<https://diversity.umn.edu/eoaa/>*

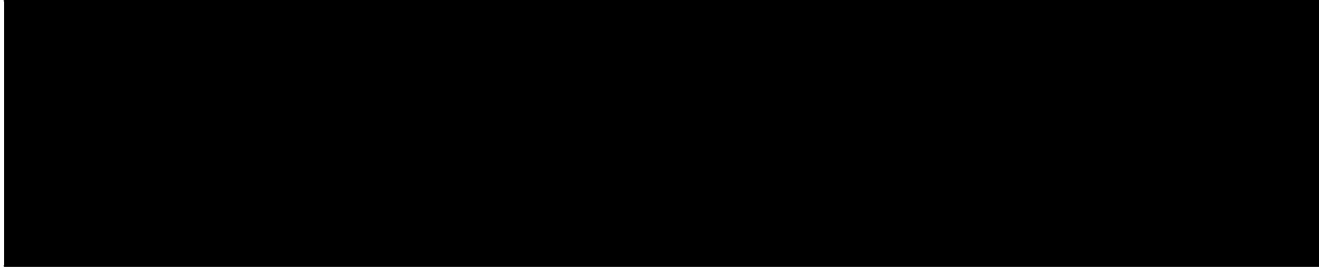
*E-mail: [eoaa@umn.edu](mailto:eoaa@umn.edu)*

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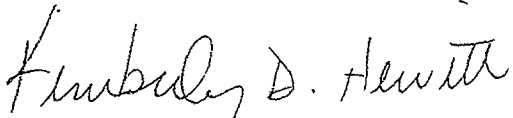
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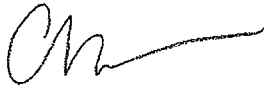




Sincerely,



Kimberly D. Hewitt, Director  
Office of Equal Opportunity and Affirmative Action



Tina Marisam, Associate to the Director  
Office of Equal Opportunity and Affirmative Action

cc: Norwood Teague  
Marc Ryan  
Beth Goetz

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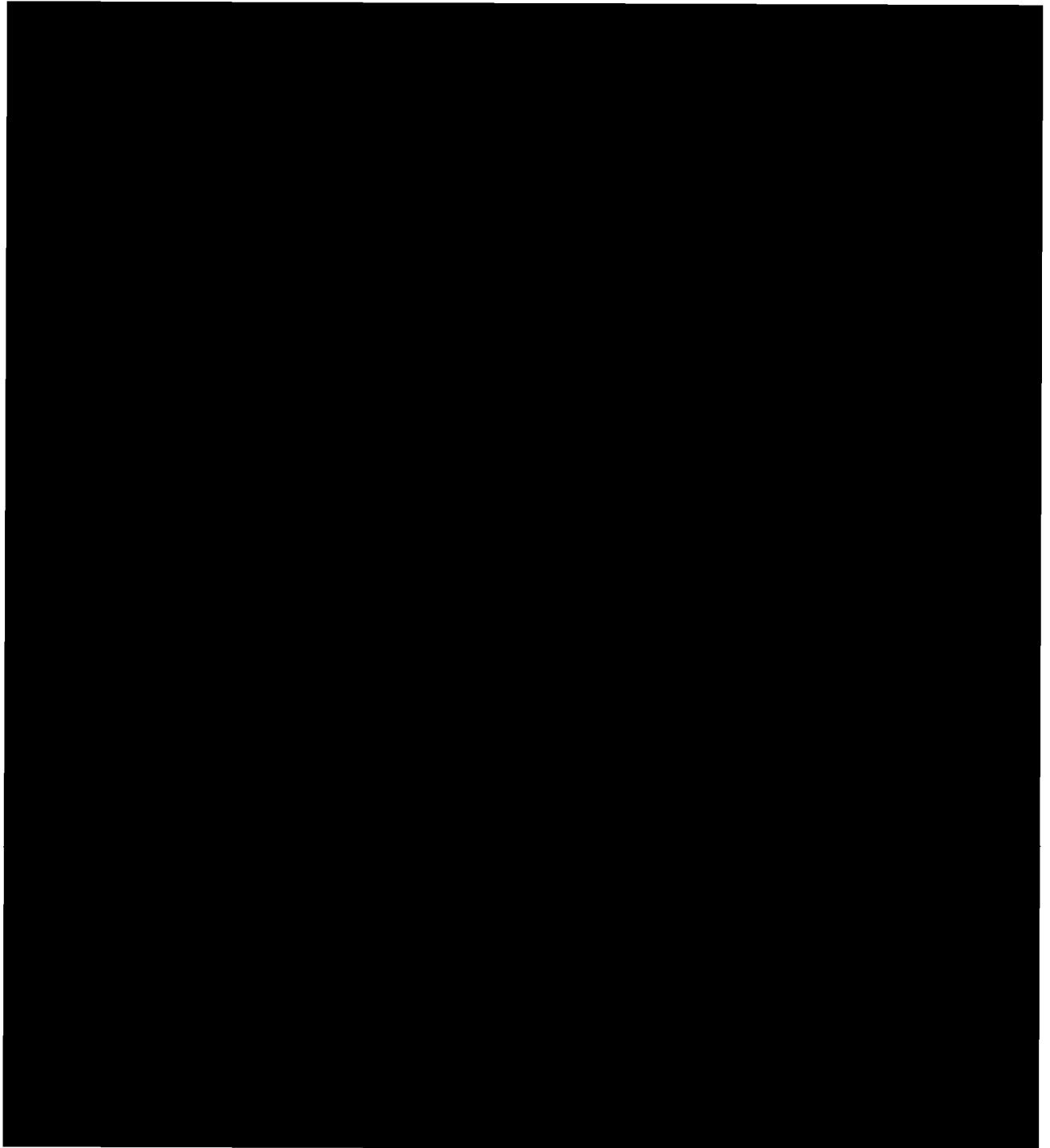
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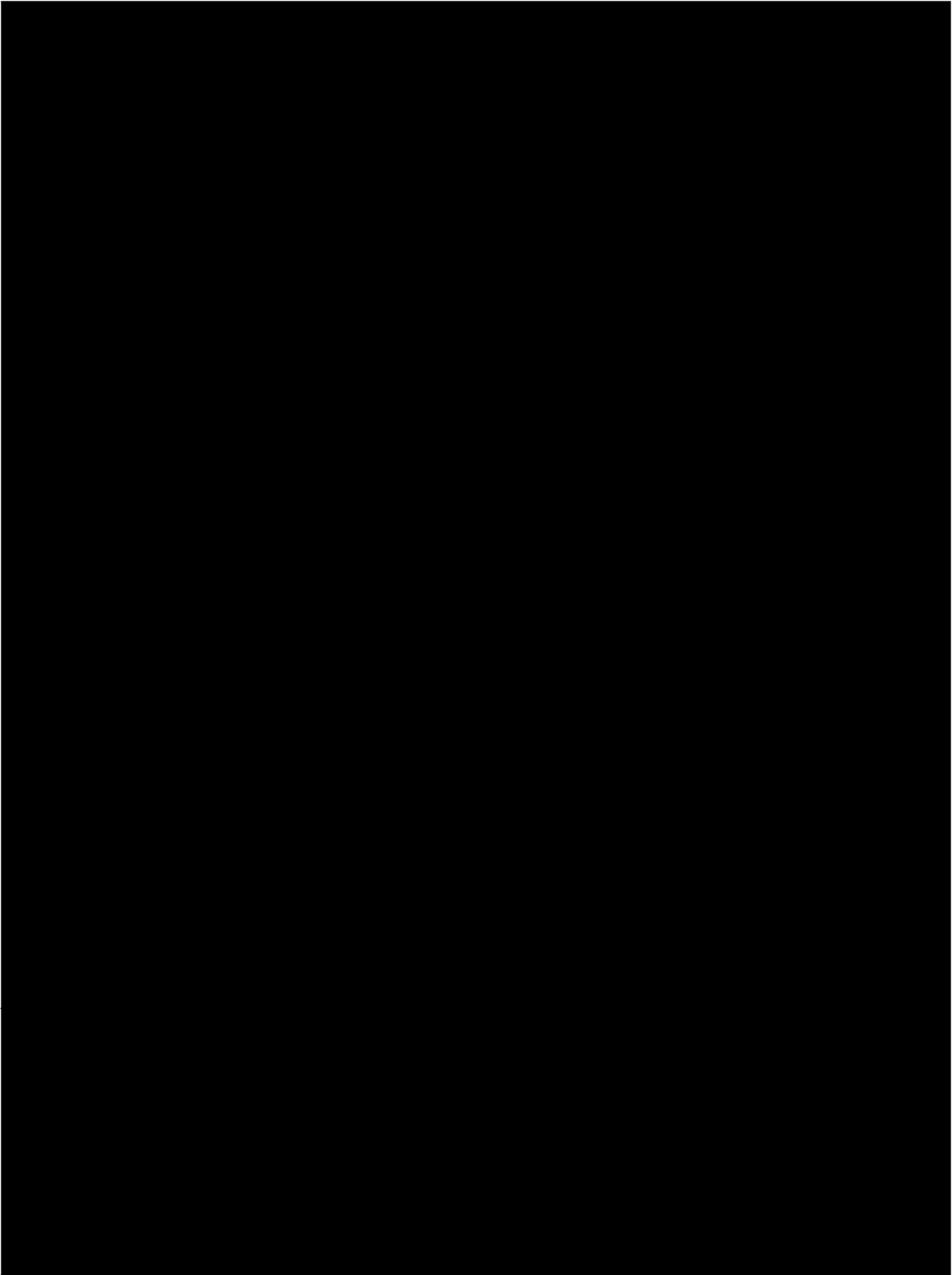
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<https://diversity.umn.edu/eoaa/>  
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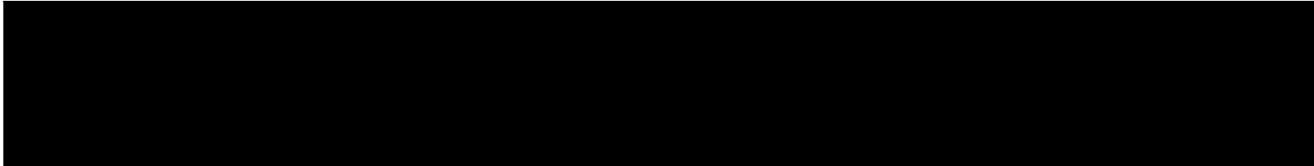
**PRIVATE AND CONFIDENTIAL**

November 6, 2013

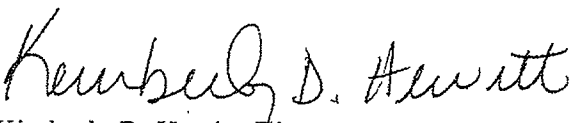


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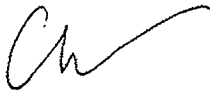




Sincerely,



Kimberly D. Hewitt, Director  
Office of Equal Opportunity and Affirmative Action



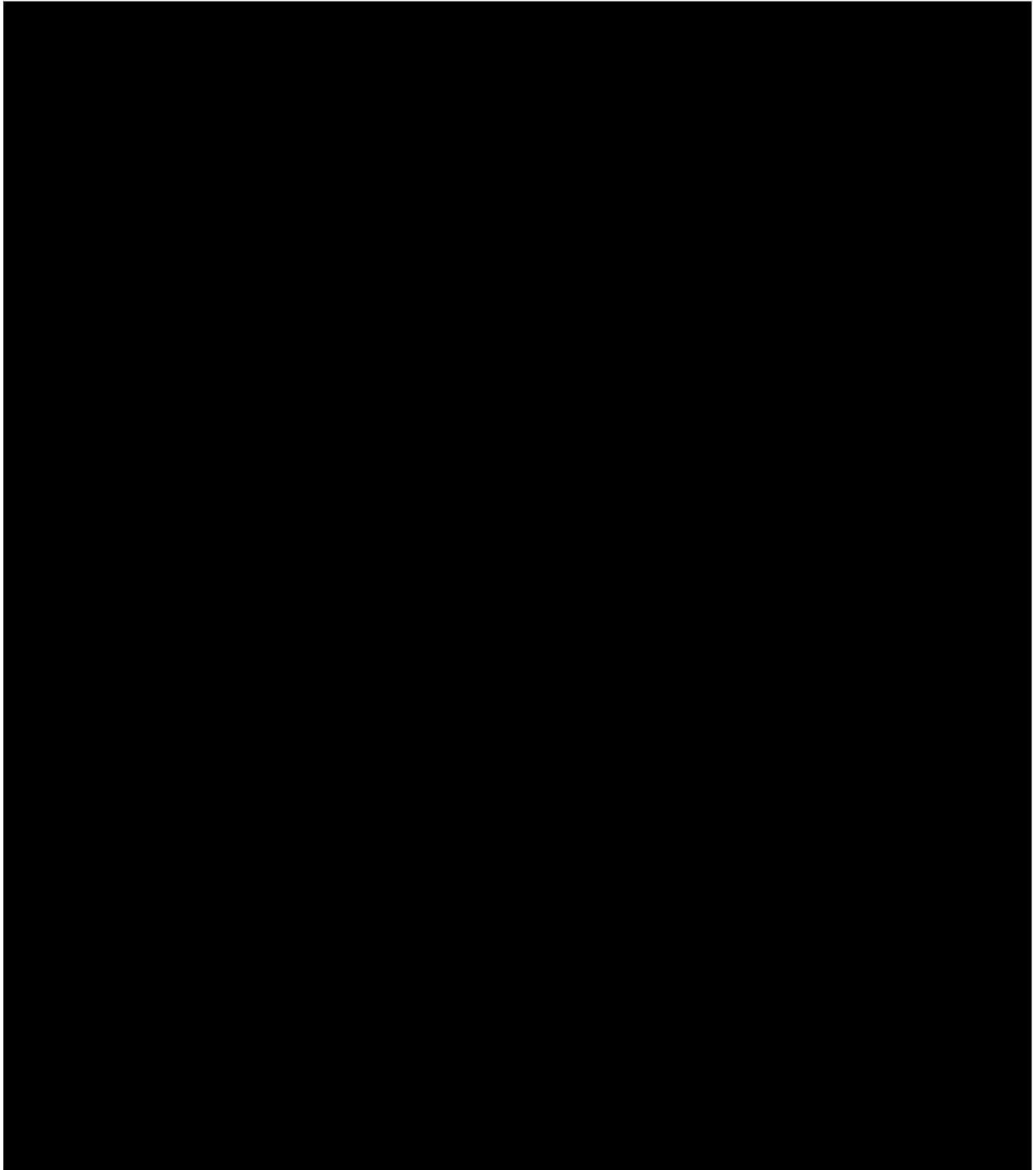
Tina Marisam, Associate to the Director  
Office of Equal Opportunity and Affirmative Action

cc: Marc Ryan  
Beth Goetz

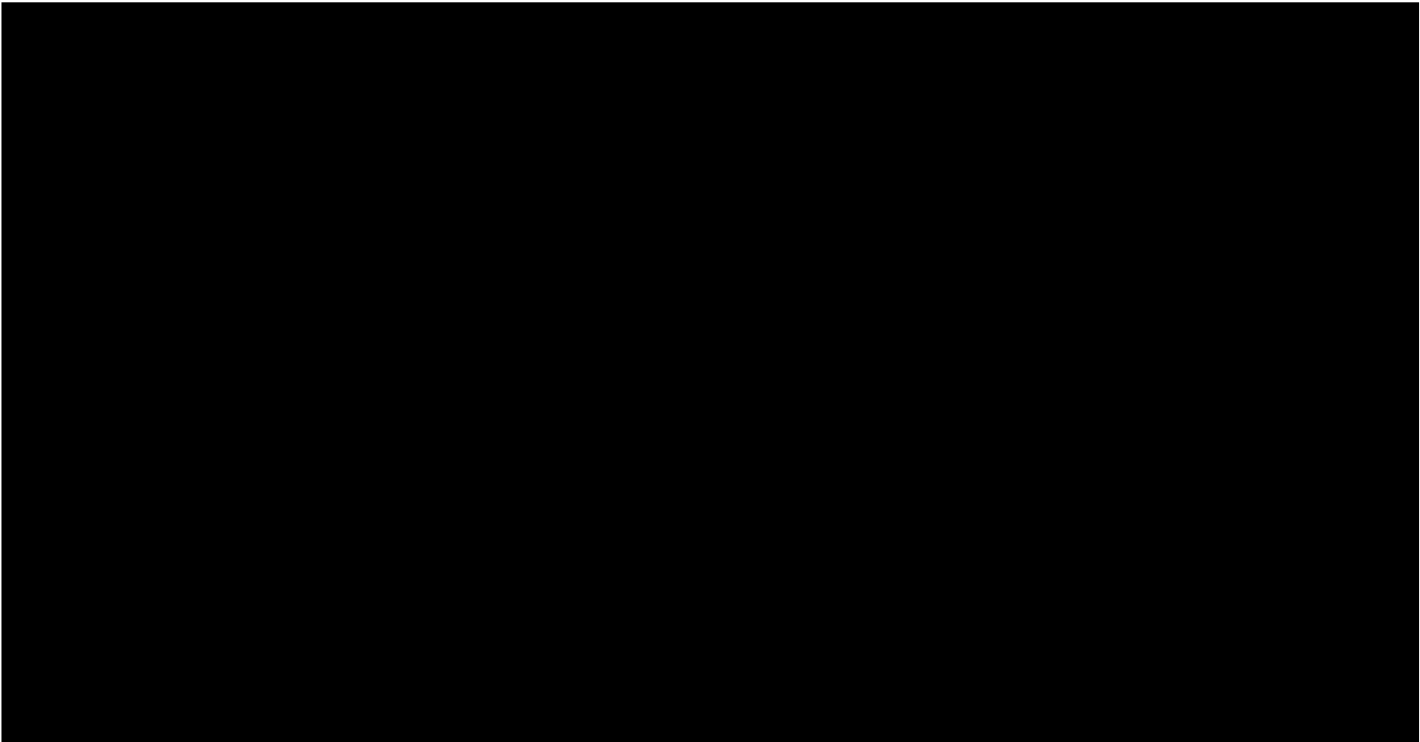
To: Norwood Teague, Athletic Director

From: Mike Overline, Human Resources Consulting Manager

Date: March 19, 2013



**Exhibit 79**



# UNIVERSITY OF MINNESOTA

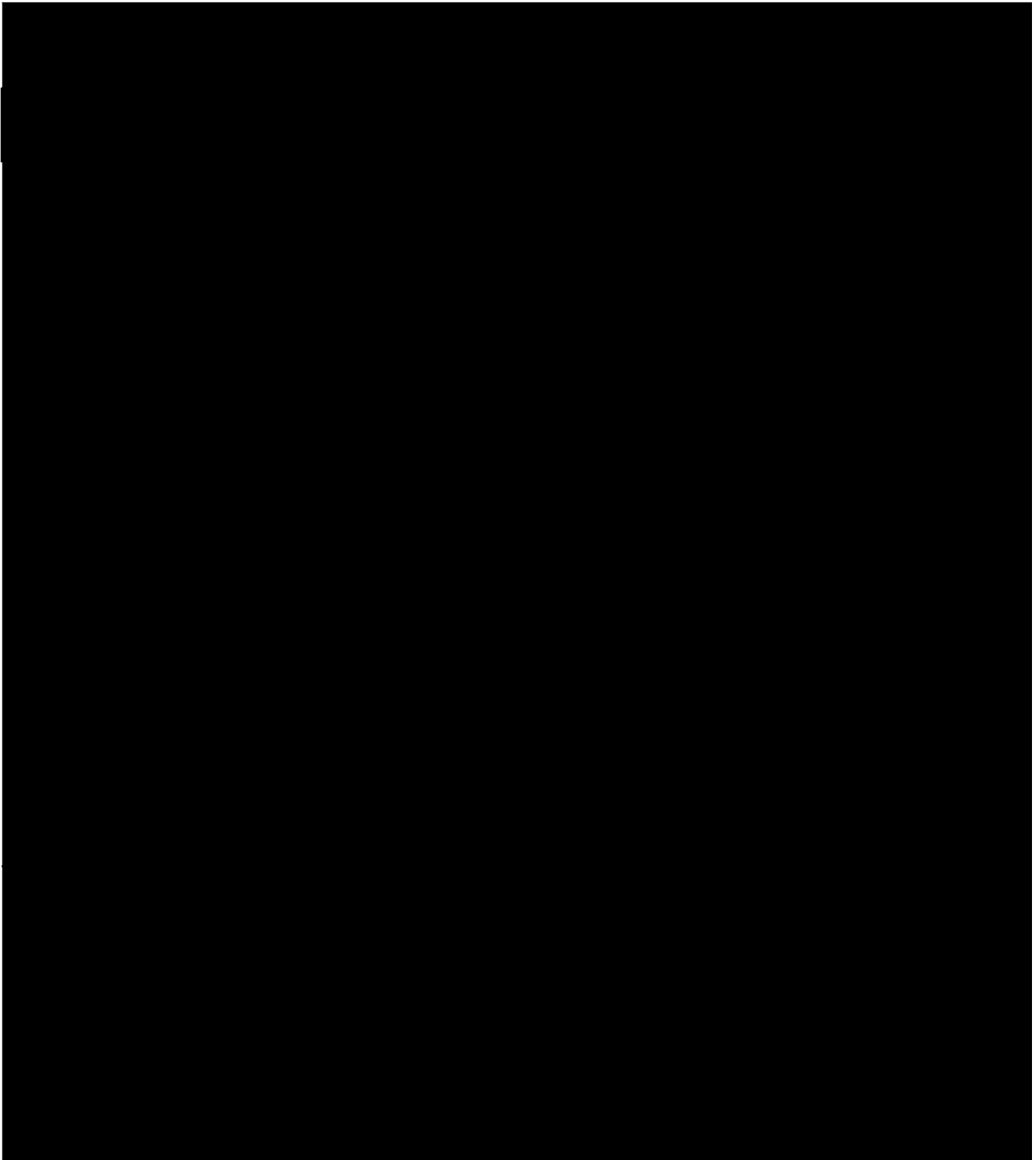
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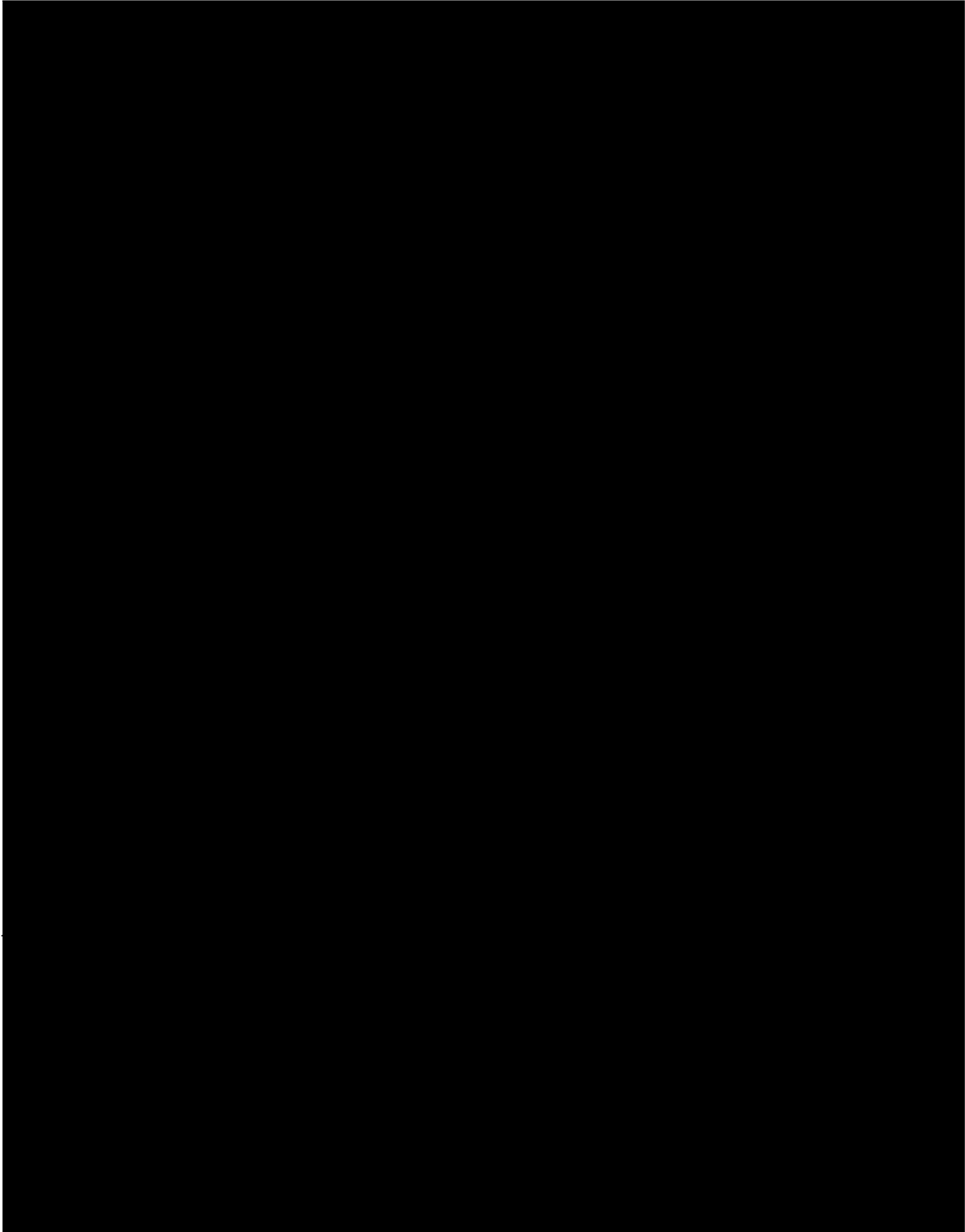
*Office of Equal Opportunity and Affirmative  
Action  
Office for Equity and Diversity*

*274 McNamara Alumni Center  
200 Oak Street S.E.  
Minneapolis, MN 55455*

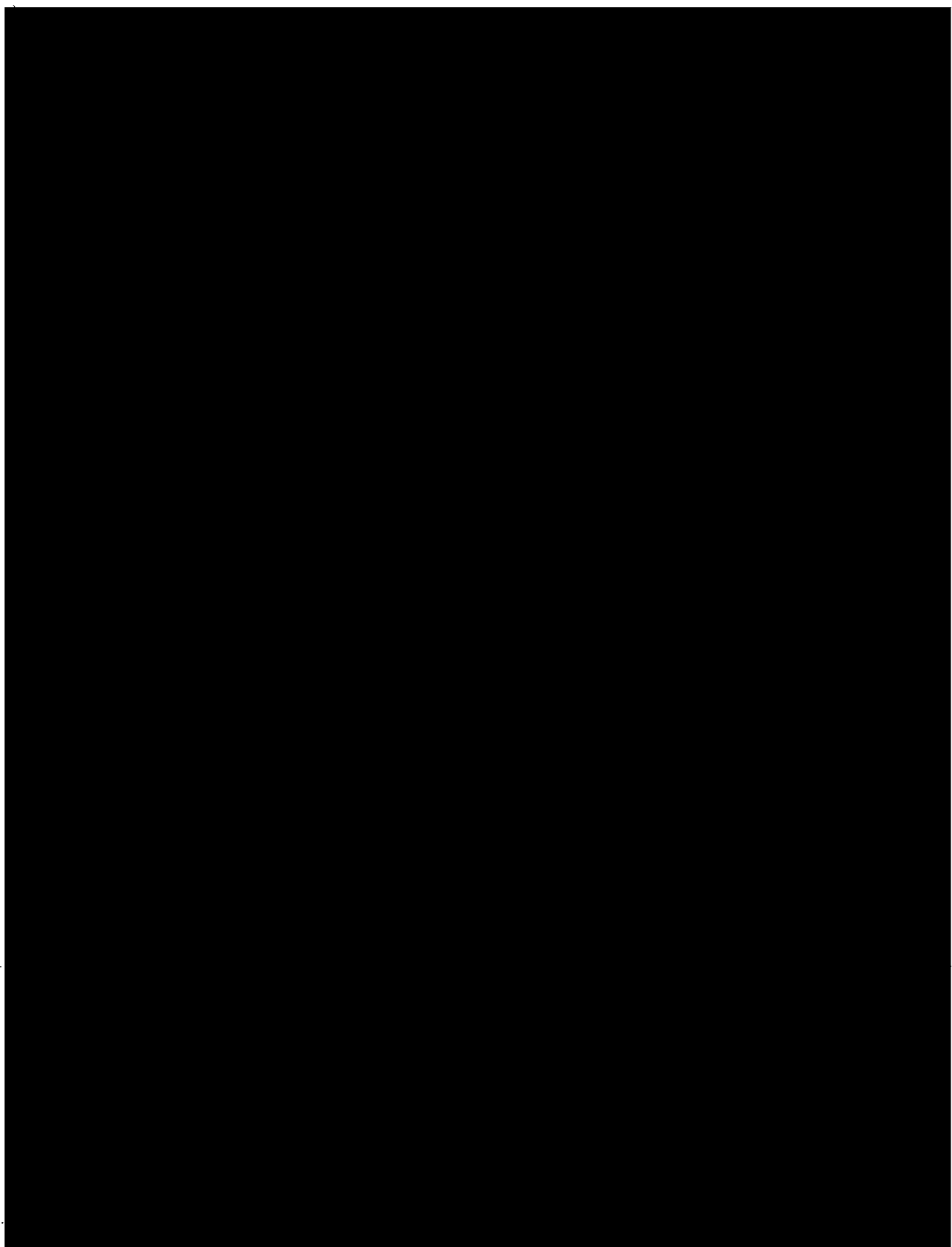
*Office: 612-624-9547  
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Email: [eoaa@umn.edu](mailto:eoaa@umn.edu)*

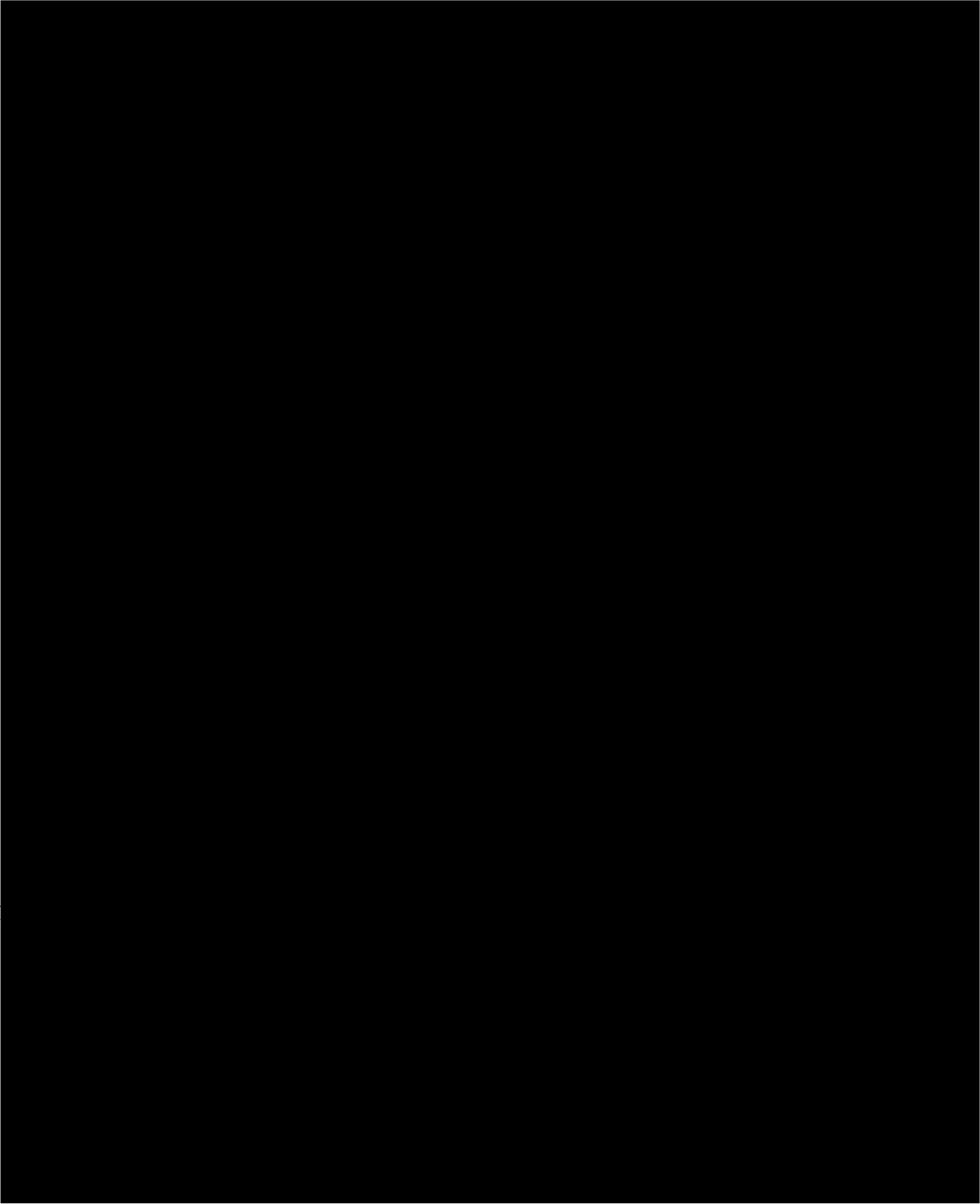
June 4, 2014

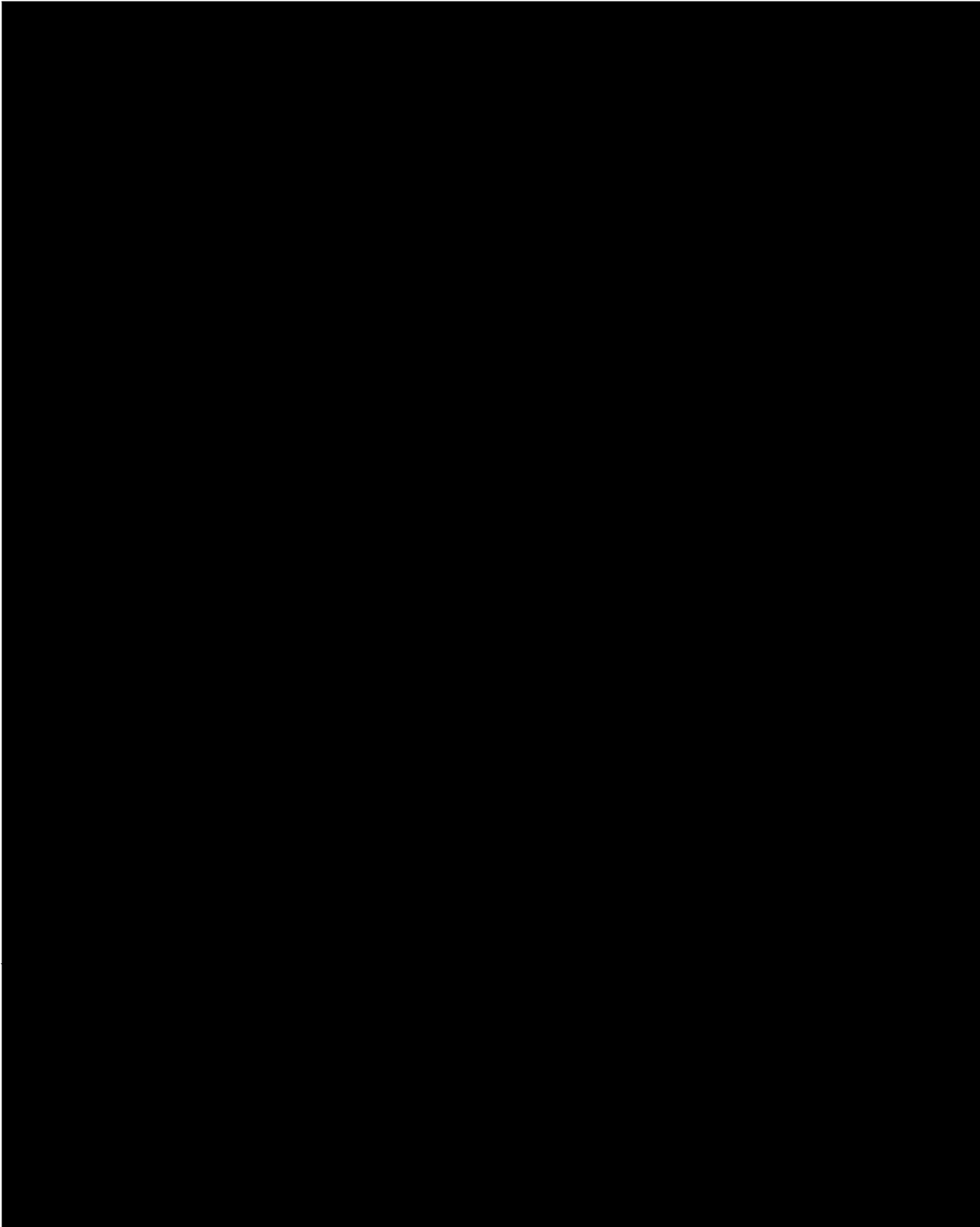


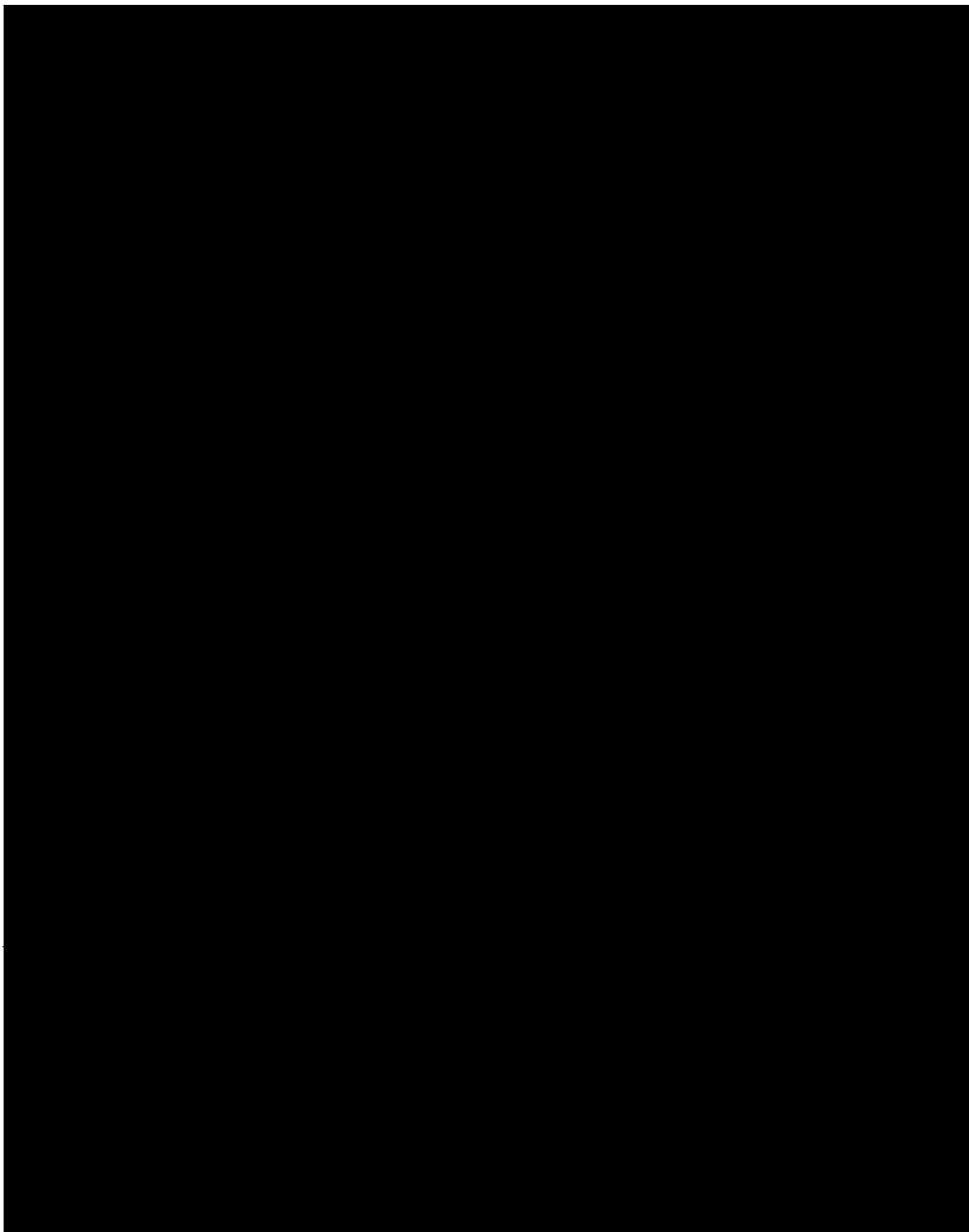


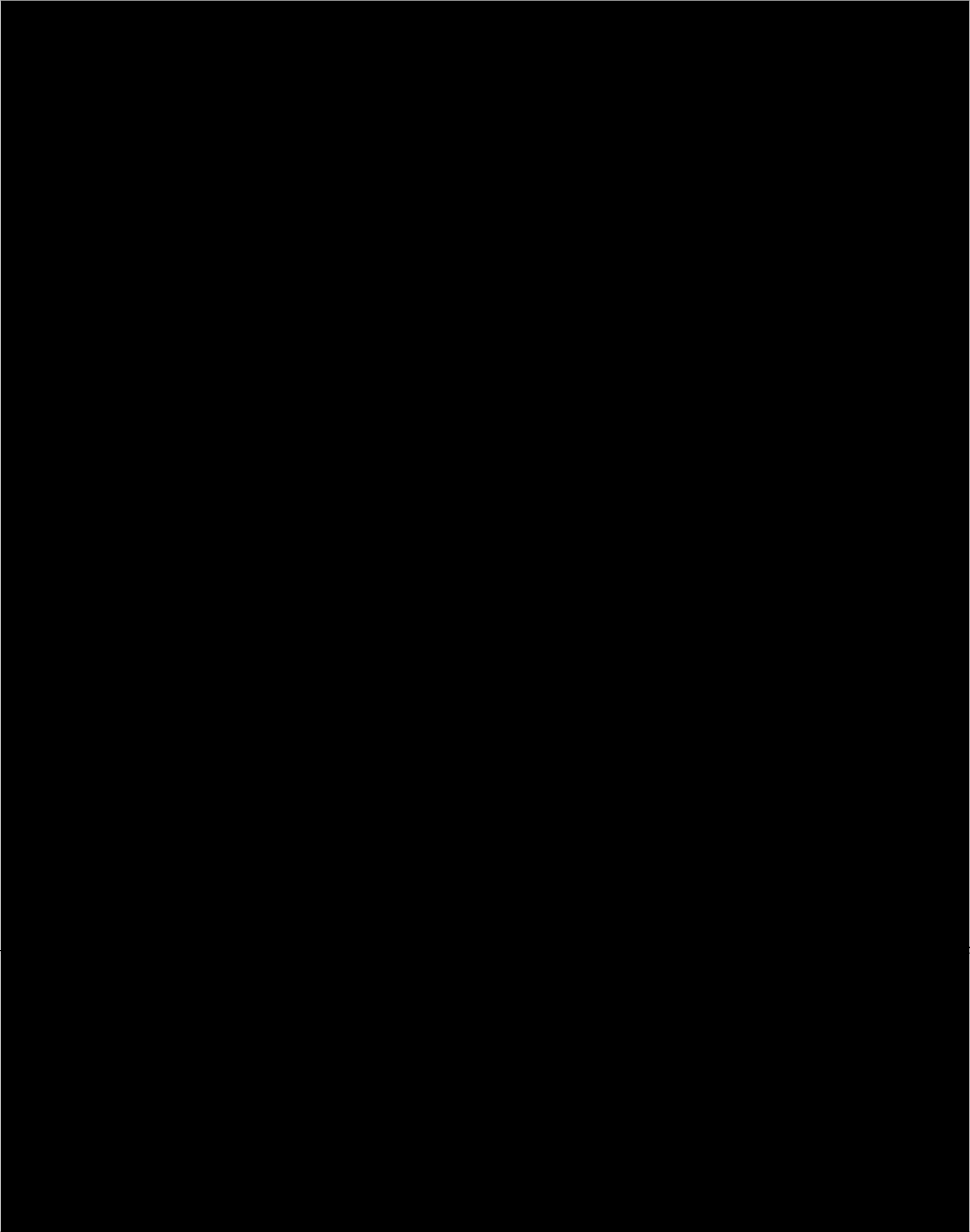


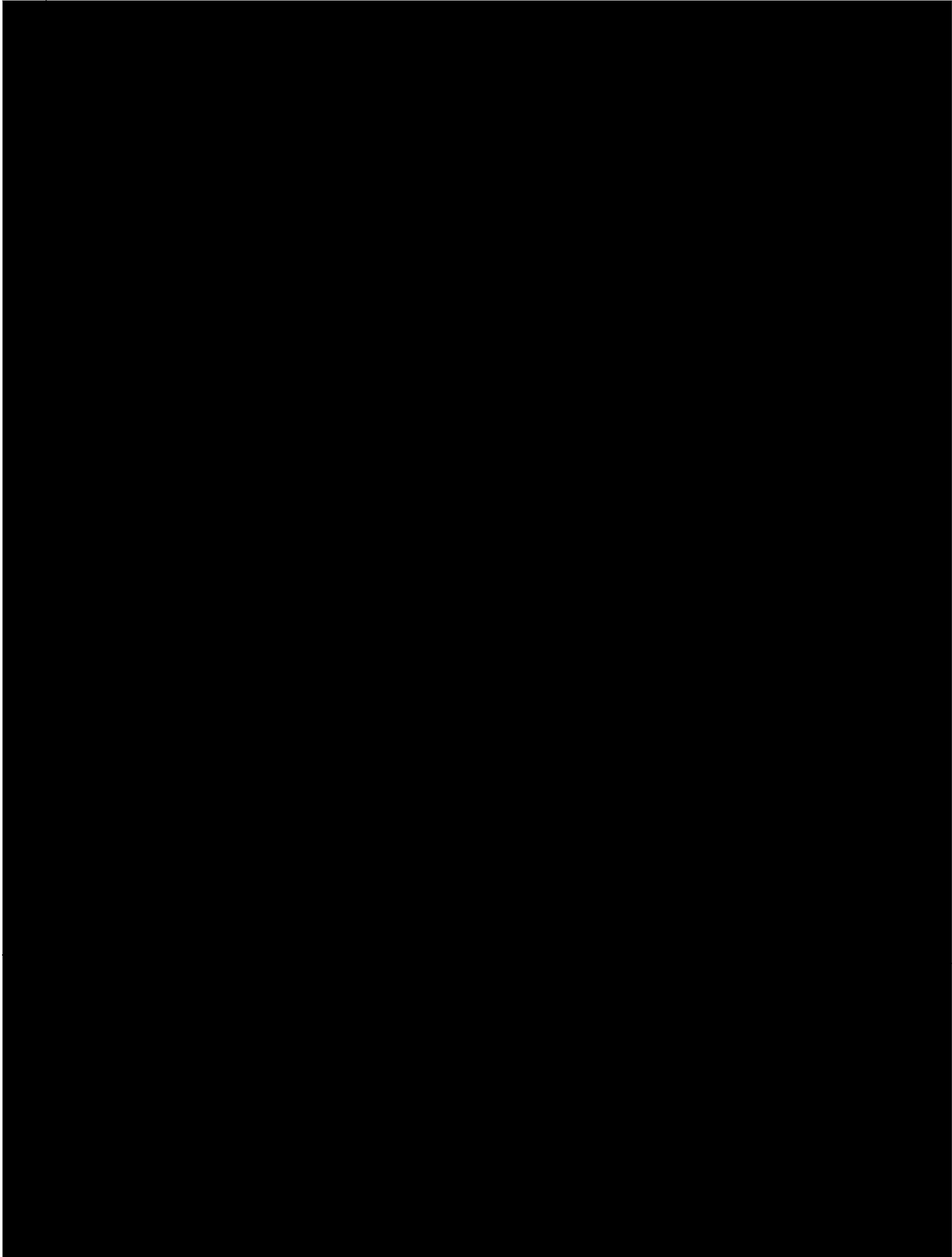


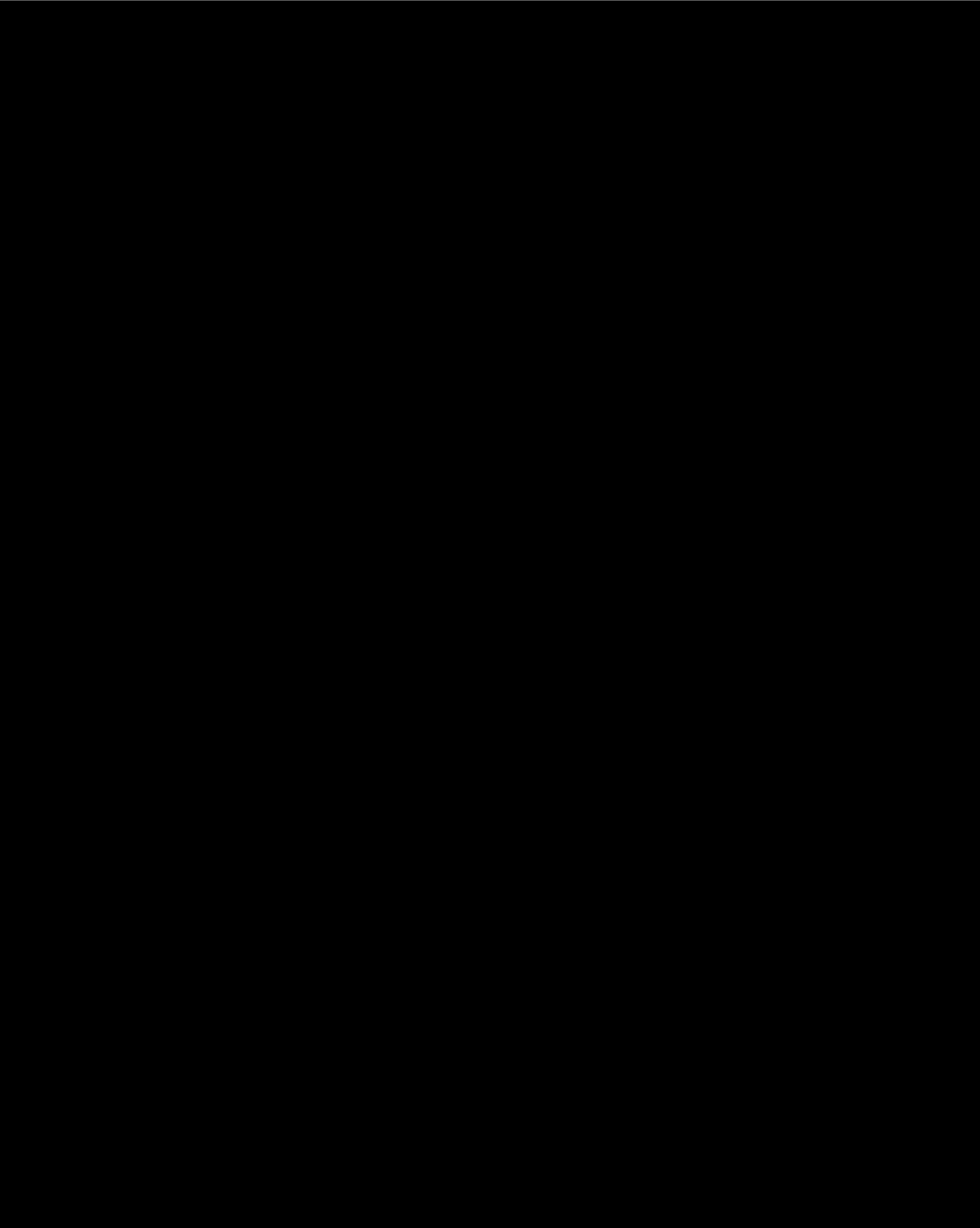


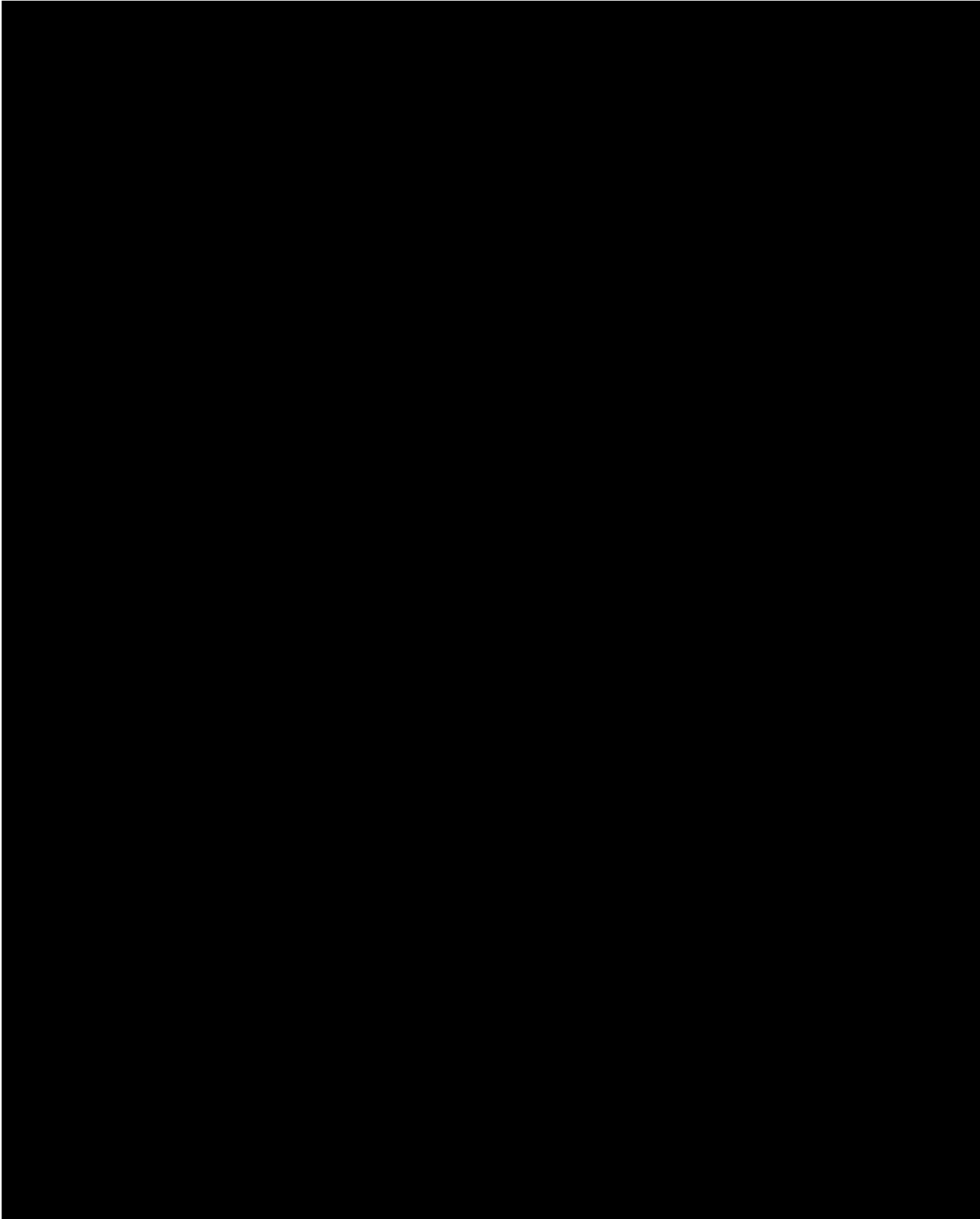




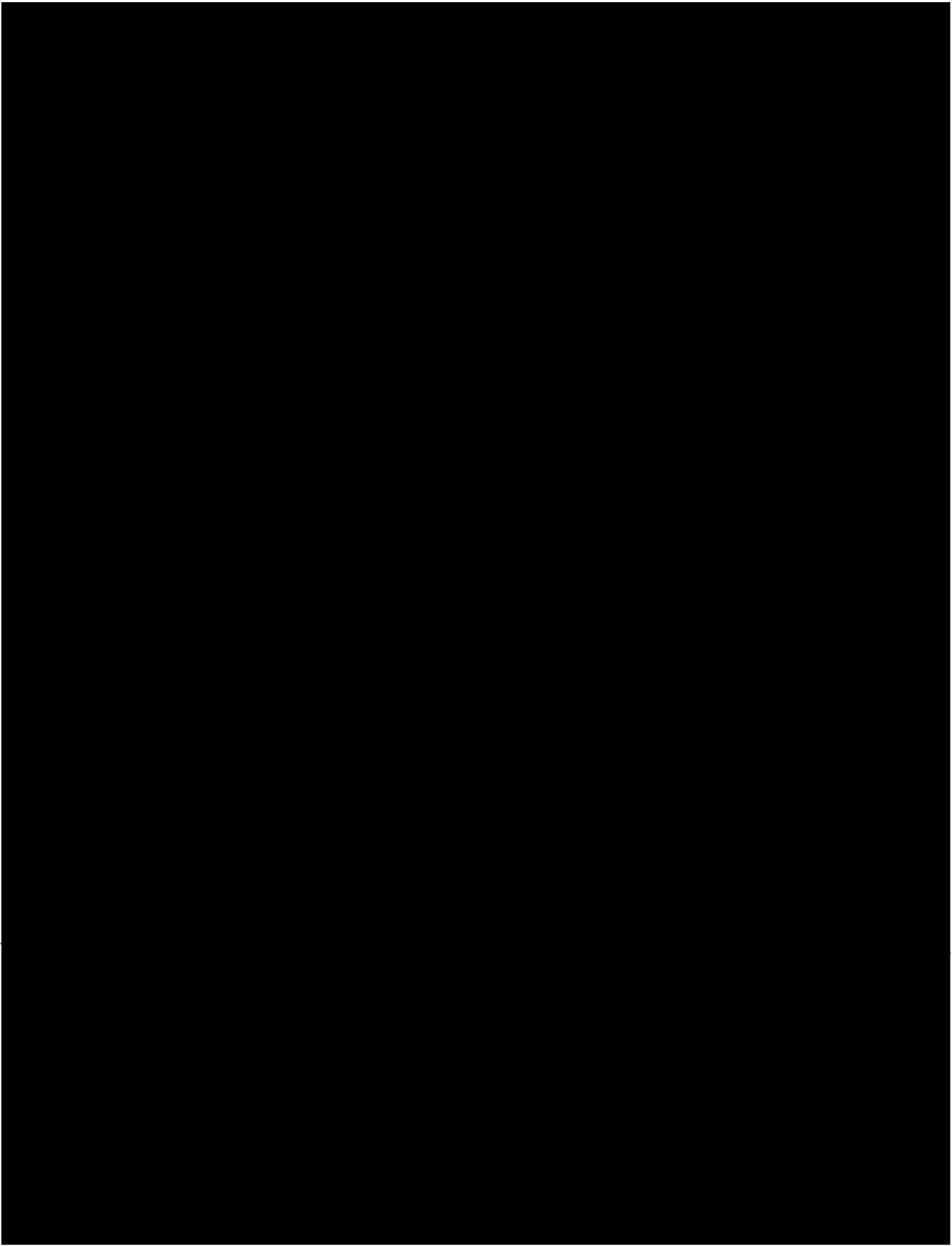


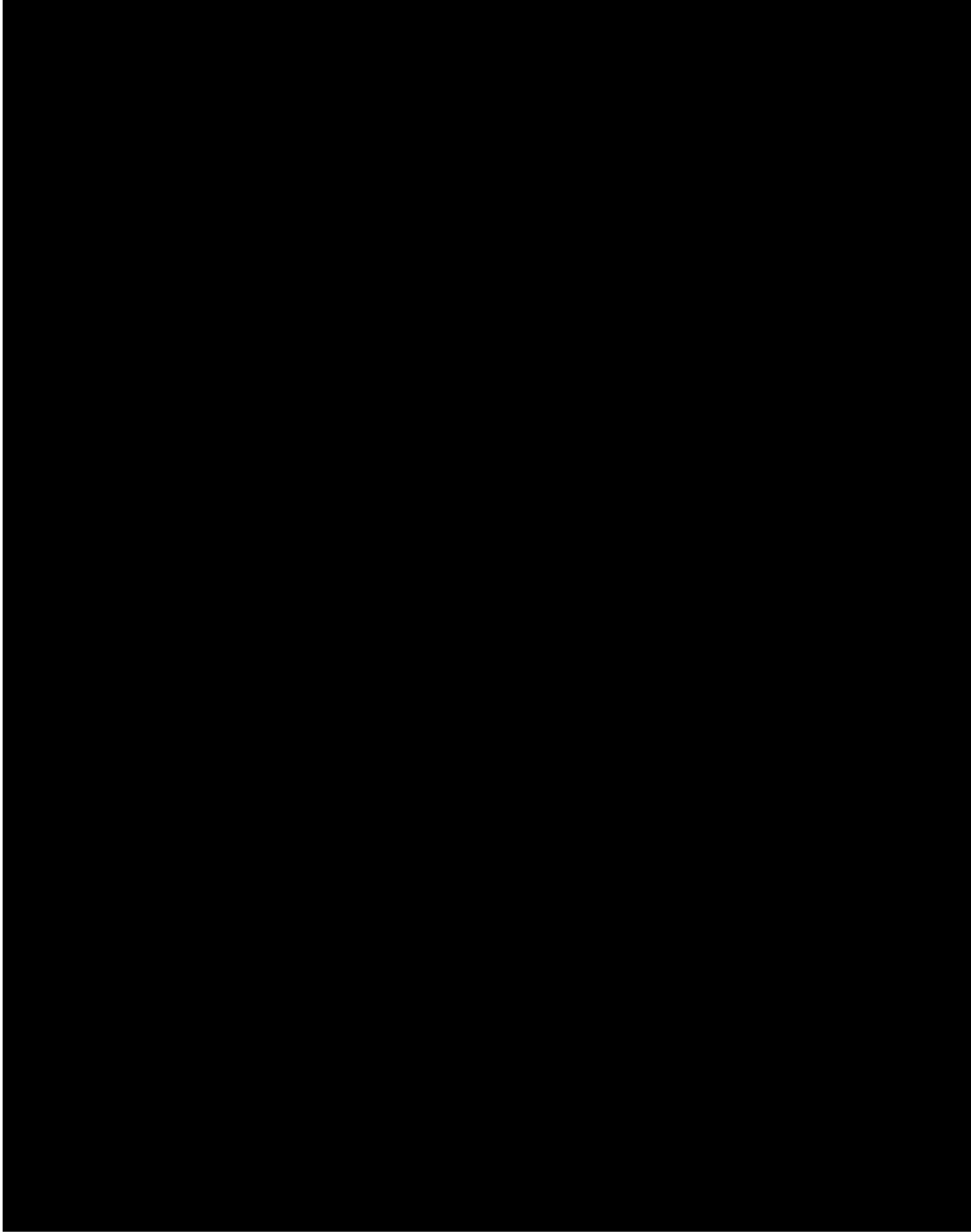












Sincerely,



Kimberly D. Hewitt, Director  
Office of Equal Opportunity and Affirmative Action



Tina Marisam, Associate to the Director  
Office of Equal Opportunity and Affirmative Action

cc: Norwood Teague  
Marc Ryan  
Beth Goetz

UNIVERSITY OF MINNESOTA

Twin Cities Campus

Office of Equal Opportunity and Affirmative Action  
Office for Equity and Diversity

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<https://diversity.umn.edu/eoaa/>  
Email: [eoaa@umn.edu](mailto:eoaa@umn.edu)

June 4, 2014

Meg Stephenson  
[address on file]



Dear Ms. Stephenson and [redacted]

The Office of Equal Opportunity and Affirmative Action (“EOAA”) has completed its investigation of whether Meg Stephenson’s treatment of [redacted] violated the University’s anti-retaliation policies.

Ms. Stephenson is Head Coach of the women’s gymnastics team. [redacted]



In this case, [redacted] claims that Ms. Stephenson retaliated against [redacted] for participating in the Prior Investigation by: (1) expressing overt hostility toward [redacted] in the weeks after the Prior Investigation began; (2) [redacted]

EOAA Associate Tina Marisam investigated whether Ms. Stephenson violated the University’s *Equity, Diversity, Equal Opportunity and Affirmative Action* and/or *Sexual Harassment* policies, which prohibit retaliation. Retaliation is “any form of intimidation, reprisal or harassment against an individual because the individual has made a report of sexual harassment or has participated in an investigation of sexual harassment . . .” In the course of this investigation, Ms. Marisam interviewed Ms. Stephenson, [redacted] [redacted] witnesses to collect relevant information. This letter summarizes [redacted] concerns and our Office’s findings. It proceeds as follows:

- I: Evidence Of Ms. Stephenson’s Understanding Of [redacted] In The Prior Investigation
- II: Hostility Toward [redacted] In The Weeks After The Prior Investigation Began (Policy violation finding)
- III: [redacted]

IV:

[REDACTED]

V: Conclusions

**I. EVIDENCE OF MS. STEPHENSON'S UNDERSTANDING OF PARTICIPATION IN THE PRIOR INVESTIGATION**

[REDACTED] believes that Ms. Stephenson assumes that [REDACTED] (1) conspired with gymnasts [REDACTED] Prior Investigation; and (2) made the complaint that led to the Prior Investigation. Ms. Stephenson reported that she does not know whether [REDACTED] had any role in the Prior Investigation. However, she reported her belief that [REDACTED]. She also reported noticing that [REDACTED] was "very tight" with the same gymnasts who behaved hostilely toward her after the Prior Investigation began.

[REDACTED] reported that Ms. Stephenson blamed [REDACTED] Ms. Stephenson and [REDACTED] administrators who spoke with Ms. Stephenson during and after the Prior Investigation similarly reported that Ms. Stephenson appeared to blame [REDACTED]. In response, one Athletics administrator reported repeatedly telling Ms. Stephenson that [REDACTED].

Ms. Stephenson is aware of some information indicating that [REDACTED] the Prior Investigation. First, approximately a month before the Prior Investigation, [REDACTED] relayed those concerns to Ms. Stephenson. Ms. Stephenson learned from reading the Prior Investigation's findings report that [REDACTED].

Second, Ms. Stephenson learned that [REDACTED] Prior Investigation. [REDACTED] did not report this concern to Ms. Stephenson, but reported it to the EOAA during the Prior Investigation. Ms. Stephenson acknowledged wondering [REDACTED] reported it to the EOAA. Based on a discussion [REDACTED].

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<sup>1</sup> Ms. Stephenson does not recall making this comment.

## II. HOSTILITY TOWARD ██████████ IN THE WEEKS AFTER THE PRIOR INVESTIGATION BEGAN

### A. NOVEMBER 21 MEETING BETWEEN MS. STEPHENSON AND ██████████

Athletics administrators reported that the already-troubled relationship between Ms. Stephenson and ██████████ rapidly deteriorated after the Prior Investigation began.<sup>2</sup> In response, they asked Ms. Stephenson and ██████████ to meet with the team's sports psychologist on November 21, 2013. ██████████ reported that Ms. Stephenson expressed extreme anger and hostility toward ██████████ during that meeting. In particular, ██████████ reported that Ms. Stephenson said:

- That she does not trust ██████████ and had never trusted ██████████. Ms. Stephenson denied saying that she had never trusted ██████████. Ms. Stephenson attributed her mistrust at the time to ██████████ frequent secretive conversations with ██████████ during and after the Prior Investigation.
- That she did not know whether she would be able to trust ██████████ going forward and that it would take a lot of work. Ms. Stephenson did not recall making this statement.
- That they would have to wait and see whether their relationship could be repaired. Ms. Stephenson did not recall making this statement.
- That ██████████ had a lot more to do with the Prior Investigation and knew more about the Prior Investigation than ██████████ "was letting on." Ms. Stephenson did not recall making this comment, but acknowledged that she might have.
- That she did not like ██████████. Ms. Stephenson did not recall making this statement.
- That she believed that ██████████ before the Prior Investigation. Ms. Stephenson did not recall making this statement.
- That she blamed ██████████ for not informing her about ██████████ before the Prior Investigation. Ms. Stephenson reported that she said, "I wish you would have come to me," but did not use the word "blame."
- That ██████████ had been "trash-talking and creating irreversible damage." Ms. Stephenson acknowledged making this comment.

██████████ reported that both ██████████ and the sports psychologist were shocked by the hostility Ms. Stephenson expressed toward ██████████. Ms. Stephenson reported that she hoped to make progress in their relationship during that meeting and did not have a hostile or angry demeanor. She recalled expressing her willingness to move forward in their relationship, which ██████████

acknowledged. Ms. Stephenson reported that ██████ sat with ██████ back partially turned to her, and did not look at her during the meeting.

The EOAA was unable to speak with the team's sports psychologist due to his professional confidentiality requirements. However, we considered the following additional evidence regarding ██████ allegation that Ms. Stephenson expressed extreme hostility and anger toward ██████ in the November 21 meeting:

- After meeting individually with ██████ on November 14, the sports psychologist reported to Athletics administrators that he felt hopeful that ██████ and Ms. Stephenson could move forward as colleagues. Ms. Stephenson then wrote two emails around November 16 to the sports psychologist expressing significant anger toward ██████. For example, she wrote about ██████:

I have taken the leadership role all week, while ██████ has been able to freely give ██████ opinions to the ██████ and continue to turn them against me. I know that sounds like the blamer, but that is what is happening. ██████ has been talking to them about all of this for who knows how long and I am not able to talk to them at all. They have never heard from me about what has happened. When will they get to hear from me? I just feel that ██████ has had so much time to manipulate them that I am not sure the ██████ will ever listen to me.

After receiving Ms. Stephenson's emails, the sports psychologist reportedly reduced the probability of the November 21 meeting helping ██████ and Ms. Stephenson's relationship to less than 5%.

- ██████ reported that the sports psychologist complimented ██████ after the November 21 meeting for handling ██████ well in such a tough meeting with Ms. Stephenson.
- The ██████ reported that ██████ approached the sports psychologist shortly after the November 21 meeting because ██████ was concerned about the meeting's significant negative impact on ██████. ██████ reported that the psychologist said something like, "the only good thing that came out of that meeting between Meg and ██████ is that we now know where Meg stands with regard to ██████." ██████ further reported the psychologist saying something like, "the meeting was awful and I have never before been part of anything like that."
- ██████ reported ██████ concerns that Ms. Stephenson had expressed tremendous blame and animosity towards ██████ in the November 21 meeting to an Athletics administrator a few weeks later and to the EOAA a few months later. ██████ similarly described Ms. Stephenson's specific comments in each of those reports.
- Ms. Stephenson made comments outside of the November 21 meeting expressing similar emotions of blame, anger and mistrust toward ██████, as discussed in the following section.

**B. EXAMPLES OF MS. STEPHENSON'S CONDUCT TOWARD [REDACTED] IN THE WEEKS AFTER THE PRIOR INVESTIGATION BEGAN**

[REDACTED] others reported that Ms. Stephenson subjected [REDACTED] to harsh glares and hostile comments in the weeks after the Prior Investigation began.<sup>3</sup> For example:

- Ms. Stephenson initiated the following text message exchange with [REDACTED] on October 17 after she learned about the Prior Investigation:

Ms. Stephenson: "Interesting that you have not [REDACTED]"

[REDACTED]: I am trying to rap my head around this too. I support you I just don't know what to do.

Ms. Stephenson: [REDACTED]

[REDACTED]: "Meg, I am not."

Ms. Stephenson: "Can't tell u how horrible this day has been. [REDACTED]"

Ms. Stephenson: "If I can overcome . . ."

- On the day that Ms. Stephenson learned about the Prior Investigation, she approached [REDACTED] who had stopped by practice. Ms. Stephenson asked [REDACTED] was doing at practice and [REDACTED]
- A staff member reported that Ms. Stephenson opined that [REDACTED] wants her head-coaching job shortly after she learned about the Prior Investigation. Ms. Stephenson denied making this comment.
- Ms. Stephenson asked [REDACTED] and other staff members whether they had been aware of [REDACTED] before the Prior Investigation.
- Ms. Stephenson told [REDACTED] that some things in the [REDACTED] Prior Investigation were unfounded.
- Athletics administrators reported that Ms. Stephenson expressed: (1) anger, blame and mistrust toward [REDACTED] after the Prior Investigation began; and (2) her belief that

<sup>3</sup> Evidence indicates that Ms. Stephenson made occasional suspicious or angry comments about a number of team and staff members in the days after the Prior Investigation began. She reported that she "had to take stock of the behavior of everyone and figure out how to move forward." However, [REDACTED] believes that her increased negative attention toward [REDACTED] was significantly greater than toward others.



[REDACTED]  
[REDACTED] before the Prior Investigation.

- [REDACTED] reported that Ms. Stephenson pointed her finger at [REDACTED] and told [REDACTED] that [REDACTED] could no longer use the refrigerator in the gymnasts' locker room. [REDACTED] reported subsequently having no refrigerator access at work for several months. Ms. Stephenson denied pointing her finger at [REDACTED]. She reported telling [REDACTED] and the [REDACTED] not to use her office when she was absent, and that [REDACTED] must ensure that no gymnasts were present in the locker room before entering to use the refrigerator.<sup>4</sup>
- Shortly after the Prior Investigation, Ms. Stephenson commented to a staff member something like, "Do you think it's odd [REDACTED] I don't know. [REDACTED]"
- A staff member reported that Ms. Stephenson stated that she wished her staff had given her the opportunity to make things right by reporting [REDACTED] concerns to her. The staff member assumed that Ms. Stephenson was referring to [REDACTED]. Ms. Stephenson reported saying that she wished *someone* had informed her of the [REDACTED] concerns.

C. **IMPACT ON [REDACTED]**

[REDACTED] reported that Ms. Stephenson's hostile looks and comments to [REDACTED] in the weeks after the Prior Investigation began took a significant toll on [REDACTED] well-being and mental health and interfered with [REDACTED] ability to perform [REDACTED] job. In particular, [REDACTED] reported that Ms. Stephenson's anger toward [REDACTED] in the November 21 meeting led [REDACTED] to believe that Ms. Stephenson was unwilling to work with [REDACTED], made [REDACTED] fear for [REDACTED] job, and made [REDACTED] self-conscious of [REDACTED] every comment and interaction in Ms. Stephenson's presence. To preserve [REDACTED]  
[REDACTED]

D. **ANALYSIS AND CONCLUSIONS: HOSTILITY TOWARD [REDACTED] IN THE WEEKS AFTER THE PRIOR INVESTIGATION BEGAN**

[REDACTED] claims that Ms. Stephenson retaliated against [REDACTED] by expressing her significant anger, blame and mistrust toward [REDACTED] personally, Athletics administrators and others because of her assumptions about [REDACTED] participation in the Prior Investigation. Ms. Stephenson denies this. However, the following significant evidence supports [REDACTED] claim:

<sup>4</sup> The [REDACTED] does not recall Ms. Stephenson pointing her finger at [REDACTED] or instructing [REDACTED] not to use the refrigerator. [REDACTED] expressed concern that the [REDACTED] is biased in favor of Ms. Stephenson because the [REDACTED] and they have a strong working relationship and friendship.

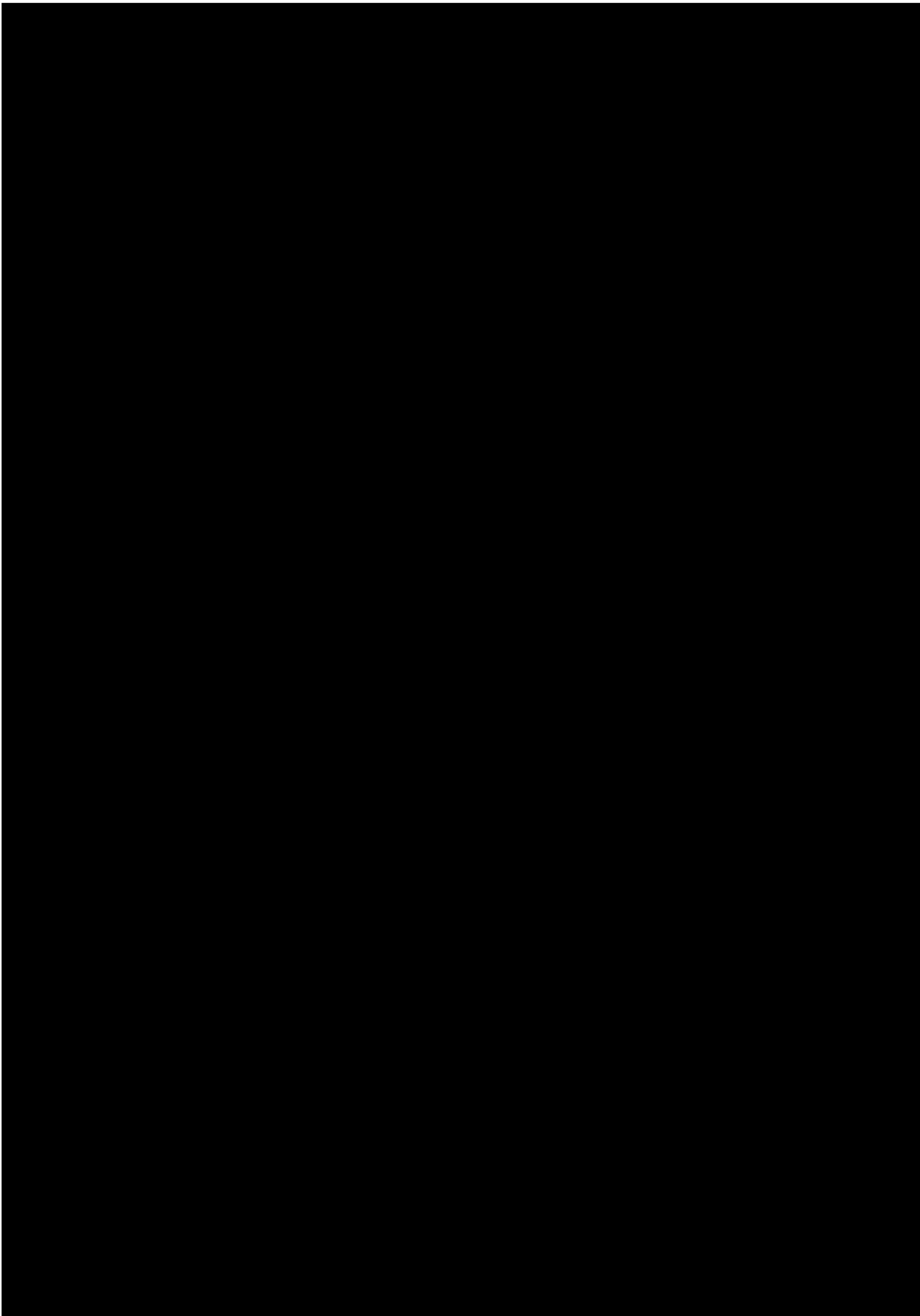
- Ms. Stephenson’s November 16 emails to the team’s sports psychologist expressing hostility toward ██████████ for ██████████ “about all of this,” in an apparent reference to the substance of the Prior Investigation.
- ██████████ reports and other evidence that Ms. Stephenson expressed extreme hostility toward ██████████ in the November 21 meeting and on other occasions shortly after the Prior Investigation began.
- Athletics administrators’ reports that Ms. Stephenson: (1) expressed anger, blame and mistrust toward ██████████ after the Prior Investigation began; and (2) indicated her belief that ██████████ had conspired ██████████ before the Prior Investigation.

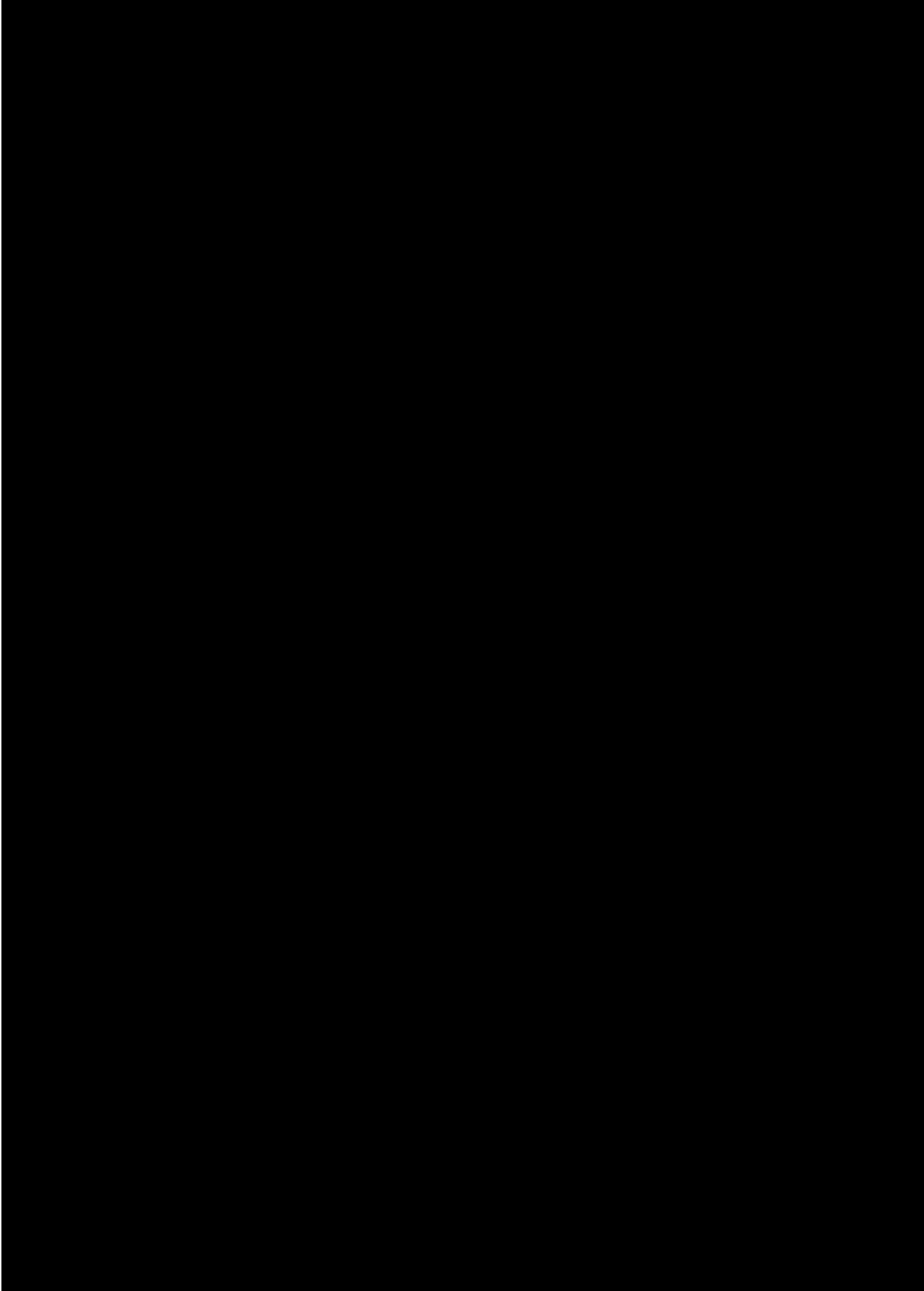
Moreover, the evidence indicates that Ms. Stephenson’s above-described conduct and communications significantly impacted ██████████ well-being, created a hostile work environment and interfered with ██████████ ability to perform ██████████ job. Ms. Stephenson’s communications to Athletics administrators about her negative feelings toward ██████████ also likely harmed ██████████ professional reputation and future job prospects.

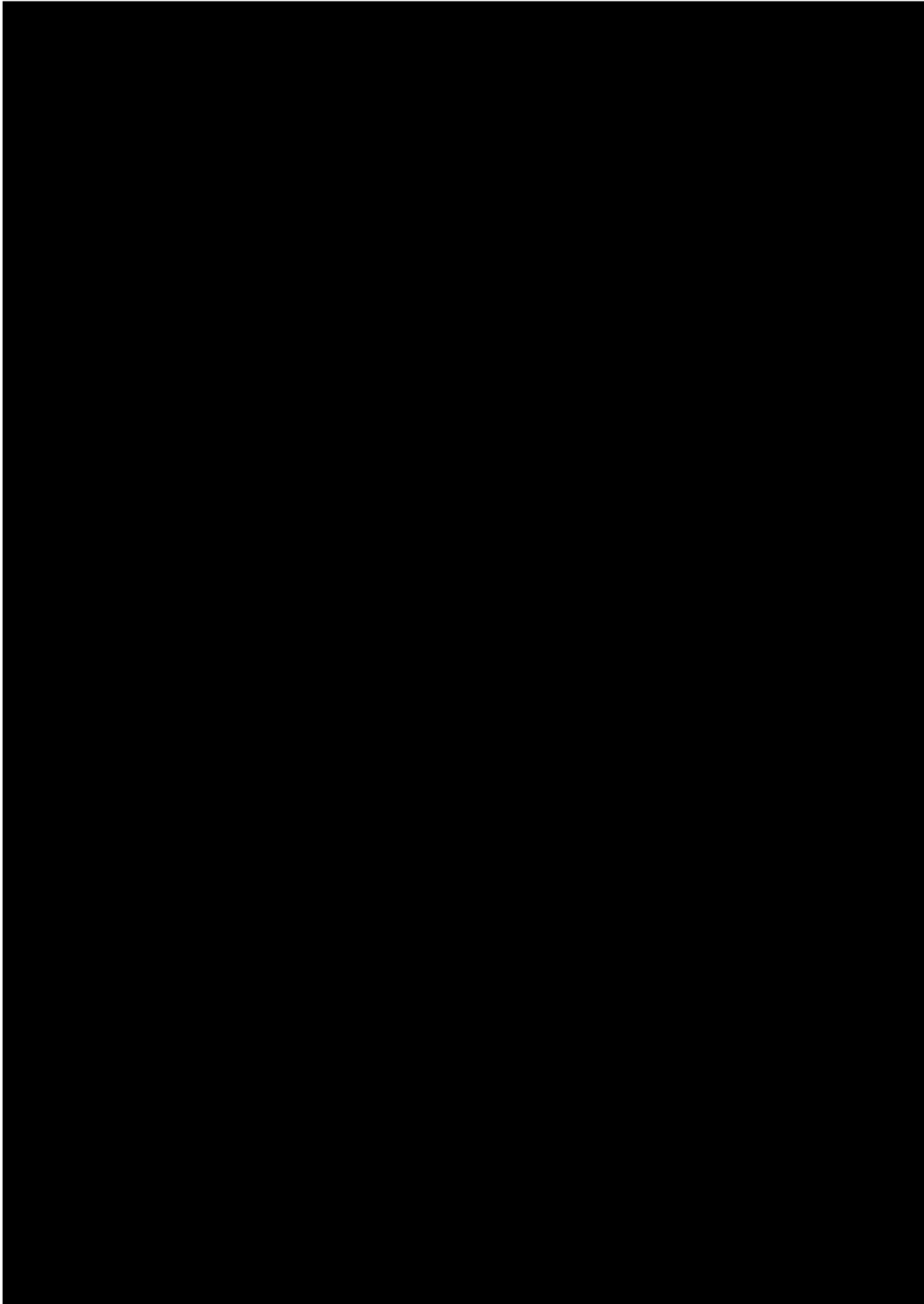
Given this evidence, the EOAA finds it more likely than not that Ms. Stephenson: (1) engaged in hostile behaviors toward ██████████ in the weeks after the Prior Investigation began (and particularly in the November 21 meeting); and (2) would not have engaged in such hostile behaviors absent her belief that ██████████ participated in the Prior Investigation and/or ██████████ that initiated the Prior Investigation. Such behaviors violate the University’s anti-retaliation policies, which are intended to protect witnesses ██████████ such a hostile manner by their supervisors because of their participation in an investigation.

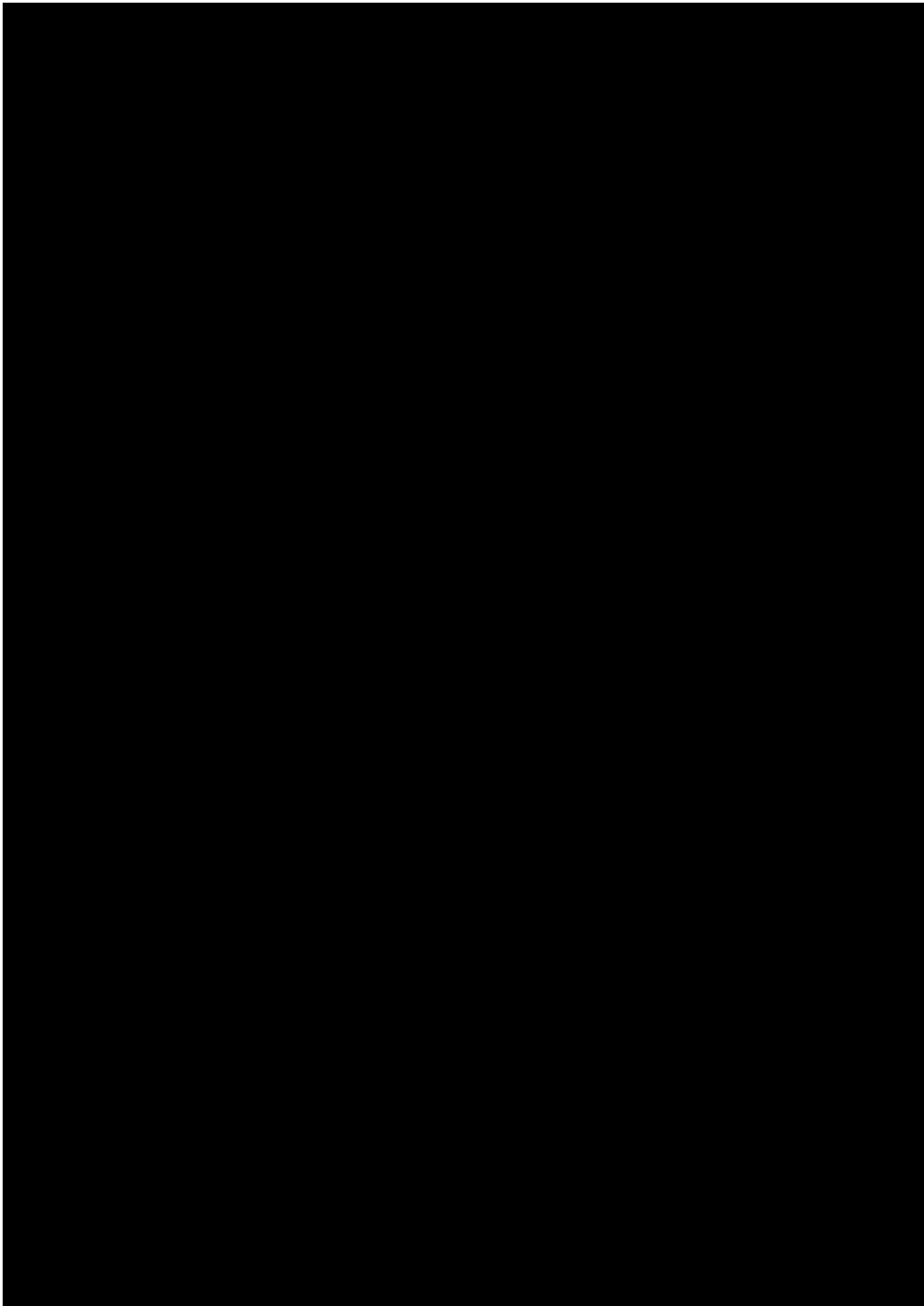
The EOAA recognizes that Ms. Stephenson’s statements and conduct in the November 21 meeting are a significant reason for this retaliation finding, and that Ms. Stephenson attended and participated fully in this meeting at the request of Athletics administrators. The EOAA also recognizes the significant evidence suggesting that Ms. Stephenson resumed professional and appropriate communications and interactions with ██████████ around a month after the Prior Investigation began.<sup>5</sup> While these facts may mitigate Ms. Stephenson’s responsibility for her conduct, they do not change ██████████ experience of hostile treatment based on ██████████ participation in a ██████████ investigation.

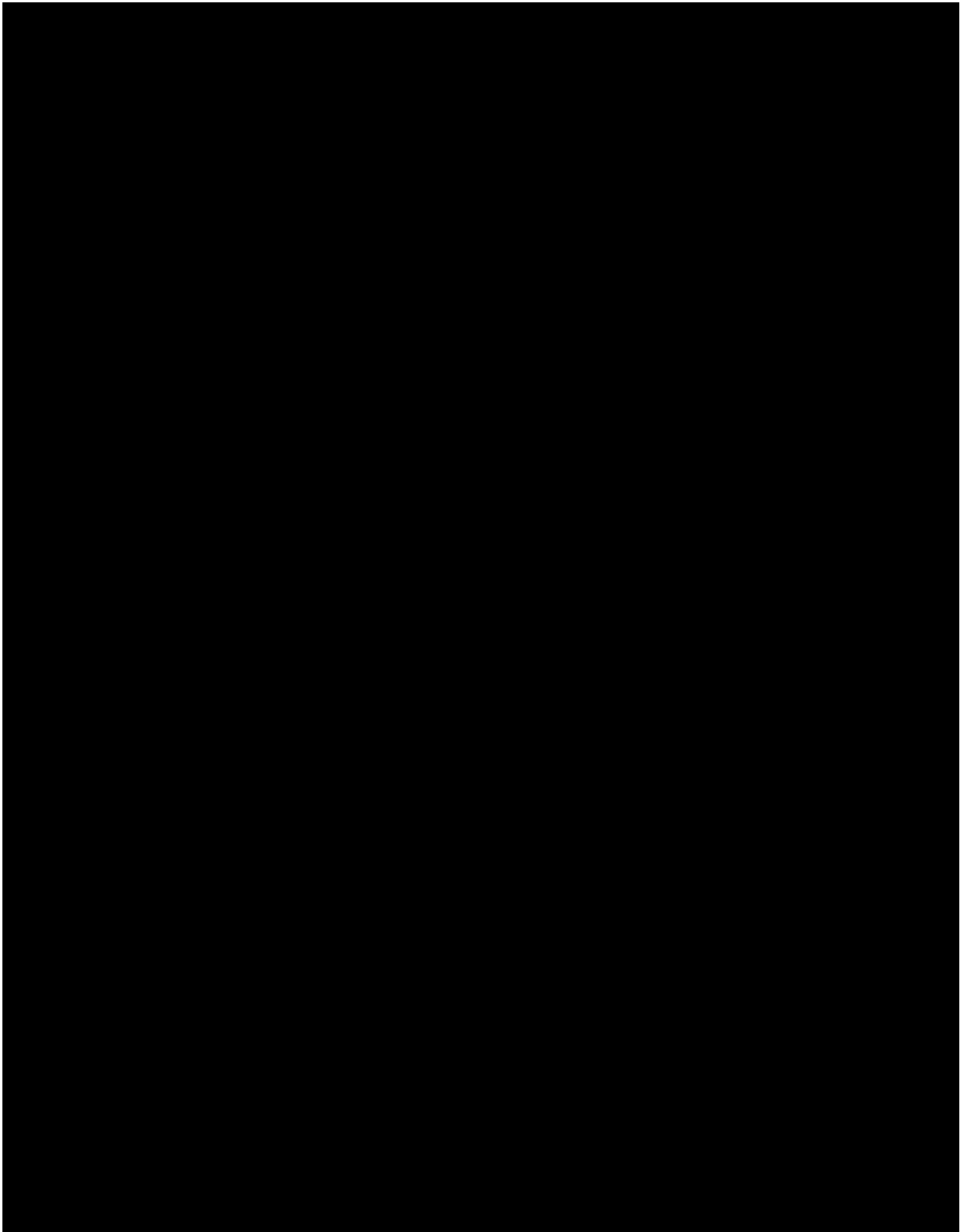
<sup>5</sup> Gymnasts and team staff members generally reported witnessing Ms. Stephenson interact professionally and appropriately with ██████████ this season. ██████████ reported that Ms. Stephenson made no additional statements of blame toward ██████████ after the November 21 meeting.

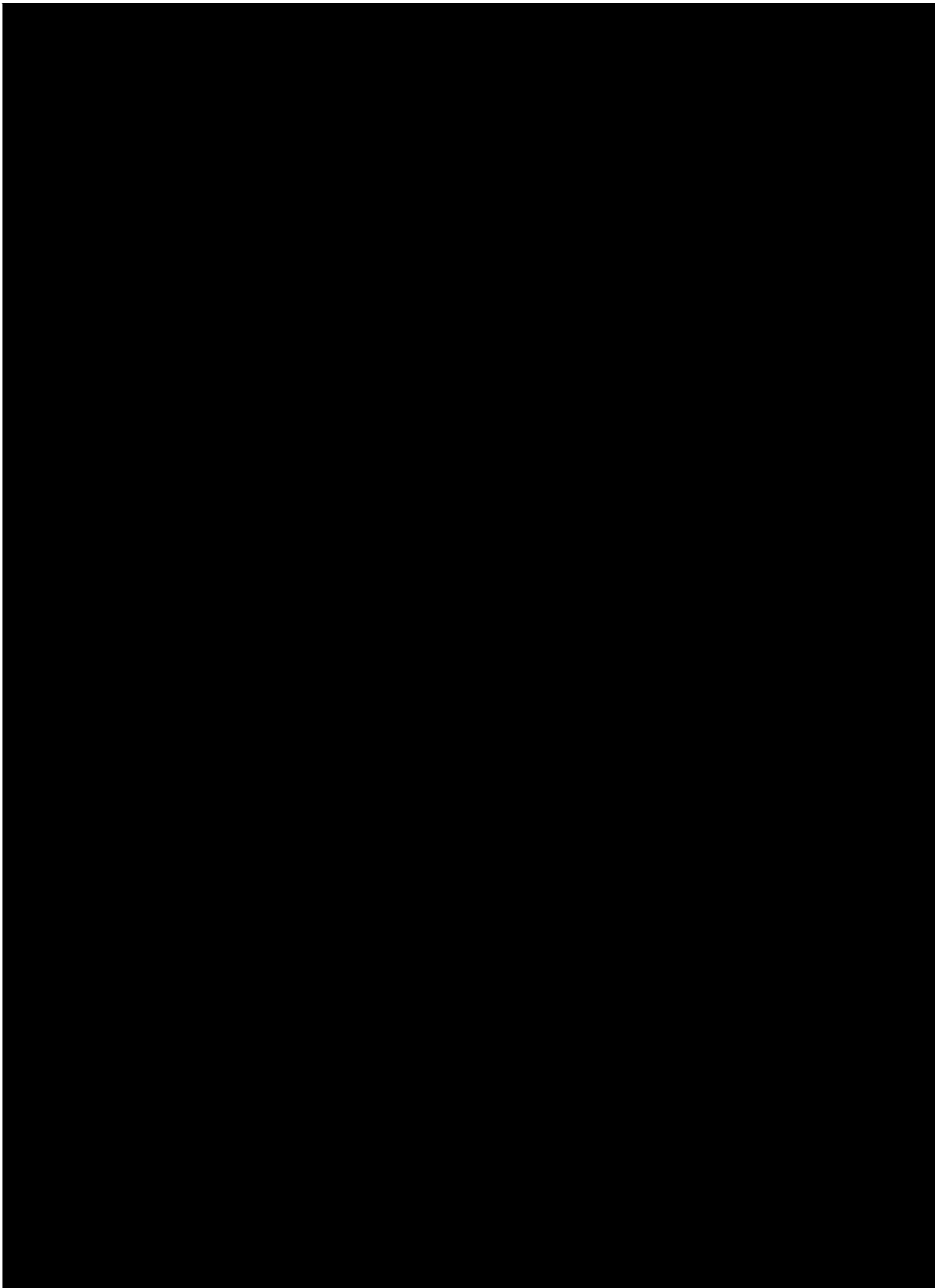




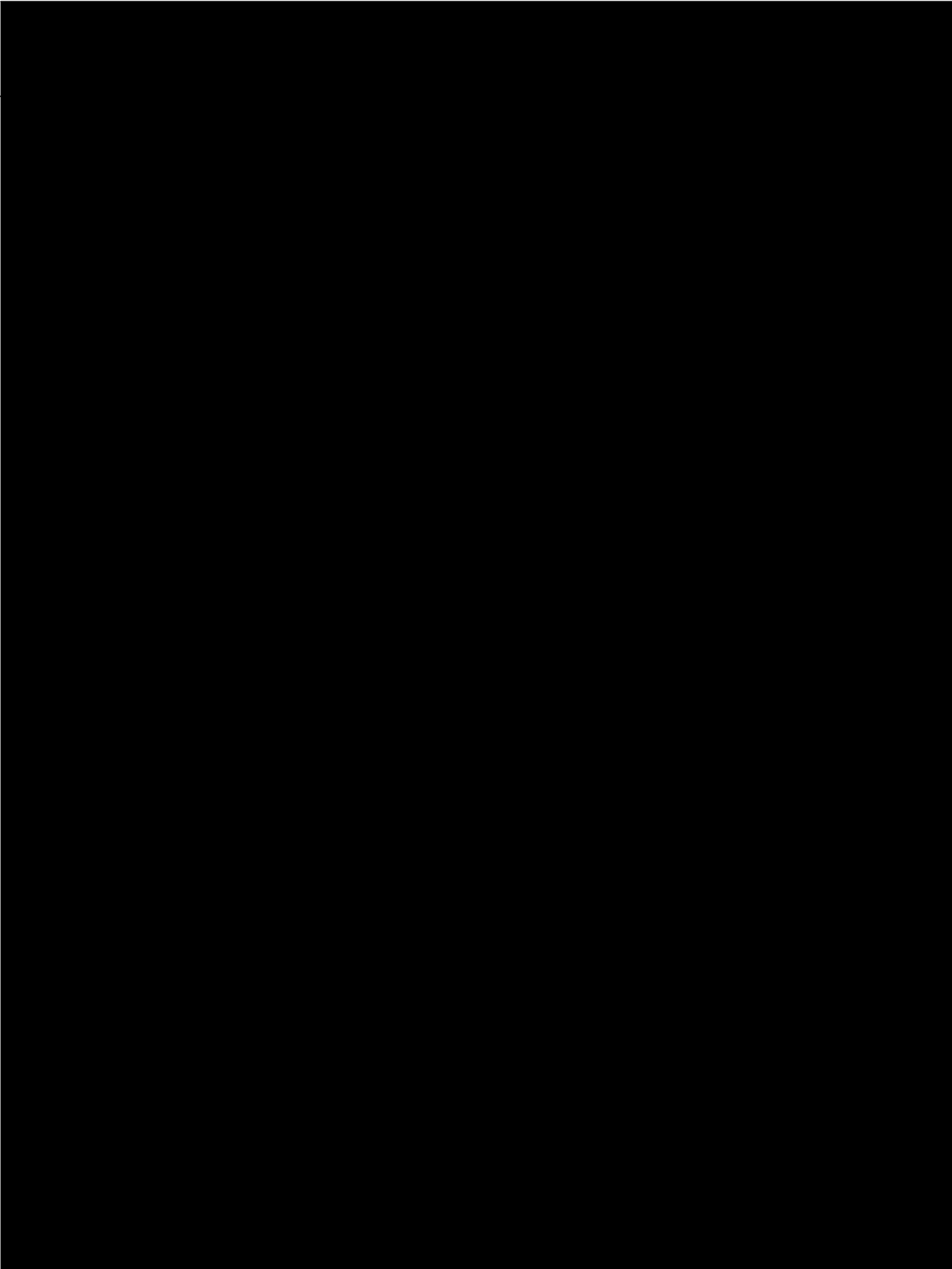


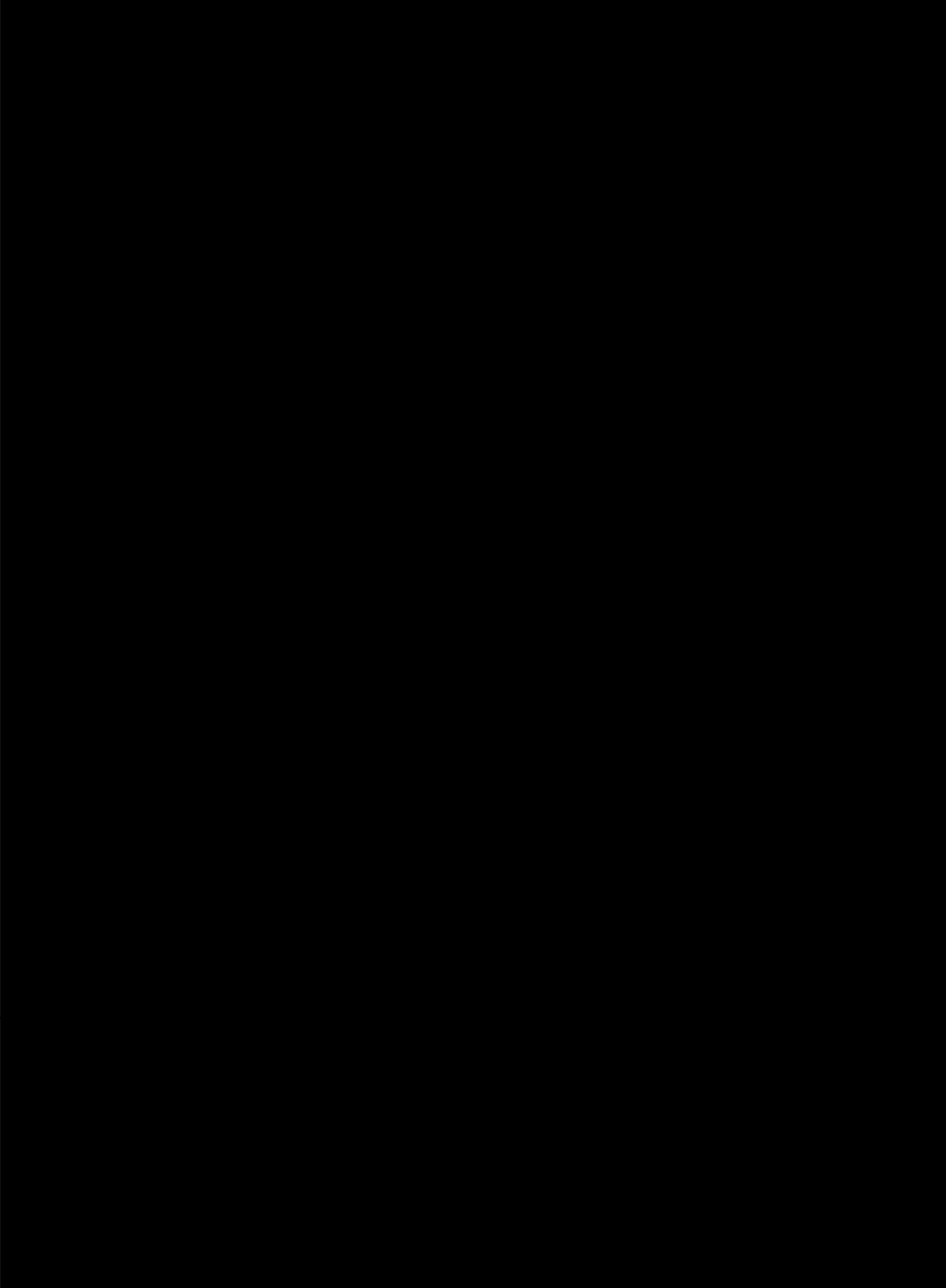


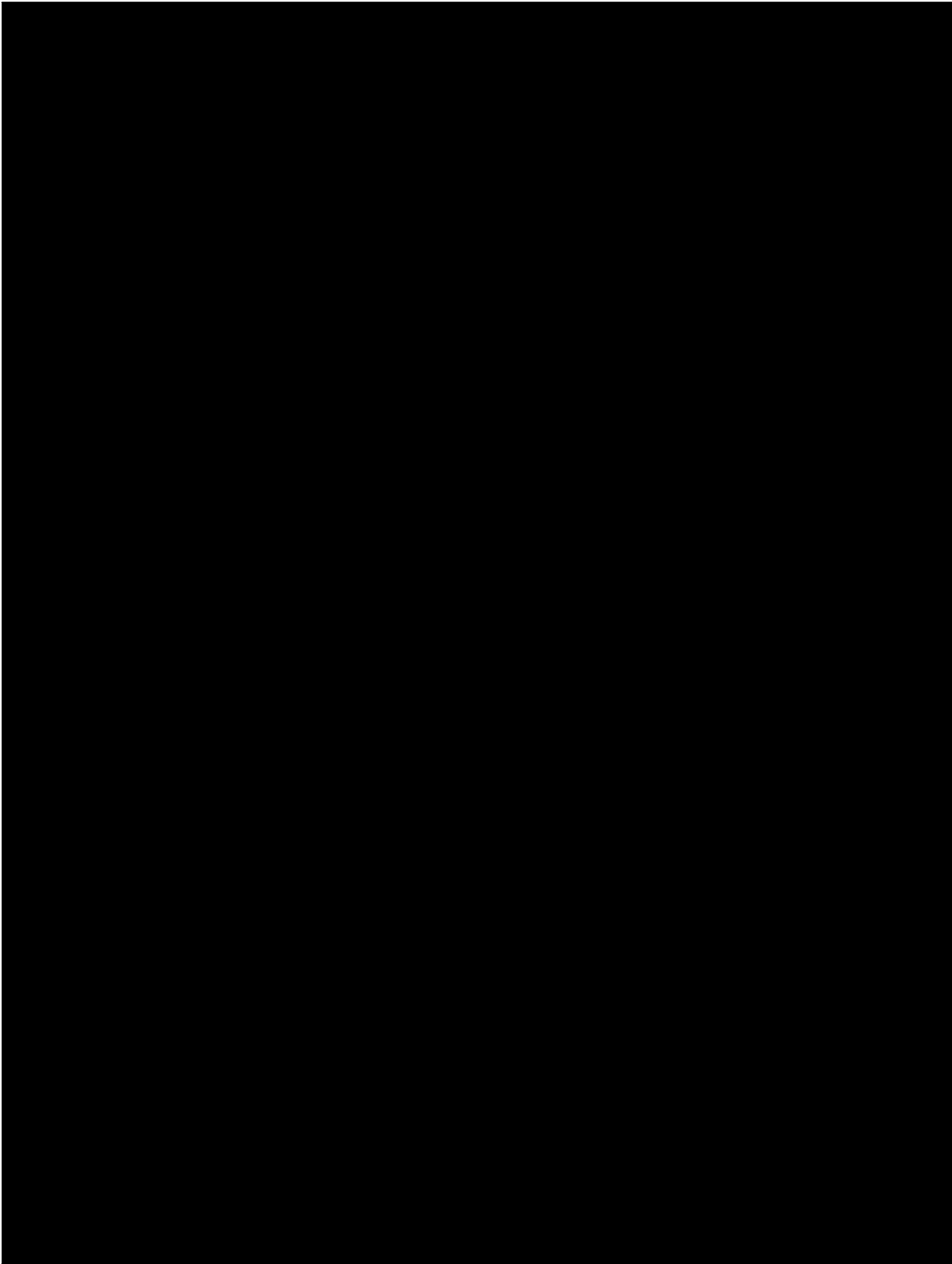


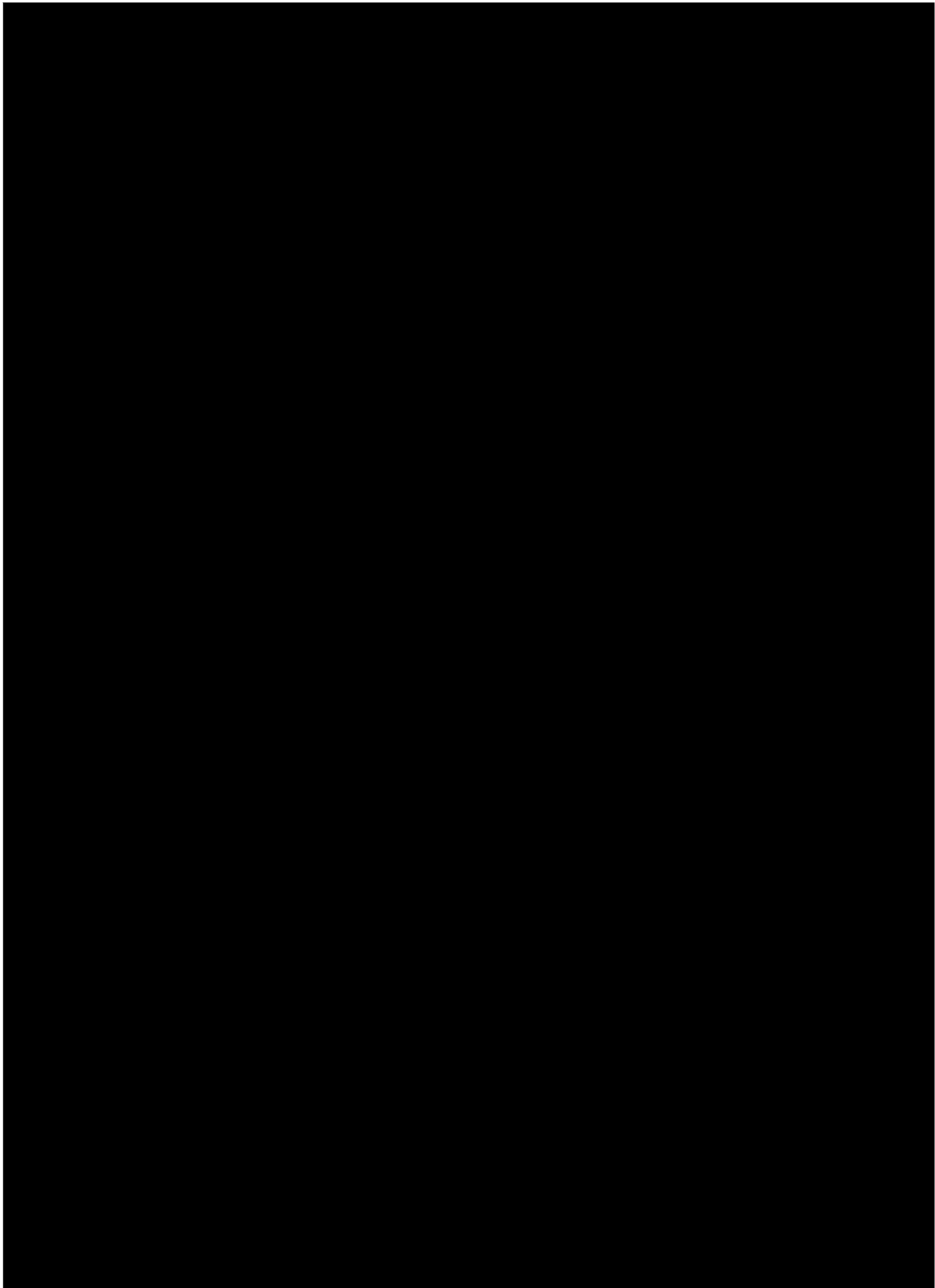


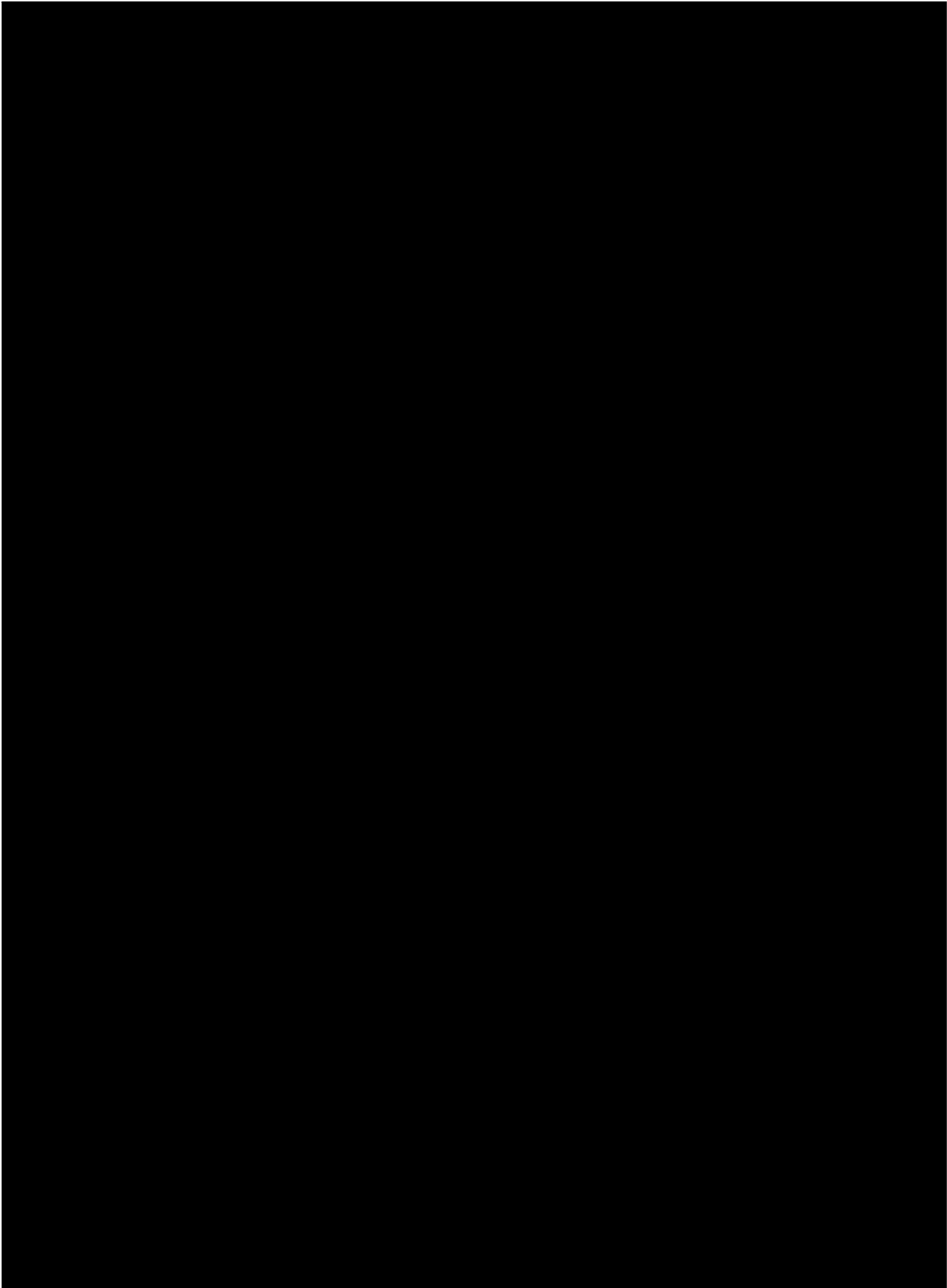


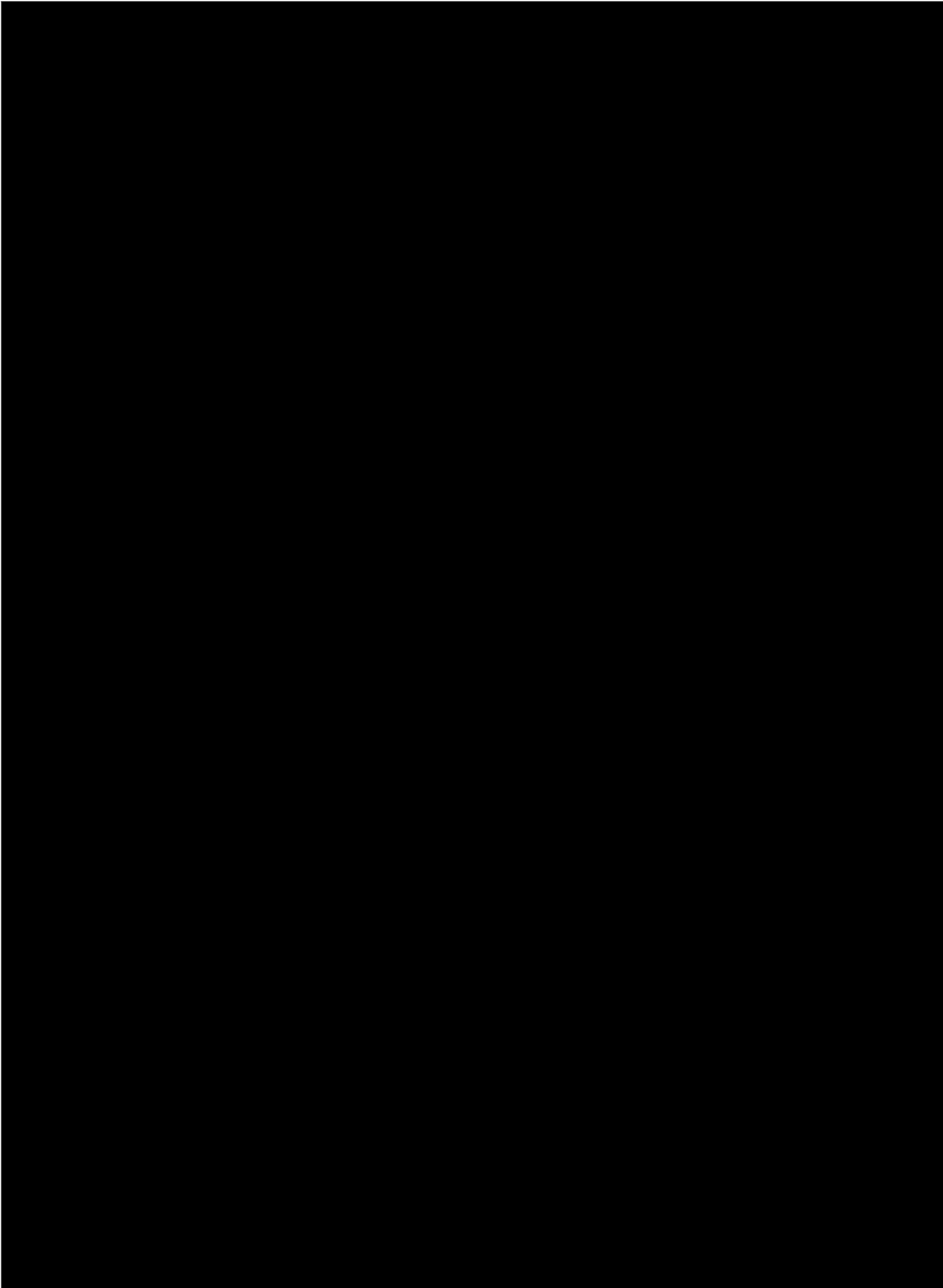


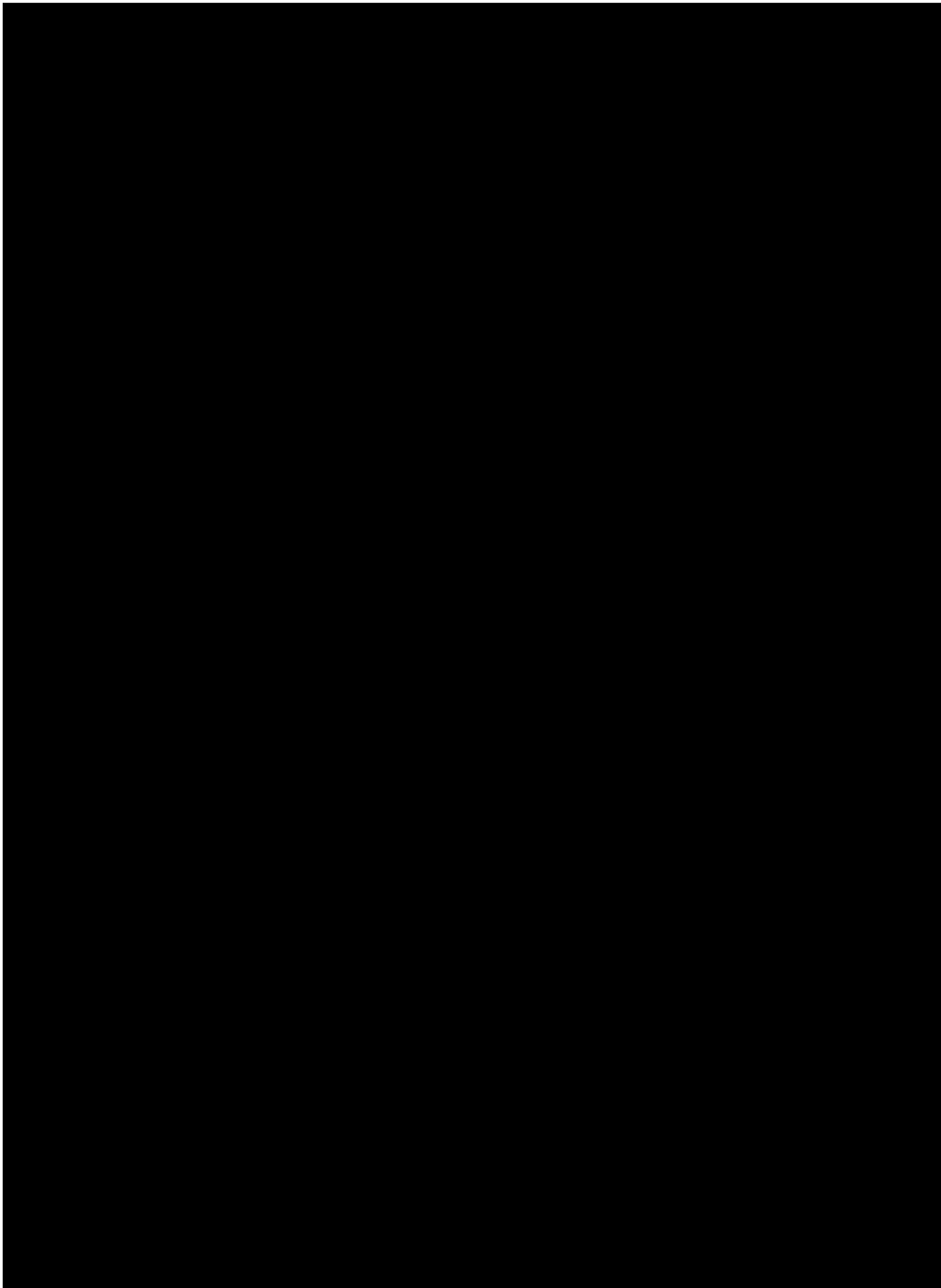


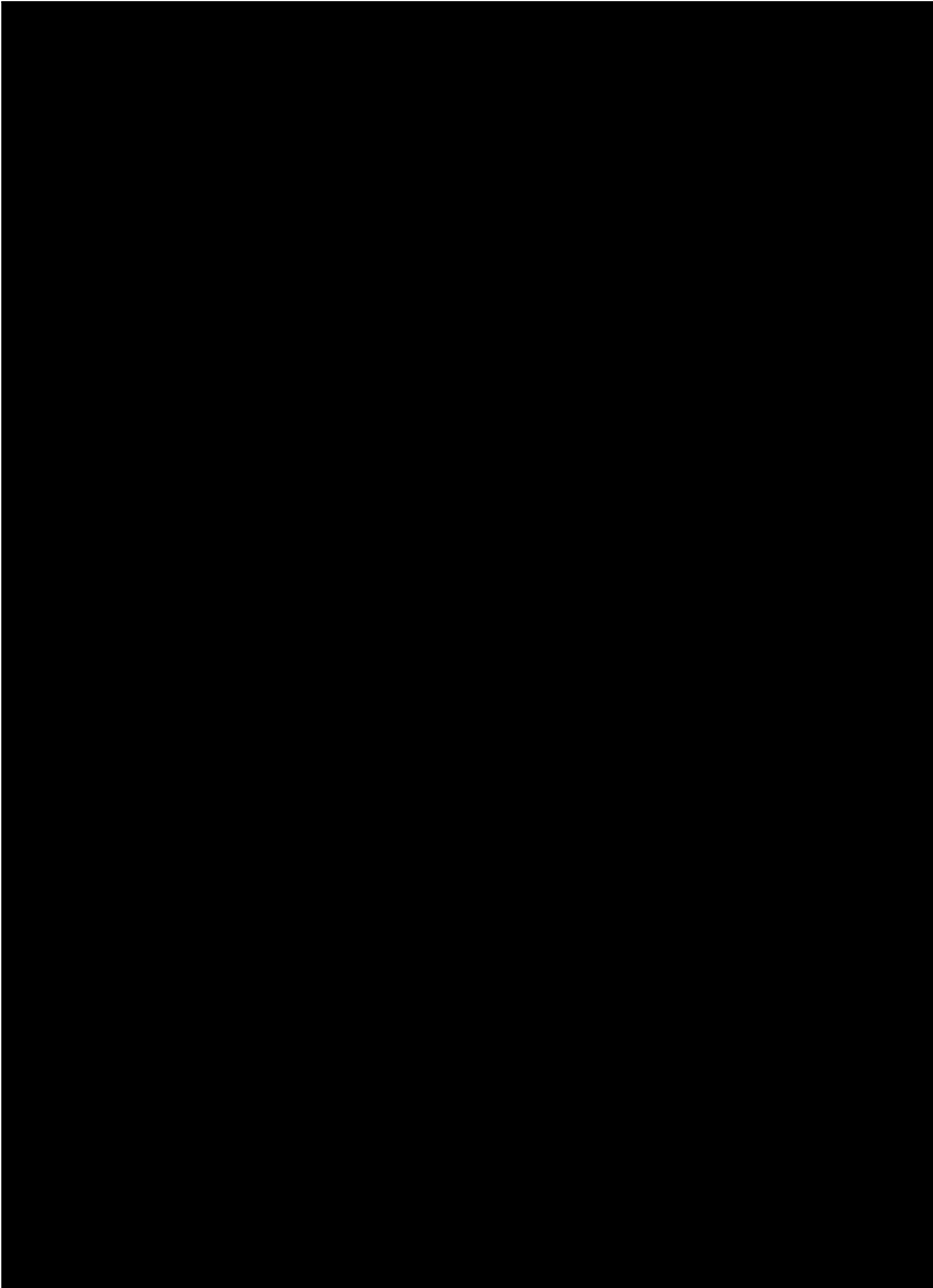




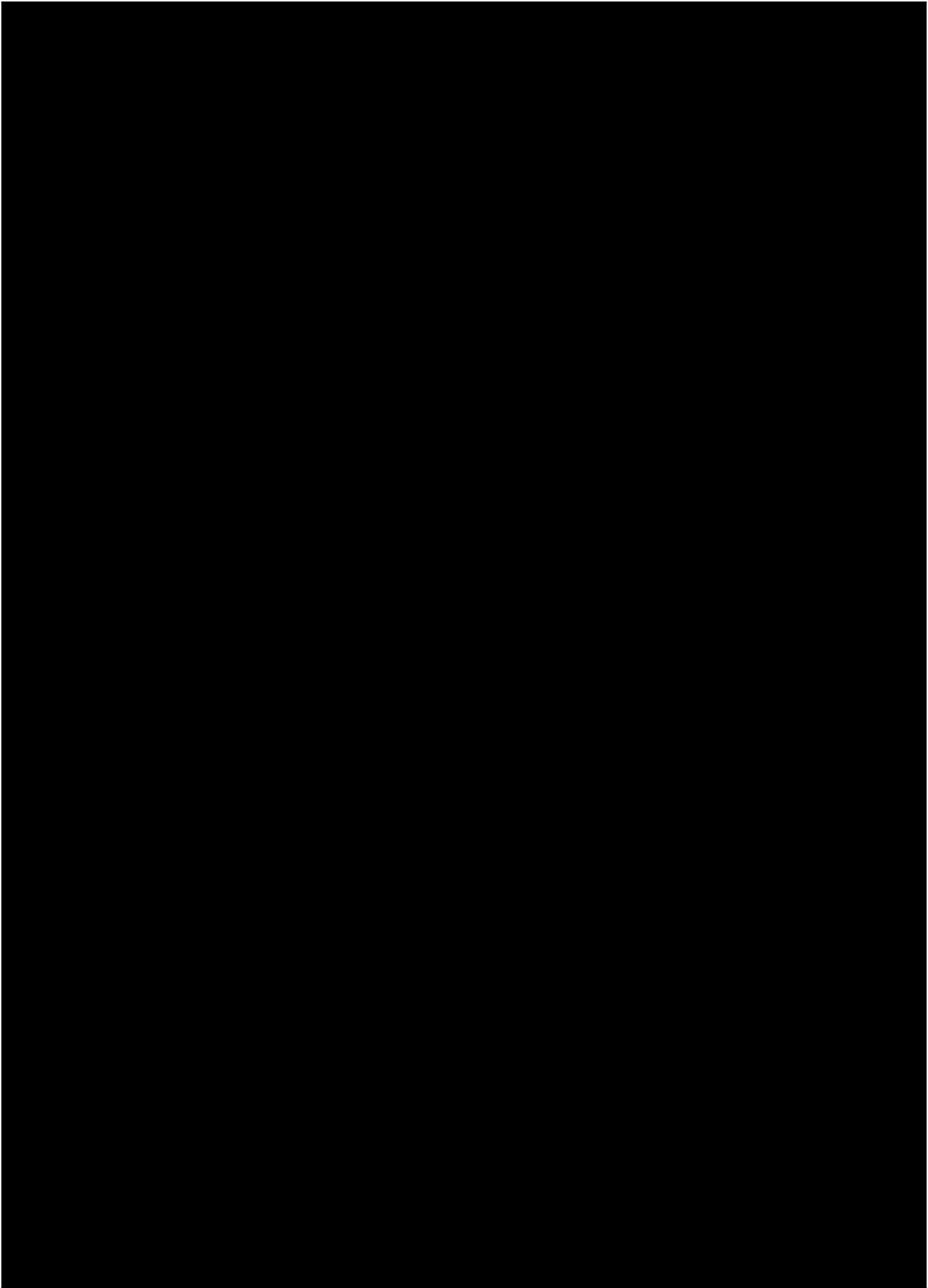















## V. CONCLUSIONS

In sum, the EOAA finds that Ms. Stephenson violated the University's anti-retaliation policies by expressing blame, anger and mistrust toward [REDACTED] Athletics administrators and others in the weeks after the Prior Investigation began. We find that Ms. Stephenson engaged in this inappropriate behavior because of her assumptions about [REDACTED]



[REDACTED] participation in the Prior Investigation. We further find that Ms. Stephenson's expressions of blame, anger and mistrust created a hostile work environment for [REDACTED] and interfered with [REDACTED] ability to perform [REDACTED] job.

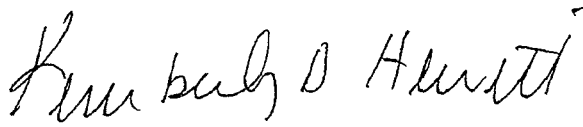
For the reasons described above, the EOAA could not substantiate [REDACTED]  
[REDACTED]

This concludes our Office's investigation.<sup>20</sup> As you know, retaliation against any individual for participating in our Office's investigative process is prohibited. If you have any questions or concerns about this letter or any other EOAA issue, please let us know.


---

<sup>20</sup> Recommendations for responsive action have been sent to Marc Ryan, Beth Goetz and Norwood Teague.

Sincerely,



Kimberly D. Hewitt, Director  
Office of Equal Opportunity and Affirmative Action



Tina Marisam, Associate to the Director  
Office of Equal Opportunity and Affirmative Action

cc: Norwood Teague  
Marc Ryan  
Beth Goetz



*Twin Cities Campus*

*Office of Equal Opportunity and Affirmative  
Action*

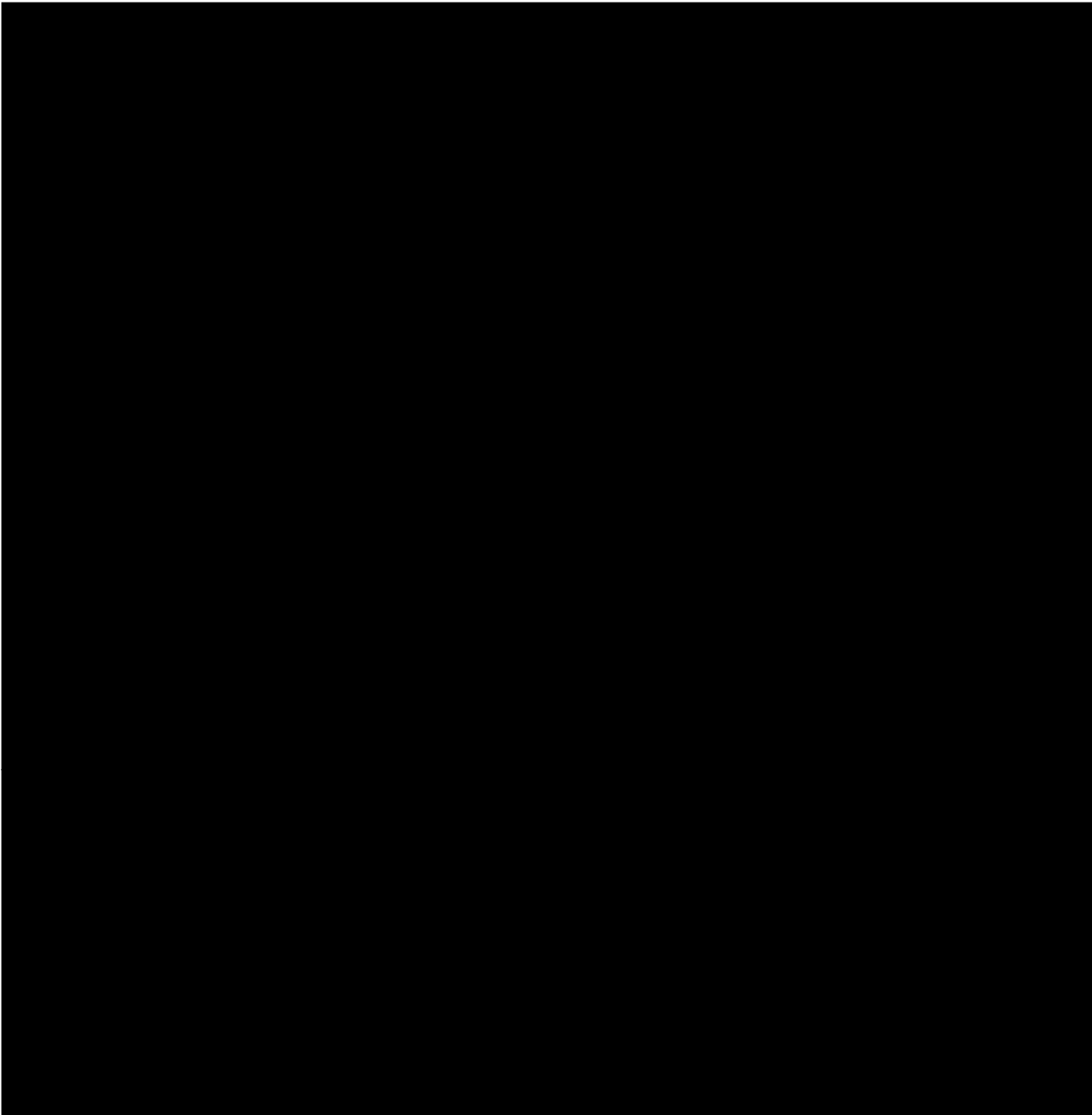
*Office for Equity and Diversity*

*274 McNamara Alumni Center  
200 Oak Street S.E.  
Minneapolis, MN 55455*

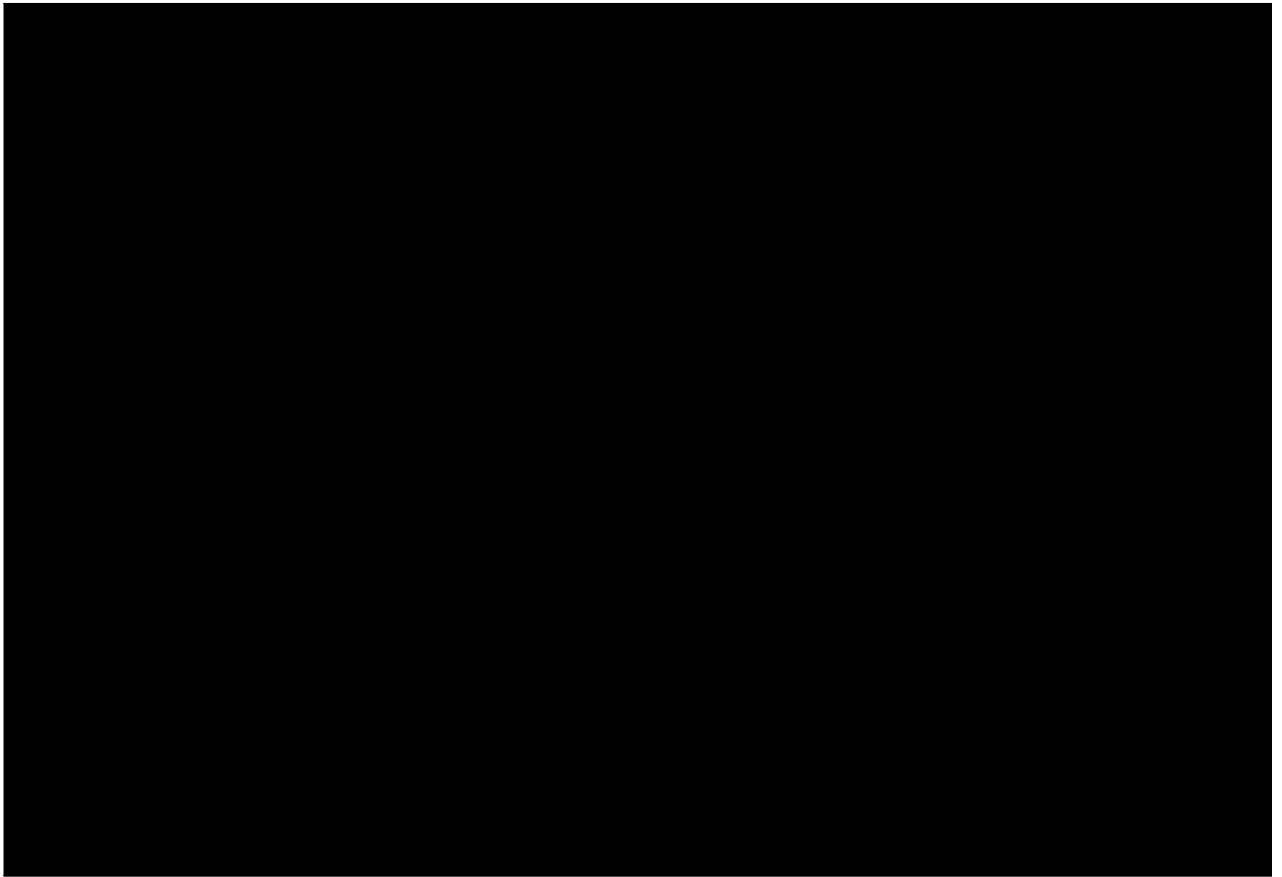
*Office: 612-624-9547  
Fax: 612-625-5223  
<https://diversity.umn.edu/eoaa/>  
Email: [eoaa@umn.edu](mailto:eoaa@umn.edu)*

June 29, 2015

Beth Goetz  
Intercollegiate Athletics  
Room 250 BFAB  
3061A (Campus Delivery Code)  
516 15th Ave SE  
Minneapolis, MN 55455



**Exhibit 82**



# UNIVERSITY OF MINNESOTA



*Twin Cities Campus*

*Office of Equal Opportunity and Affirmative  
Action*

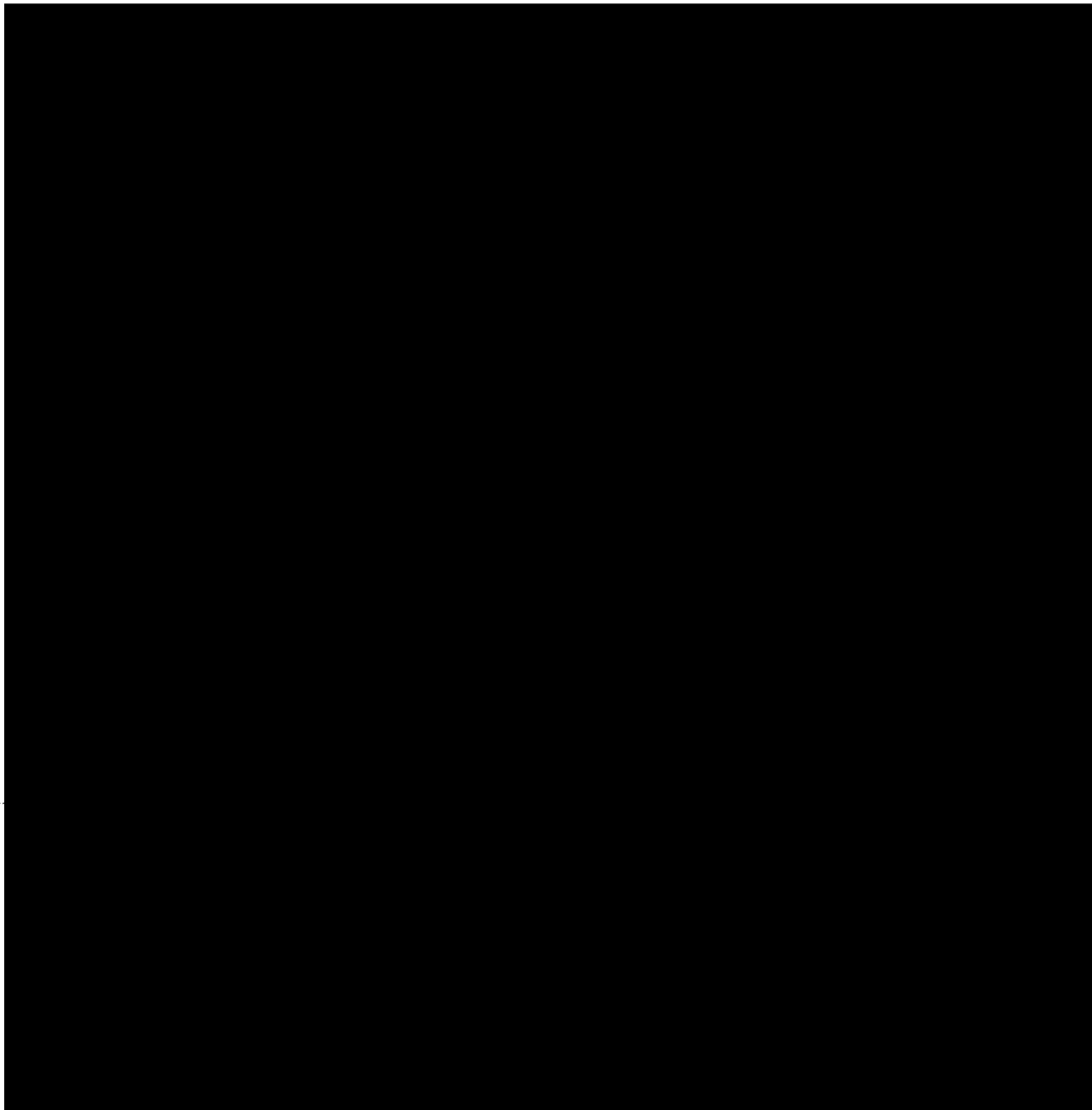
*Office for Equity and Diversity*

274 McNamara Alumni Center  
200 Oak Street S.E.  
Minneapolis, MN 55455

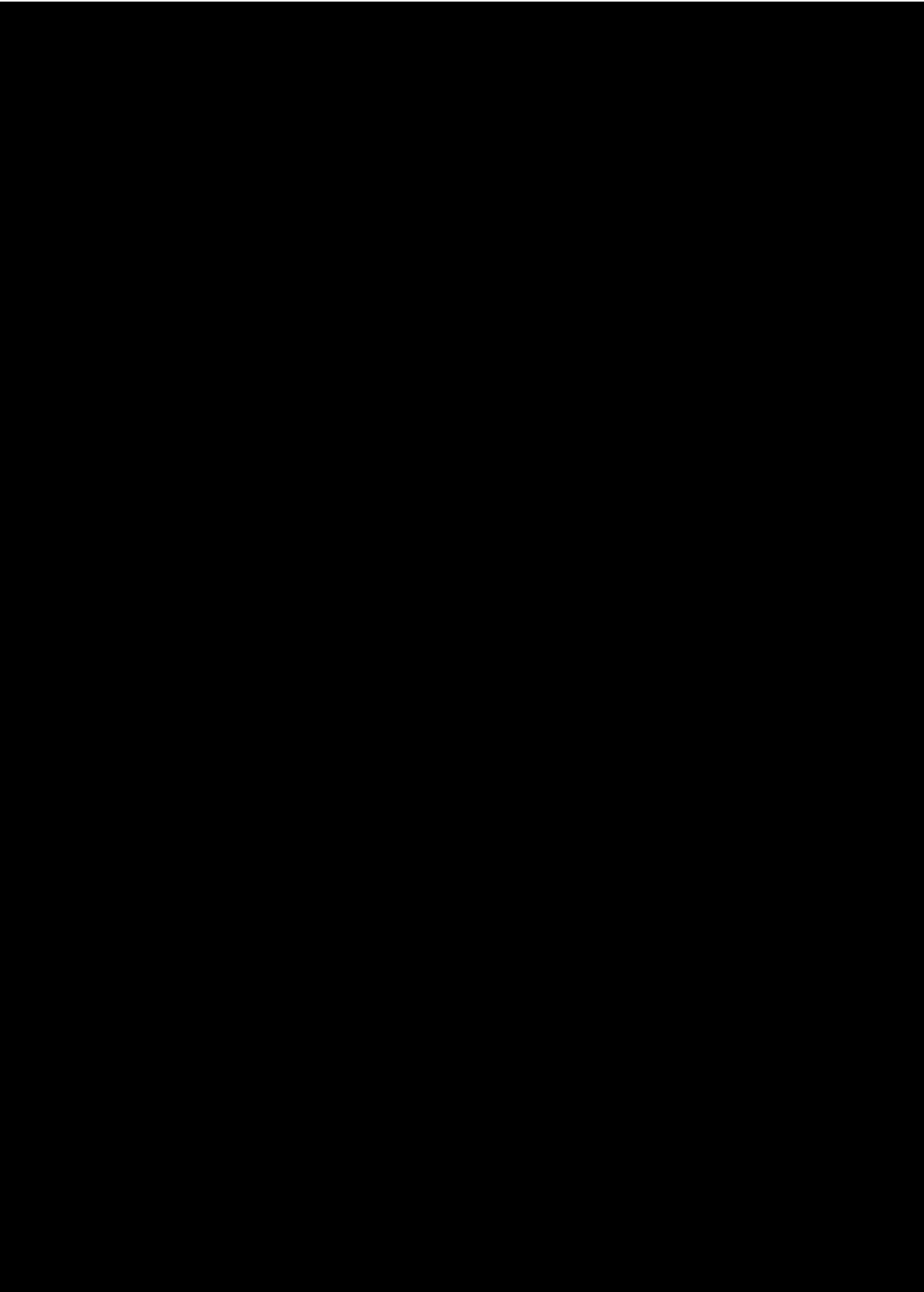
Office: 612-624-9547  
Fax: 612-625-5223  
<https://diversity.umn.edu/eoaa/>  
Email: [eoaa@umn.edu](mailto:eoaa@umn.edu)

June 29, 2015

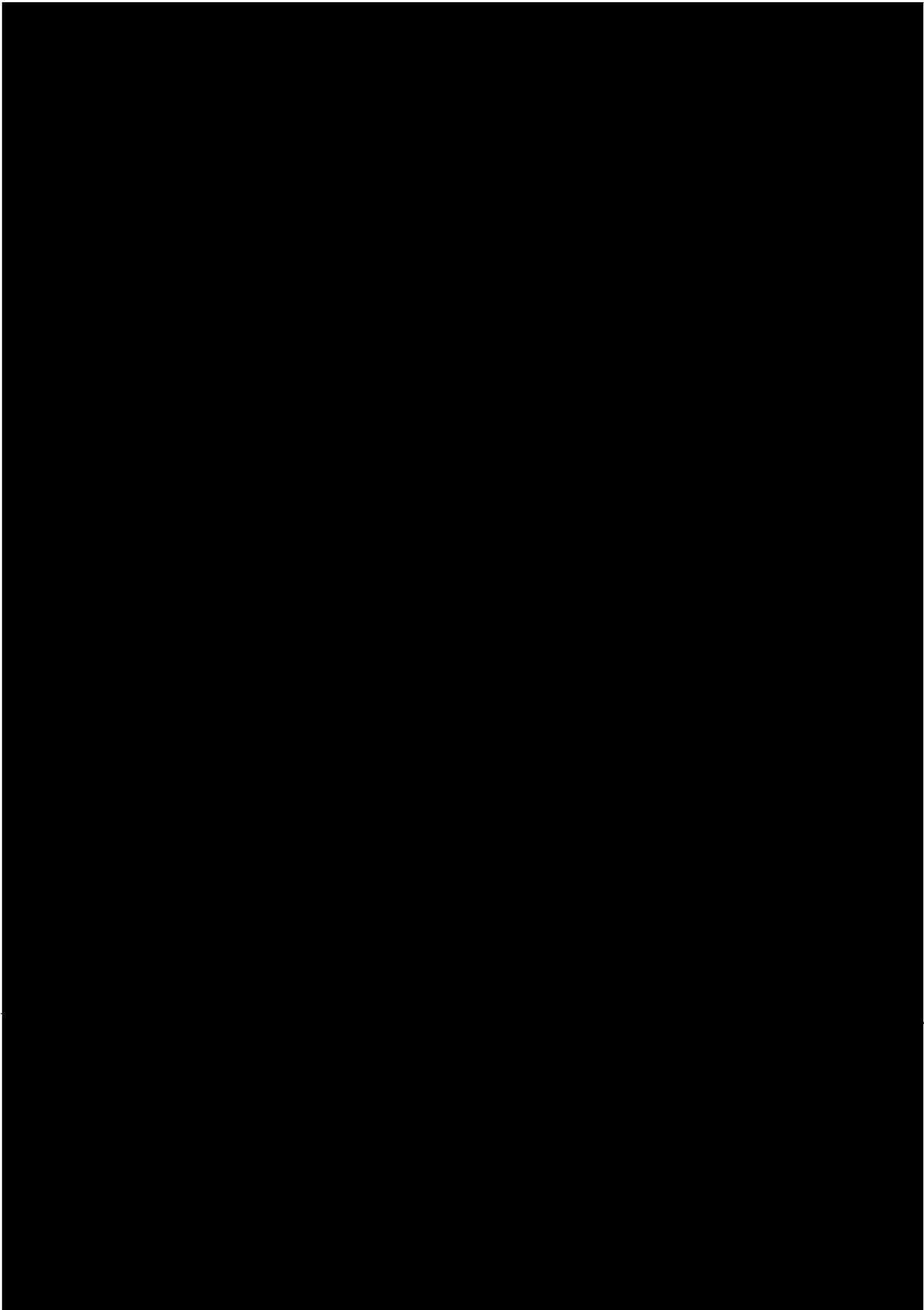
Beth Goetz  
Intercollegiate Athletics  
Room 250 BFAB  
3061A (Campus Delivery Code)  
516 15th Ave SE  
Minneapolis, MN 55455

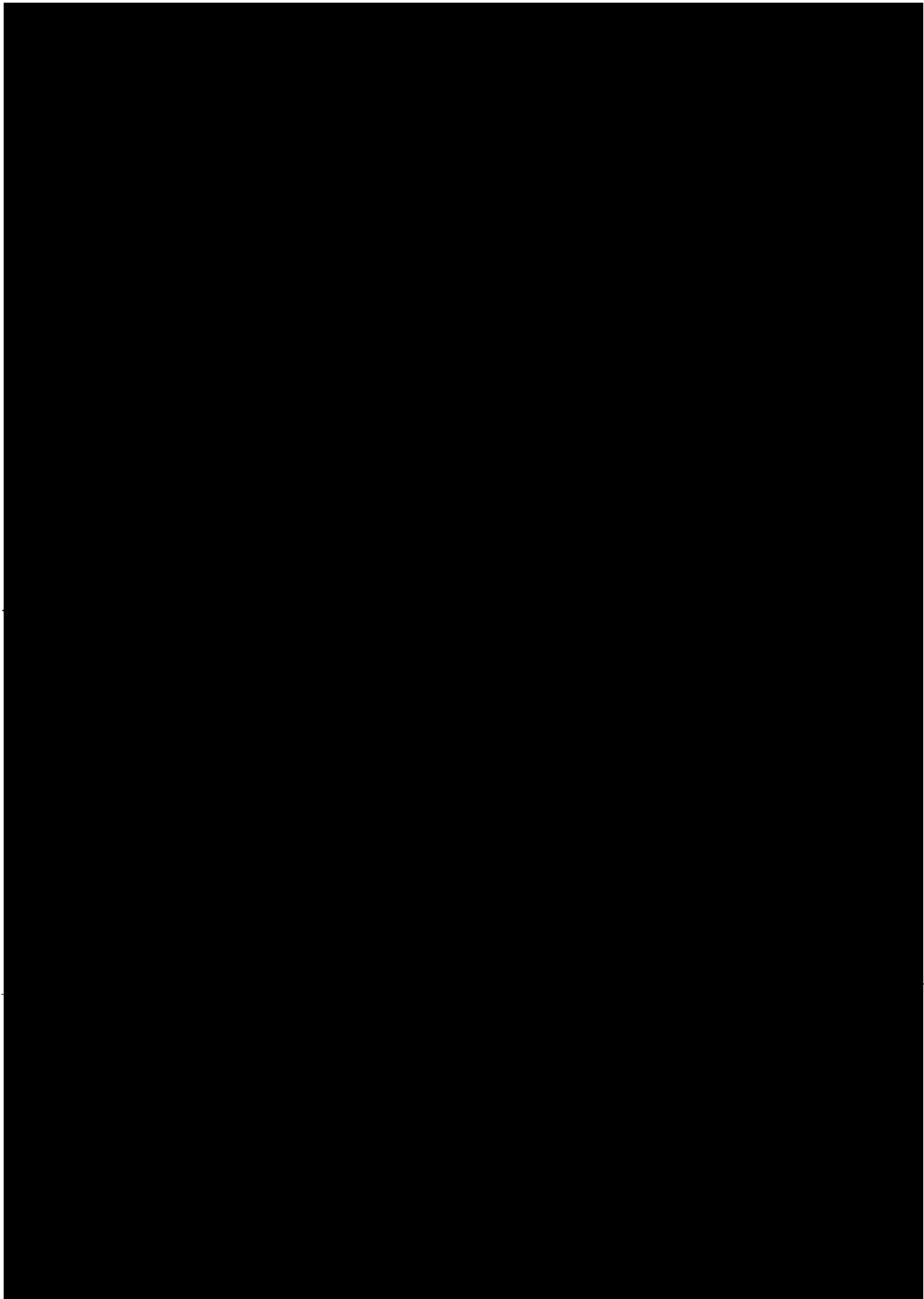


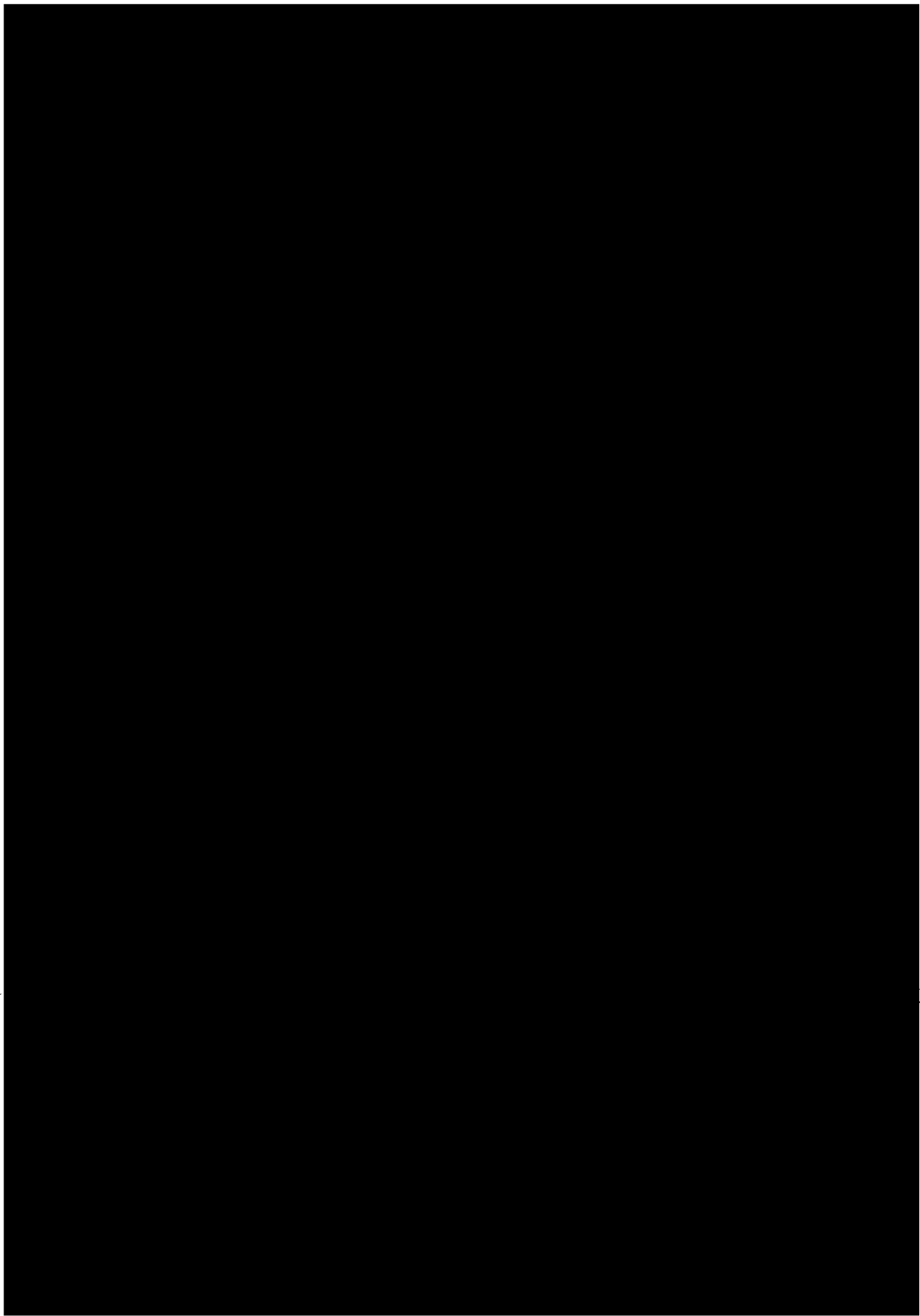
**Exhibit 83**

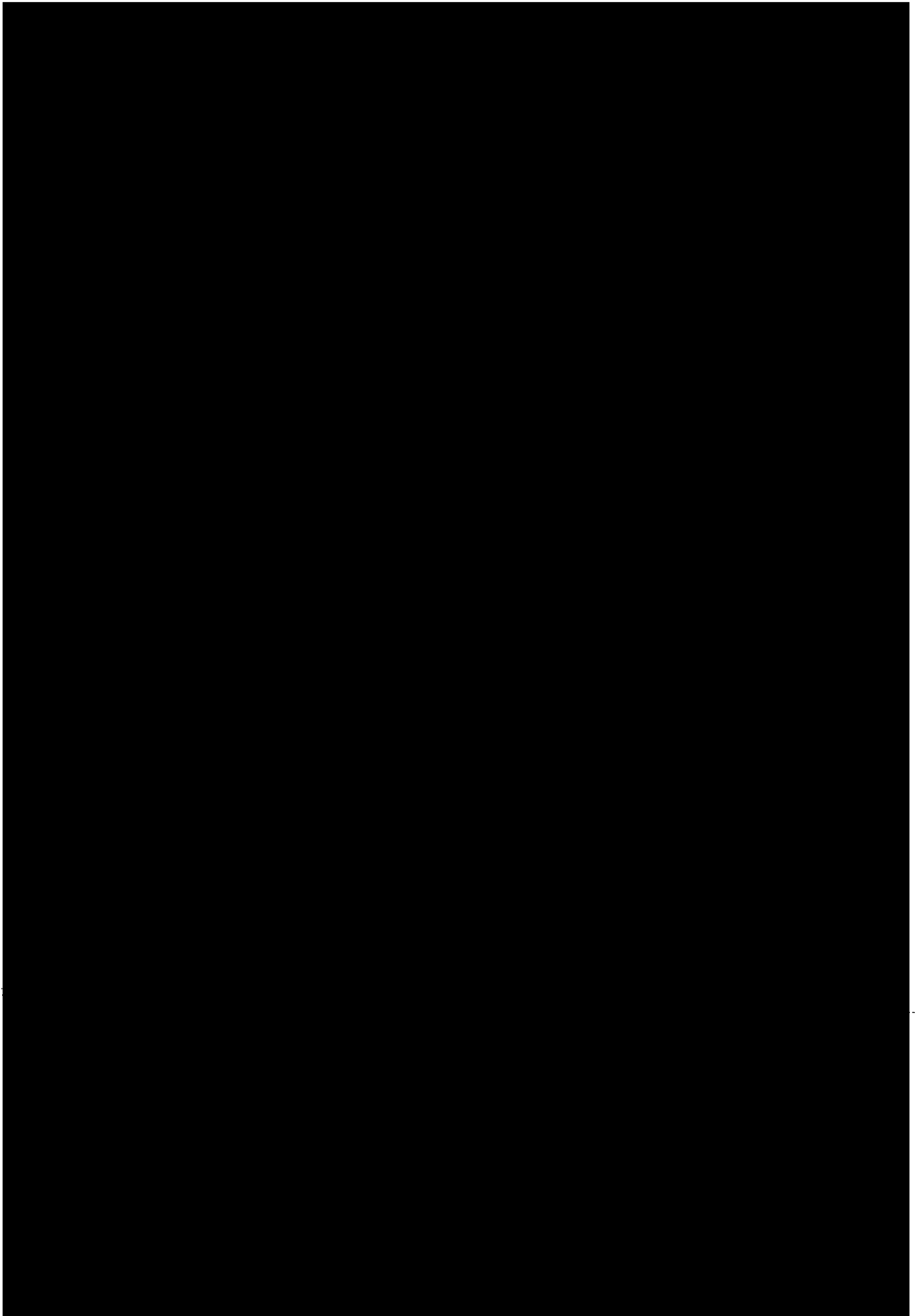














## University of Minnesota Athletics

Bierman Field Athletic Building | 516 15th Avenue S.E. | Minneapolis, MN 55455

**PRIVATE AND CONFIDENTIAL**

July 7, 2014

Meg Stephenson  
[REDACTED]

Dear Meg:

As you know, the Office of Equal Opportunity and Affirmative Action (EOAA) has completed its investigation and determined that, in your role as women's gymnastics head coach, you violated the University's anti-retaliation policies.

Please let this serve as a letter of reprimand for these actions. We expect that you will not engage in any further retaliatory behaviors. Our department takes this situation very seriously and we know that you recognize the impact of your actions.

In addition you will be required to attend an individualized anti-retaliation coaching session provided by the EOAA or other training resource as soon as possible. We may also determine that you need additional supervisory training. Please work with Marc to coordinate this and confirm your attendance.

Finally, you should continue to consult with our administration before making any significant employment or gymnastics-related changes that could be perceived as retaliatory toward employees or student-athletes.

We know that you understand the seriousness of these issues and will work to ensure this will not occur in the future. Please note that any future violations of this policy, or any other University or department policy or procedure, will result in additional corrective action up to and including termination.

Please let Marc know if you have any questions.

Sincerely,

Norwood Teague  
Director of Athletics

Cc: Marc Ryan  
Beth Goetz  
Tom McGinnis  
Kimberly Hewitt  
Tina Marisam ✓  
Personnel File



**Exhibit 84**



Kimberly Hewitt <khewitt@umn.edu>

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## Meeting Proposal

6 messages

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Kimberly Hewitt <khewitt@umn.edu>

Thu, Jul 16, 2015 at 12:00 PM

To: Norwood Teague <norwood@umn.edu>, Beth Goetz <bgoetz@umn.edu>

Cc: Tina Marisam <marisam@umn.edu>

Dear Norwood and Beth,

I am so glad that BOR presentation is behind us! I think that it went very well. Tracy indicated that we will be creating a small working group, she, Beth, Brent, me and Norwood as necessary to work through Janet Judge's recommendations.

I am writing about a separate concern related to the football program. We have noticed a potential pattern that may or may not be indicative of a broader problem that we should work together to address. Specifically, EOAA has received a number of Title IX-related concerns involving football players this year:

- 2 concerns of sexual assault committed by individual football players
- 2 concerns of sexual harassment involving groups of football players
- 1 concern of retaliation involving a group of football players

We investigated one of the sexual harassment complaints and determined that one football player had violated the sexual harassment policy. We investigated the retaliation complaint and found concerning behavior by football players, but there was not evidence to substantiate that the players had violated University policy. We did not investigate the other sexual harassment complaint or either of the sexual assault concerns because the reporting students did not want to go forward with an investigation. (We have discussed the one sexual assault in detail per your report, [REDACTED])

Title IX requires that the University take reasonable steps to prevent future sexual violence and harassment after receiving a complaint, even when the complaining student chooses not to pursue an investigation. The University's responsibility to act is greater when circumstances suggest that there is an increased risk of future acts of sexual violence or harassment by a particular group or where there is a potentially concerning pattern. The notable number of Title IX-related concerns we have received involving football players, and the fact that three of the complaints involved groups of football players, demonstrates a concerning pattern of football player conduct that we believe requires responsive action.

I would suggest that we schedule a meeting to talk about a strategy for addressing these issues. As a starting point I think it would make sense for us to meet alone (Beth, Norwood, Kim and Tina) and later bring in the football coach after we have thought about how we want to approach this matter.

Please let me know your thoughts and I can start working on a time to meet.

Thank you,

Kim

---

Norwood Teague <norwood@umn.edu>

Thu, Jul 16, 2015 at 4:08 PM

To: Kimberly Hewitt <khewitt@umn.edu>

Cc: Beth Goetz <bgoetz@umn.edu>, Tina Marisam <marisam@umn.edu>, Jennifer Yehlen <jyehlen@umn.edu>

Thanks for the information, Kim - I think it's a good idea to get together to discuss the football issue. Is it okay if I

**Exhibit 85**

include Dan O'Brien, the administrator who oversees FB, in the meeting?

Tina can work with Jenny to coordinate.

NTT

[Quoted text hidden]

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**Kimberly Hewitt** <khewitt@umn.edu> Thu, Jul 16, 2015 at 4:42 PM  
To: Norwood Teague <norwood@umn.edu>  
Cc: Beth Goetz <bgoetz@umn.edu>, Tina Marisam <marisam@umn.edu>, Jennifer Yehlen <jyehlen@umn.edu>

Yes - that makes sense.

Kim

[Quoted text hidden]

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**Kimberly Hewitt** <khewitt@umn.edu> Thu, Jul 16, 2015 at 4:44 PM  
To: Nancy Xiong <xiong071@umn.edu>  
Cc: Tina Marisam <marisam@umn.edu>

Dear Nancy,

Please speak with Norwood's assistant, Jenny Yelin (I think that's her last name) about scheduling a meeting in Bierman with Norwood, Beth Goetz, Dan O'Brien, Tina and me. It will be difficult to schedule so don't worry if you have to go into late August or early September.

Thanks,

Kim

[Quoted text hidden]

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**Kimberly Hewitt** <khewitt@umn.edu> Thu, Jul 16, 2015 at 4:46 PM  
To: Tina Marisam <marisam@umn.edu>

Tina,

I just realized my mistake regarding the two sexual assaults - the second one is the one that arose in [REDACTED] investigation. I will have to make sure to clarify this point when we meet. I wanted to give them some context because saying there were two allegations of rape without more could be so alarming.

Thanks for pulling this information together.

Kim

[Quoted text hidden]

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**Kimberly Hewitt** <khewitt@umn.edu> Mon, Aug 31, 2015 at 2:32 PM  
To: Susan Mc Kinney <mckin018@umn.edu>

----- Forwarded message -----

From: **Kimberly Hewitt** <khewitt@umn.edu>  
Date: Thu, Jul 16, 2015 at 12:00 PM  
Subject: Meeting Proposal  
To: Norwood Teague <norwood@umn.edu>, Beth Goetz <bgoetz@umn.edu>  
Cc: Tina Marisam <marisam@umn.edu>

[Quoted text hidden]

**Director of Athletics Search Plan**  
**Feb 15, 2012**

**Guiding principles for Intercollegiate Athletics at the U of M:**

- Build on current levels of athletic and competitive success
- Maintain and support a culture of compliance and integrity
- Continue a strong commitment to the principles of gender equity
- Achieve and maintain long term financial stability
- Transparent, consultative and open decision-making

**Search Objectives:**

- Facilitate a timely, respectful and effective transition
- Engage key stakeholders to give them a voice in the process and solicit diverse viewpoints
- Hire the best candidate for the University of Minnesota

**Strategies:**

- 1. Retain a national search firm with a track record of placing ADs at this level**
- 2. Appoint a Presidential Commission on Athletics to facilitate a national search.**
- 3. Structure and charge of Presidential Commission on Athletics**

- A. Four member *Search Committee*** – small group that includes co-chairs of Presidential Commission and two other highly trusted presidential advisors.

Charge: Review applicants, interview semi-finalists and recommend candidates to the President to consider for interview and appointment.

- B. Twenty-five member *Search Advisory Committee*** – co-chairs of the Search Committee plus representatives from multiple stakeholder groups including faculty, coaches, student athletes, staff, academic leadership, compliance, donors, alumni, letter winners

Charge:

- Provide guidance to the President and stakeholder perspectives on the desired qualities for a new AD and the challenges and opportunities facing new Gopher Athletics
- Engage stakeholders and share feedback with the President to inform decision-making and the search process
- Assist in promoting the job and identifying qualified candidates, particularly with diverse backgrounds
- Participate in on-campus interviews with the finalist(s) for Director of Athletics

**Exhibit 86**



- Assist in on-boarding of new Director of Athletics

### **Search Timeline**

February 2:	Announce Joel's retirement
Week of Feb 6:	Identify Presidential Commission on Athletics membership <ul style="list-style-type: none"> <li>• Identify and meet with co-chairs, legal counsel and VP of HR</li> </ul>
Feb. 15	Meet with lead search consultant / finalize selection
Week of Feb. 13:	Retain consultant to conduct external review Meet with head coaches Meet with faculty leadership Contact members of Search Advisory Committee
Feb 27-28-29:	First Search Advisory Committee meeting – President Kaler and search consultant attend. <ul style="list-style-type: none"> <li>• Review/endorse or modify search plan           <ul style="list-style-type: none"> <li>○ Discuss desired qualities in new AD</li> <li>○ Review job description</li> </ul> </li> <li>• Review/endorse or modify stakeholder engagement plan</li> </ul>
March 1-2	Post job description, in accordance with regular University policy
March-April	Co-Chairs send Search Advisory Cmte weekly updates
Week of March 5:	Presidential Commission holds 4-6 listening sessions for stakeholders: <ul style="list-style-type: none"> <li>• Donors/boosters/alumni (athletic advisory committee)</li> <li>• Student athletes (current and former)</li> <li>• Faculty / staff / students</li> </ul>
Week of March 12:	Presidential Commission meets to debrief listening sessions and get search update
Late March-April:	AD candidate first round of interviews with Search Committee
Late April:	On campus interviews for AD finalist(s) (Kaler)
May 1:	President recommends new AD to Board of Regents
May 10-11:	AD appointment considered by Board of Regents

**Search Committee**

**Co-Chairs:**

Tim Mulcahy

Mary Jo Kane

**Members:**

Amy Phenix

John Lindahl

*Purchasing Services*

**Department Request for Exception to Board of Regents Policy:  
Purchasing Goods and Services and Professional Services (non-construction) \$50,000+  
and Construction Professional Services \$100,000+; and Construction Services \$250,000+**

**NOTE:** This form is used as a request to bypass bidding; Purchasing should be contacted prior to receiving any quotes or demonstrations from vendors. Exceptions to Board of Regents Policy must be approved by Purchasing Services prior to placing order or starting work. Requests of \$1,000,000 and over require Board of Regents approval before placing order or starting work. Click [here](#) for Regents Docket information.

**Department Name:** Office of the President

**Describe the item or service required to meet the minimum need:  
Specialized executive search services with expertise and a track record of success placing athletics directors in Division I institutions**

**Supplier Name:** Parker Executive Search

**NEW REQUEST**  
Instructions: Attach completed form, with signatures, to ePro requisition before submitting requisition. Please attach any other required forms to ePro requisition, such as supplier quote or proposal or CPS Professional Services Information Sheet.

**Requisition #:**

One-Time Order     Blanket Order/Time Period Contract    Price per attached firm quote: **\$90,000.00 plus expenses**

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**AMENDING EXISTING PO or CPS**  
Instructions: Complete this section each time you are amending an existing sole source PO or CPS \$50,000 and over or bringing the total over \$50,000. Send completed form, with signatures, to Purchasing Services at [purchase@umn.edu](mailto:purchase@umn.edu) or fax to 612-626-0366.

PO/CPS #: \_\_\_\_\_ Change Order/Amendment #: \_\_\_\_\_  
Current Amount of PO/CPS: \$ \_\_\_\_\_ Amount Added: \$ \_\_\_\_\_ Total Amount: \$ \_\_\_\_\_

**Purchasing Use Only:**  
PO/CPS # Awarded: \_\_\_\_\_ Date PO/CPS Awarded: \_\_\_\_\_

**Section I. BASIS FOR REQUEST FOR EXCEPTION TO REGENTS PURCHASING POLICY.** Please indicate below the justification basis for this request for Exception to Policy by completing Part A, B, C, or D. Then go to Section II.

**Part A. Justifiable Exceptions to Bidding**

1	Purchasing of research products (animal feed, serum, test equip/supplies) for clinical trials. Also purchasing from a previous supplier to ensure consistency of research results.	
2	Equipment that requires brand compatibility with existing equipment or supplies and is available only from manufacturer or sole authorized distributor.	
3	Funding source or granting agency specified a single supplier.	
4	Other: (Please complete Section II. #1)	

**Part B. Emergency Justifiable Exceptions to Bidding**

1	A threat to health, welfare, safety.	
2	A significant loss to the University.	X
3	A failure to provide core services to University students/faculty/staff.	

4	Emergency equipment repairs and parts or emergency facility repairs and parts under \$100,000	
Note: The urgency cannot be caused by department's own lack of planning.		
<b>Part C. Pre-Approved Exceptions to Bidding for GOODS, STANDARD SERVICES, AND PROFESSIONAL SERVICES</b>		
1	Lodging, travel (does not include group airfares or charter air).	
2	Media advertising, purchase of or access to uniquely compiled database of information.	
3	Farm commodities such as grain or livestock. Note to Buyer: Livestock bought at auction appears on Direct Pay List.	
4	Closeout or used items which requestor or Purchasing has verified to be at least 30% below comparable new equipment (does not include refurbished or remanufactured furniture).	
5	Subcontractors previously arranged by Sponsored Projects Administration (SPA).	
6	Service (1) available only from another governmental agency or public entity or (2) required by law to be provided by another governmental entity.	
7	Service/maintenance agreements with the original manufacturer/developer for equipment and software.	
8	Unique specification research animals purchased under guidelines of the Institutional Animal Care and Use Committee (IACUC).	
9	Software license renewals and software upgrades available only from developer. This includes adding licenses to an existing license agreement.	
10	Development, design and/or creation of original artwork.	
11	Fairview purchases related to research projects. (See letter on file.)	
12	Entertainers, lecturers, speakers and honoraria.	
13	Purchases from University Physicians that are not part of sponsored research activities.	
14	Study Abroad Program Administrators (Does not include group airfares.)	
15	Legal Services for the Office of the General Counsel	

**NOTE: If you complete Part C, Pre-Approved Exceptions, proceed to Section III.**

**Section II. NOTE: ALL QUESTIONS MUST BE ANSWERED COMPLETELY.**

Complete this section if Part A or B were selected above.

All the documentation in Section II must fully support each statement made in Section I, Part A and B. Answers which require additional space should be attached to this justification with reference to the specific question number. Additional documents that pertain to these questions may also be attached with reference to the question number.

1. Why must this item or service be purchased only from the proposed supplier? Note: (a) Checking with other possible suppliers yourself is not justification for avoiding an open, competitive process. (b) Lack of awareness of other suppliers is not acceptable justification. (c) Patents alone are not sufficient justification for waiving the bid process.

The nature of this search is highly specialized and requires a high degree of knowledge and understanding both of the University of Minnesota and its culture and the field of potential candidates. As well, the search will garner a great deal of attention from within and outside of the university and thus requires an exceptional level of confidentiality and integrity.

2. Basis for supplier selection: Why is the manufacturer or source cited above uniquely qualified to provide the required item or service?

Parker Executive Search has a long record of working with the University of Minnesota on high profile athletics searches. They successfully recruited the the past (Brewster) and current (Kill) football coaches, and the current basketball coach (Smith).

Not only is their knowledge of Minnesota current and unique, they have successfully recruited Athletic Directors at other D1, Big 10 institutions, including the University of Illinois, University of Iowa, Indiana University, and the Ohio State University, and national universities including Notre Dame, Arizona State, Iowa State and the University of Washington.

**Section III. PRICE REASONABLENESS**

IN THE ABSENCE OF COMPETITIVE BID/PROPOSAL PRICES, HOW CAN YOU BE ASSURED THAT THE PRICE QUOTED BY THIS SINGLE SUPPLIER IS REASONABLE? Please address this below:

I judge that the prices (or discounts), terms and conditions accepted on the above referenced order are reasonable and represent a good value to the University of Minnesota. My judgment is based on:

- 1. Cost/price analysis – attached and include review and approval by an individual qualified to make judgment of reasonableness.
  - (a) What qualifies individual to make judgment of reasonableness
  - (b) What is the individual's basis for judging this purchase reasonable
- 2. Negotiation with supplier. Explain supplier's concession.
- 3. Published catalog price (Indicate amount and type of discount).
  - (a) How is the price reasonable?
- 4. Comparison to similar purchase from **different** supplier.  
PO/CPS #                      Req #                      Date:                      Cost: \$
- 5. Other: Pricing is consistent with market rates for this type of search. Parker is charging the University of Minnesota the same amount (\$90,000) as they charged in 2010 as consultants for the Gopher's head football coach search.

## CERTIFICATION from REQUESTER

The undersigned states that he/she has prepared the above documentation and that the facts and data set forth are complete and accurate to the best of the undersigned's knowledge and belief.

CONFLICT OF INTEREST: The Requestor certifies that to Requestor's knowledge, no elected or appointed official or employees of the University of Minnesota has benefited or will benefit financially or materially from this award. The awarded contract may be terminated by the University of Minnesota if it is determined that gratuities of any kind from the Supplier, its agents, or its employees were either offered to or received by any of the aforementioned individuals at the University of Minnesota.

*Elizabeth Eull, Deputy Chief of Staff*

NAME AND TITLE (Please print or type)

Office of the President  
2-15-12

612-626-1616

DEPARTMENT

PHONE

DATE

SIGNATURE OF REQUESTOR

DEPARTMENT HEAD

*(Handwritten signature: Amy Pnevix)*  
*(Handwritten signature: Elizabeth G. Eull)*

OVER \$250,000 – DEAN OR ADMINISTRATIVE VICE PRESIDENT  
(Required for Approved Exceptions only)

(Delegations of Authority)

### FOR PURCHASING USE ONLY

**Approval Instruction:**

Approved Exceptions require all necessary signatures as stated below. Pre-Approved Exceptions up to \$250,000 require only a Category Manager signature. For Pre-Approved Exceptions \$250,000 and over Category Manager and Director signatures are required. Once the form is routed and signed by Purchasing/Regents File Copier this form will be given back to the Category Manager to finish processing requisition.

- |   |   |  |      |
|---|---|--|------|
| a. Category Manager                                   | X |  | Date |
|   |   | Required for all Approved and Pre-Approved Exceptions.   |      |
| b. Director/Associate Director                        | X |  | Date |
|   |   | Final approver for Approved Exceptions up to \$250,000. Required for all Pre-Approved Exceptions \$250,000 and over. |      |
| c. Controller   | X |  | Date |
|   |   | Required for Approved Exceptions \$250,000 and over.   |      |
| <input type="checkbox"/> Logged by Purchasing Admin   |   |  | Date |
| <input type="checkbox"/> Approved by Board of Regents |   | (For Purchases \$1,000,000 and over)   | Date |

# Professional Services Information Sheet

**Required for all Professional Services \$3,000 and up.**

*Section 1 must be filled out and attached to every CPS Requisition \$3,000 and up – Other sections conditionally required.*

**STATEMENT OF WORK:** All Contracts for Professional Services require a statement of work that completely describes the work or service to be provided. For short descriptions, enter the information in the requisition comments. Otherwise use the Statement of Work Template and attach it to the CPS Requisition as an attachment to be sent to the vendor.

## Section 1: Basis for Vendor Selection and Price Reasonableness

*Answer for all*

**Basis for Vendor Selection or Vendor Qualifications:** Describe how and why this particular vendor was selected.

The nature of this search is highly specialized and requires a high degree of knowledge and understanding both of the University of Minnesota and its culture and the field of potential candidates. As well, the search will garner a great deal of attention from within and outside of the university and thus requires an exceptional level of confidentiality and integrity. Parker Executive Search has a long record of working with the University of Minnesota on high profile athletics searches. They successfully recruited the the past (Brewster) and current (Kill) football coaches, and the current basketball coach (Smith).

Not only is their knowledge of Minnesota current and unique, they have successfully recruited Athletic Directors at other D1, Big 10 institutions, including the University of Illinois, University of Iowa, Indiana University, and the Ohio State University, and national universities including Notre Dame, Arizona State, Iowa State and the Universtiy of Washington.

**Basis for Price:** Describe the vendor's basis for the total price: Breakdown of tasks with hourly rates, percentage of the first year's salary (for search firms), number of people surveyed (for a survey project) etc.

Parker will provide this search assistance for a set fee of \$90,000. The fee will be invoiced in two equal retainers of \$45,000. The first invoice will be billed immediately after the initial meeting and the second invoice will be billed 30 days thereafter. In addition to the professional fee for this assignment, they will bill for out-of-pocket expenses. These expenses include such items as long distance telephone calls, research and delivery services, as well as travel and interview expenses for the search consultant. Parkers makes every effort to hold reimbursable expenses to a minimum and will ensure that the expenses do not exceed 12% of the fee. Advertising, committee interview and travel expenses, and candidate travel expenses are not included in the 12% expense budget and will be invoiced separately to the University of Minnesota along with the appropriate documentation.

**Assurance of Reasonable Price:** If you did not use a competitive process that would have allowed a price comparison among various vendors, you must describe how you know the price to be reasonable.

Pricing is consistent with market rates for this type of search. Parker is charging the University of Minnesota the same amount (\$90,000) as they charged in 2010 as consultants for the Gopher's head football coach search.

## Section 2: Current Employer/Employee Relationship

*Answer Only for Individuals and Sole Proprietors*

Is this individual currently employed by the University or its coordinate campuses?	Was the individual on the University payroll (regular or temporary appointment) prior to the date these services are to begin?	Does the University plan to hire this individual as an employee soon after the period of his or her services as an independent contractor?	Is this individual currently working as an independent contractor for the University, and/or has he or she worked as an independent contractor for the University within the past 12 months?
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

## Section 3: Types of Services provided – Complete ONLY one part (A, B, or C) as applicable

**Answer Only for Individuals and Sole Proprietors**

**A: Lecturer/Instructor**  Not Applicable

Is the individual a "guest lecturer", e.g. an individual who lectures at only one or two class sessions? <input type="checkbox"/> Yes <input type="checkbox"/> No	Is the individual the primary instructor in a department course being offered for academic credit towards a university degree? <input type="checkbox"/> Yes <input type="checkbox"/> No	Is the individual responsible for the content of the lecture/presentation (vs. presenting materials that have been prepared/dictated by the University)? <input type="checkbox"/> Yes <input type="checkbox"/> No
--	---	--

**B: Researcher**  Not Applicable

Will the individual serve in an advisory or consulting capacity with a University faculty member or director in a "collaboration between equals" type arrangement? <input type="checkbox"/> Yes <input type="checkbox"/> No	Will the individual perform research in an arrangement whereby a University faculty member or employee serves in a supervisory capacity? <input type="checkbox"/> Yes <input type="checkbox"/> No	Is the individual being paid as a grant participant as defined by the account stream? <input type="checkbox"/> Yes <input type="checkbox"/> No
--	---	--

**C: Individuals who are NOT Instructors/Lecturers or Researchers: (complete if A & B were Not Applicable)**

Does the individual perform any of the following services (regardless of job title): Actor, research project interviewer, medical residency program preceptor, assistant coach, medical care instructor, athletic band director, FDA reporting coordinator, or coordinator of 4-H livestock? <input type="checkbox"/> Yes <input type="checkbox"/> No	Will the department provide the individual with specific instructions, supplies, and equipment to perform the required work, rather than rely on the individual's expertise, supplies & equipment? <input type="checkbox"/> Yes <input type="checkbox"/> No	Will the University set the number of hours and/or days that the individual is required to work, as opposed to allowing the individual to set own work schedule? <input type="checkbox"/> Yes <input type="checkbox"/> No
Will the University pay the individual an hourly rate similar to what other employees are paid on campus for similar work? <input type="checkbox"/> Yes <input type="checkbox"/> No	Does the individual engage in entrepreneurial activities in an established business at risk for loss? <input type="checkbox"/> Yes <input type="checkbox"/> No	Does the individual routinely provide the same or similar services to other clients outside of the University as part of a continuing trade or business? <input type="checkbox"/> Yes <input type="checkbox"/> No
Does the individual have his/her own insurance for work-related injuries? <input type="checkbox"/> Yes <input type="checkbox"/> No		

**Section 4: Data Collection Sheet**

*Required for Sponsored Funds. Optional for Non-Sponsored.*

A.

Vendor Name:	Parker Executive Search	Vendor Number:	
Vendor Address:	Five Concourse Parkway, suite 2900, Atlanta, GA 30328		

B.

Chart of Account Information												
Ln	Fund	Dept ID	Acct	Prog	Proj	Proj Cost	Actvy	Bud Ref	CF1	CF2	CF3	Dollar Amount \$
1								01				
2								01				
3								01				

- 1) VCPS - If the total is under \$3,000 contract is not required, payment is processed
- 2) QCPS - If the total is \$3,000 - \$24,999.99, complete contract to vendor and begin work
- 3) CPS / PCPS - If the total is \$25,000 to \$49,999.99, complete contract including contractor's signature on contract and Univ approval prior to work beginning
- 4) If this total is \$50,000 or more a competitive RFP process must be conducted. Enter an CPS requisition and include a draft RFP and a list of vendors including e-mail addresses

CONTRACT TOTAL

\$



C.

- This is a firm price contract for a specific, well-defined project(s). The Contractor agrees to provide the University with specific deliverables or outcomes for a mutually agreed-upon price.
- OR-
- This contract is for non-employment project-related services as requested for the period indicated and at the stated rates. Only services actually provided will be invoiced.

D.

**Service Dates:**                      **Start Date:**                       **End Date:**

E.

**Payment Schedule:**

F.

**Contract Administrator Name and E-mail Address:**

Name:	Elizabeth Eull
Email:	eullx001@umn.edu

G.

**HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT (HIPAA) DATA COLLECTION:**

Business Associates of health care components must be identified. All identified business associates should be reported to the Privacy Coordinator of the appropriate health care component for tracking. Please respond to the questions below to facilitate the compliance.

YES       NO      Does contractor create, receive, transmit, or store Patient Health Information (PHI) on behalf of the University for services provided under this contract?

If yes, respond to all questions on the [HIPAA Data Collection Sheet](#) and include the [HIPAA Data Collection Sheet](#) as an attachment to your CPS requisition.

**H. Subcontract Questions**  
Sub Award

YES	NO	NOT APPLICABLE	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If sponsored funds will be used to pay for this service, is the work in the sponsored project's approved budget as consulting services or professional services?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If sponsored funds will be used to pay for this service, is the work in the sponsored project's budget as subcontracting?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If sponsored funds will be used to pay for this service, is the work to be performed as <b>independent</b> consulting services (if so, check no), or are these programmatic activities that require a subaward/subcontract to be issued (if so, check yes)?

I.

**Principal Investigator Signature\***  
(or authorized designee):

\*I have reviewed & authorized this purchase.

<b>Name:</b>	<input type="text"/>	<b>Title:</b>	<input type="text"/>
<b>Signature:</b>	<input type="text"/>	<b>Date:</b>	<input type="text"/>

**Resources**

[Policy on Purchasing a Professional Service](#)

[Purchasing a Professional Service – 3.7.1.1 \(Procedure\)](#)

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Establishing a Basis for Contractor Selection and Price, and Assuring a Reasonable Price – 3.7.1.2 (Procedure)

Administering Contracts for the Purchase of Goods and Services – 3.7.1.3

Protection of Individual Health Information by University Health Care Components (HIPAA)

Use & Disclosure of Individual Health Information for Research Purposes (HIPAA)

Travel Reimbursement for Contractors

Paying Fees and/or Expenses to Professional Service Providers on Financial FormsNirvana (Non-Employee Individuals and Firms)

# UNIVERSITY OF MINNESOTA

## Contract for Professional Services - C P S

This agreement is entered into by and between the Regents of the University of Minnesota, a Minnesota constitutional corporation, through its unit identified in the "Return To" box below (the "University"), and contractor listed below.

Page 1

CPS# To be Assigned

Dispatch: Print

<b>Contractor #:</b> 0000012075  PARKER EXECUTIVE SEARCH 5 CONCOURSE PKWY NE STE 2900 ATLANTA, GA 30328-6104  (P) 770/804-1996 ext. 111 (F) 770/804-1917	<b>Date</b> 02/20/2012	<b>Tax Exempt #</b> 8029894
	<b>Payment Terms</b> Net 30	<b>Vendor Type</b> Corporation
	<b>Requestor</b> Michele R Thompson (E) thomp034@umn.edu	<b>Phone</b> 612/627-3025

<b>Return To:</b>  Harley Anderson MCAE RM140 APPLEBE HALL 128 PLEASANT ST SE MINNEAPOLIS, MN 55455  (P) 612/626-8059 (F) (E) ander059@umn.edu	<b>Contract Administrator:</b>  Elizabeth G Eull President, Office of the 100 Church Street SE Office of the President 202 MORRILL HALL Minneapolis, MN 55455  (P) 612/626-9276 (E) eullx001@umn.edu
---	--

Federal Contract Funding? NO

**Exclusive Terms and Conditions:** These terms and conditions are the sole and exclusive terms and conditions applicable to this Contract. The University objects to, and rejects, all other terms and conditions contained in any document provided by Vendor at any time. All terms and conditions in the University of Minnesota Contract for Professional Services ("CPS"), available from the University of Minnesota Purchasing department (purchase@umn.edu), 1300 S. 2nd St. Minneapolis, MN 55454 and available online at <http://www.ogc1.umn.edu/stellent/groups/ogc/documents/contract/OGC-SC501P.doc> are incorporated herein. Any performance under this Contract will be deemed acceptance of these terms and conditions and provisions and specifications on the face and Exhibit A of this Contract and attachments, if any.

Vendor agrees that any additional or different terms and conditions on its documents (acknowledgements, invoices, website, etc.) shall not be binding on the University, notwithstanding any legend on such document.

If "Yes" appears after "Federal Contract Funding?" at upper right, then Acquisition Regulations ("FAR") clauses apply. See <http://purchasing.umn.edu/docs/FederalFlowdown.pdf>

If attachments are enclosed, they are incorporated into the Contract by this reference.

Exhibit 89

UNIVERSITY OF MINNESOTA

Contract for Professional Services - C P S

Page 2

CPS# To be Assigned

EXHIBIT A

SCOPE OF WORK

Consultant fees, misc reimbursable fees and costs for bringing in potential candidates for interviews: for Director of Athletics position at U of Minnesota

<b>Terms of Agreement:</b>		<b>Start Date: 02/20/2012 and shall remain in effect until End Date: 12/31/2012</b>				
Line	Item/Description	Quantity	UOM	Unit Price	Extended Amt	
1	Parker Exec Search (consult fees)	1.0000	LOT	\$90,000.00	\$90,000.00	
<< **Start Date:2012-02-20 work with and represent UM in search for next Director of Athletics >>						
Line	Item/Description	Quantity	UOM	Unit Price	Extended Amt	
2	Parker Exec Service (misc expenses)	1.0000	LOT	\$10,800.00	\$10,800.00	
<< **Start Date:2012-02-20 misc expenses re search services, i.e. calls, research & delivery servies >>						
Line	Item/Description	Quantity	UOM	Unit Price	Extended Amt	
3	Parker Exec Search (candidate fees)	1.0000	LOT	\$25,000.00	\$25,000.00	
<< **Start Date:2012-02-20 travel & interview expenses (for potential candidates) >>						

**TOTAL OBLIGATION:**

The University's total obligation to Contractor under this agreement, including compensation for goods, services and reimbursable expenses, shall not exceed \$125,800.00 without the prior written approval of the University.

UNIVERSITY OF MINNESOTA

Contract for Professional Services - C P S

Page 3

CPS# To be Assigned

INSTRUCTIONS TO CONTRACTOR:

To finalize contract, sign below and return to the address identified above. Once University approval is applied, the fully executed contract will be returned to you and work may begin.

IN WITNESS WHEREOF, the parties have entered into this Agreement as of the date specified above.

Regents of the University of Minnesota

By: [Signature]  
Name: Amy Pheix  
Title: Chief of Staff  
Date: 2/21/12

As required by law, the University will generate a 1099-MISC for fees and reimbursed expenses under this Agreement to individuals, sole proprietors, partnerships, and limited liability corporations. In these instances, the University will report to the IRS all amounts paid under this Agreement, including any expense reimbursements. Such expense reimbursements, may be deductible on the Contractor's tax return. Contractor should contact its tax adviser with questions or advice.

Contractor  
By: [Signature]  
Name: Dan Parker  
Title: President  
Date: 2/24/12

NOTICES:

If to the University of Minnesota, see University of Minnesota Contract Administrator above unless instructed otherwise.

If to the Contractor, see Contractor address on page 1 of Contract unless instructed otherwise.

February 21, 2012

TO: Board of Regents  
FROM: Eric Kaler, President  
RE: Athletics Director Search

Later today we will announce the process and committee membership for the Athletics Director search. I have asked Vice President for Research Tim Mulcahy and Professor Mary Jo Kane to co-chair the search. Both bring a deep knowledge of the University culture, mission and intercollegiate athletics and great integrity. I am confident that they will guide an effective process that engages our various stakeholder groups and develops a diverse pool of candidates. We will also announce we have retained Parker Executive Search as our search consultant.

The search will include a broadly representative Search Advisory Committee and a smaller, four member Search Committee, with Tim and Mary Jo co-chairing both groups. We want the advisory committee to have a clear and direct line of input to the Search Committee.

The Search Advisory Committee will determine key qualities we want in a new Athletics Director, review and finalize the job description, identify qualified candidates, participate in on-campus interviews and assist with the on-boarding process. The Search Committee will participate in confidential applicant screenings, semi-finalist interviews and recommend finalists to me for on-campus interviews.

A press release for today's announcement is attached. Included are the names of all Search and Search Advisory Committee members. As you can see, it's a broadly representative group with significant experience in intercollegiate athletics and the University of Minnesota.

If you have questions, please don't hesitate to contact me, or Amy Phenix.

**Exhibit 90**

February 21, 2012

TO: Athletics Director Search Advisory Committee

FROM: Eric Kaler, President

RE: Search Launch

Thank you so much for agreeing to be on the Athletics Director Search Advisory Committee. This is a critical hire and I appreciate the unique perspective, advice and expertise you will bring to this process.

Later today we will publicly announce the search process and committee membership. I have asked Vice President for Research Tim Mulcahy and Professor Mary Jo Kane to co-chair the search. Both bring a deep knowledge of the University culture and intercollegiate athletics and I have confidence that they will guide an effective process that engages our various stakeholder groups and develops a diverse pool of candidates.

A press release for today's announcement is attached. Included are the names of all Search and Search Advisory Committee members. As you can see, it's a broadly representative group with significant experience in intercollegiate athletics and the University of Minnesota. You may be contacted by the media. Please feel free to refer all media inquiries to one of the co-chairs (contact information below) or to our University News Service at 612-624-5551.

My expectation is that this will be a fast-moving, but broad-based and inclusive search process. Our first Search Advisory Committee meeting will be held:

**Monday, February 27**  
**5:30-7 p.m. – dinner will be served**  
**Carlson School of Management Board Room, 4-300D**  
(map and parking information enclosed)

*To participate by phone please contact Liz Eull,  
[eullx001@umn.edu](mailto:eullx001@umn.edu) or 612-626-9276*

At this meeting, I will share with you my priorities for the next Athletics Director. Dan Parker, our executive search consultant, will also join us to hear about the qualities and expertise you believe are critical for a new Athletics Director, and we will discuss the search process and timeline.

**Exhibit 91**

I understand that it will be virtually impossible for everyone to attend every meeting. We will have a conference line so you may participate remotely. However, if you cannot attend in person or remotely, please feel free to contact our co-chairs to discuss the process and provide your perspective.

If you have questions, please don't hesitate to contact me, Amy Phenix, [pheni001@umn.edu](mailto:pheni001@umn.edu), or (612) 625-0161, or Liz Eull in my office. You may also contact our co-chairs: Tim Mulcahy, [mulcahy@umn.edu](mailto:mulcahy@umn.edu), or (612) 624-5054; and Mary Jo Kane, [maryjo@umn.edu](mailto:maryjo@umn.edu), or (612) 625-3870.

Thanks again for your service to the University.

Enclosure

C: Amy Phenix, Chief of Staff  
Elizabeth Eull, Deputy Chief of Staff





**PERSONAL & CONFIDENTIAL**

Eric Kaler, Ph.D.  
President  
University of Minnesota  
202 Morrill Hall  
100 Church St. SE  
Minneapolis, MN 55455

Dear President Kaler:

It is our pleasure to have the opportunity to work with you and represent the University of Minnesota in the search for your next Director of Athletics. We will work closely with you in identifying, recruiting, and assessing candidates for your consideration. We will use the information and objectives provided by you to assist in recruiting a qualified panel of candidates.

**SCOPE OF WORK**

Our search consulting services are designed to assist the client in defining positions, providing market place information, identifying and assisting the client in recruiting and selecting well qualified candidates through a comprehensive search process.

- **Understand the purposes and goals of the University of Minnesota's Department of Athletics.**  
Parker Executive Search will visit with the University, its leadership, and those involved in the search in order to gain an understanding of the history, structure, and operations of the department.
- **The search firm will assist and advise the University on appropriate advertising venues, which may include, but are not limited to: *The Chronicle of Higher Education, Diverse Issues in Higher Education, Hispanic Outlook, and the NCAA News Online.* Our recommendation is to advertise in the *NCAA News Online* only. We will place the advertisements on the University's behalf. The announcement will also be placed on both the University's website and Parker Executive Search's website.**
- **Original research and candidate identification will continue throughout the search process.**  
The search firm uses both original research, as well as a careful review of the database, complimented by advertising to identify and recruit qualified candidates to compare and evaluate against the position specification and each other.

Exhibit 92

- **An assessment will continue throughout the search process.** The search firm will obtain an understanding of accomplishments, capabilities, strengths and weaknesses, and potential for success for each candidate through background review, telephone screenings, and, in some instances, personal interviews.
- **The search firm will advise and facilitate the process.** The search firm recommends candidates who are qualified and meet the specifications for the position, but the search firm does not have a vote in the final selection process.
- **The search firm's role in interview scheduling.** The search firm will make all arrangements and schedule candidates for interviews with the representatives of the University, with their approval.
  - Consult with representatives of the University on determining dates and location for interviews.
  - Make all meeting arrangements with hotel/meeting venue, including room reservations for University representatives and candidates.
  - Schedule interview time and date with each candidate.
  - Assist candidates with air and/or ground travel arrangements.
  - Schedule or assist in scheduling additional interviews for final candidates.
- **The search firm will assist with preparing for interviews, to include:** Appropriate questions and advising the University representatives on appropriate interviewing techniques, as requested.
- **The search firm will work with the University in all candidate follow ups including recruiting the preferred candidate.** The firm will be involved in working with the client in concluding the search process, including salary and benefit negotiations, when appropriate. Parker Executive Search encourages the use of a memorandum of understanding with the final candidates and will work with the President to draft the document. In addition, the firm will continue to work with the successful candidate and maintain a close contact, including quarterly telephone conversations to ensure a smooth transition.
- **Candidate notification.** We will contact all candidates who have expressed an interest in the search as to the outcome of the search process and selection.
- **Conduct background investigations on final candidates.**
  - Obtain written permission from each candidate to conduct background investigations.
  - Conduct criminal, credit, and motor vehicle investigations.
  - Confirm candidates' degrees.
  - Conduct a NCAA sanctions review for past major infractions, and secondary infractions to the extent the information is available.
  - Conduct media reviews for potentially controversial areas of concern.
  - Have candidates sign a statement of accuracy of vita and/or bio.
  - Reference checking for each candidate.

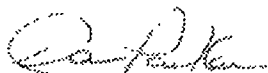
- **Conduct reference checks on final candidates.** We speak directly with individuals who are in positions to evaluate the candidate's performance in recent years, references that will include both those supplied by the individual, as well as additional reference contacts. We also encourage the President and other administrators to make reference calls at the appropriate time.
- **Ensure qualified candidates.** Our search process is inclusive, not exclusive. All candidates expressing an interest will be given complete consideration.

We will provide this search assistance for a set fee of \$90,000. The fee will be invoiced in two equal retainers of \$45,000. The first invoice will be billed immediately after the initial meeting and the second invoice will be billed 30 days thereafter. In addition to the professional fee for this assignment, we will bill you for out-of-pocket expenses. These expenses include such items as long distance telephone calls, research and delivery services, as well as travel and interview expenses for the search consultant. We make every effort to hold reimbursable expenses to a minimum and will ensure that our expenses do not exceed 12% of the fee. Advertising, committee interview and travel expenses, and candidate travel expenses are not included in the 12% expense budget and will be invoiced separately to the University of Minnesota along with the appropriate documentation.

All representations and promises set out in the Executive Search Proposal dated February 6, 2012, presented by Parker Executive Search are incorporated herein.


If you are in agreement with our letter of understanding, please sign the enclosed copy and return it to us for our files. This letter will serve as a Statement of work for the University's Contract for Professional Services ("CPS"), and will become effective upon Parker Executive Search's execution of the CPS. We appreciate the opportunity to work with you and assist you and the University of Minnesota in identifying a quality pool of candidates for your consideration.

Best regards,



Dan Parker  
President

**Agreed to and accepted by:**



Eric Kaler, Ph.D.  
President  
University of Minnesota

Date: 21 Feb 2012

*Parker Executive Search accepts, without reservation, the principles of equal opportunity in employment. Parker Executive Search does not discriminate on the basis of gender, disability, race, age, color, sexual orientation, political affiliation, marital status, national origin, or religion.*



## President Eric Kaler announces search plan for new University of Minnesota athletics director

**Media Note:** President Kaler and search committee co-chairs will be available to respond to media questions during a media availability at 2 p.m. today in Room 238A Morrill Hall.

**Contacts:** Chuck Tombarge, University News Service, [tombarge@umn.edu](mailto:tombarge@umn.edu), 612-625-8510

MINNEAPOLIS / ST. PAUL (02/21/2012) —University of Minnesota President Eric Kaler has named a search committee and selected Parker Executive Search to lead the search for the next director of athletics.

A 21-member search advisory committee and a four-person search committee will work with the leading national executive search firm in collegiate athletics to advise Kaler regarding a successor to Joel Maturi, who will retire from his duties as director of athletics June 30.

"A strong, diverse athletics program committed to academic and competitive success is important to the overall excellence and vitality of the University of Minnesota," Kaler said. "As a public window to our tremendous university, Gopher Athletics connects students, alumni, faculty, staff and the greater community to this great institution.

"The search for our next athletics director demands a thorough and inclusive process. I am confident the search will produce a candidate who ensures University of Minnesota athletics operates with the highest integrity, and is dedicated to the development of the student athlete and committed to athletic success."

The next University of Minnesota athletics director will lead a program nationally lauded for both academic and competitive success. Gopher Athletics has recorded top-15 finishes in Directors' Cup standings two of the last three academic years, and has been in the top 30 for 16 consecutive years. Befitting its stature as one of the nation's premier public research universities, Minnesota placed 68 student-athletes on the Big Ten Conference Distinguished Scholar Athletes list in 2010-11, matching Michigan State for most honorees by an individual school.

Minnesota's 25-sport program boasts impressive facilities, including TCF Bank Stadium, the conference's first new on-campus stadium in nearly 50 years. With more than 400,000 "U" alumni, the Twin Cities campus draws an average of nearly 1 million fans to Gopher athletic events annually.

The search advisory committee will identify the qualities desired in a new athletics director, review and finalize the job description, advance names of qualified candidates to the search committee, participate in on-campus interviews and assist with the on-boarding process. The four-person search committee will conduct confidential semi-finalist interviews and will recommend finalists to President Kaler for on-campus interviews. To ensure a clear and direct line of input between the committees, both committees will be co-chaired by Tim Mulcahy, vice president for research, and Mary Jo Kane, professor of kinesiology and director of the Tucker Center for Research on Girls & Women in Sport.

The search committee aims to have finalists identified by late April. Kaler's goal is to name the next director of athletics in early May, with a new AD starting at the University July 1.

The search committee reflects the university's core mission, representing its academic, research and

**Exhibit 93**

community-driven values. The four members of the search committee are:

**R. Timothy Mulcahy, vice president for research, University of Minnesota (co-chair)**

Tim Mulcahy was appointed vice president for research on Feb. 1, 2005. He is responsible for the oversight and administration of externally funded research on the five campuses of the University of Minnesota system and with overseeing the overall vitality of the university research environment. Mulcahy earned a Ph.D. in pathology and radiological sciences from the University of Wisconsin-Madison, and was a faculty member at that university from 1985 to 2005. Since his appointment as vice president for research, Mulcahy has chaired the search committees for the positions of chancellor, University of Minnesota-Rochester, and senior vice president for academic affairs and provost.

**Mary Jo Kane, director, Tucker Center for Research on Girls & Women in Sport, University of Minnesota (co-chair)**

Mary Jo Kane is professor and director of the Tucker Center for Research on Girls & Women in Sport in the School of Kinesiology. Kane, who earned a Ph.D. from the University of Illinois, Urbana-Champaign, is an internationally recognized scholar on the social and economic impact of Title IX. She has been involved in faculty governance, serving on the Faculty Consultative Committee (1999-2000 and 2002-05) and as vice chair of the University Senate (2006-08). In 2007 Kane was named one of the 100 most influential sport educators by the International Institute for Sport. Kane recently received the Distinguished Merit Award from the Minnesota Coalition of Women in Athletic Leadership.

**Amy Phenix, chief of staff, Office of the President, University of Minnesota**

Amy Phenix oversees several functions reporting to the president's office, including day-to-day operational reporting of intercollegiate athletics, communications, marketing, compliance and the University Senate office. A veteran of communications management roles in the private and public sector, Phenix holds a master of business administration degree from the Carlson School of Management.

**John E. Lindahl, managing general partner, Norwest Equity Partners**

John Lindahl is the managing general partner at Norwest Equity Partners (NEP), where he is credited with growing the firm into one of the nation's leading private equity firms. A 1968 graduate from the Carlson School of Management, he is a dedicated alumnus whose generosity and commitment is demonstrated through his civic leadership and service. In addition to several endowed professorships and scholarships, John and his wife, Nancy, took a lead role in the TCF Bank Stadium fundraising campaign.

The larger search advisory committee brings together faculty, staff, students, community leaders and alumni. Its members:

- Co-chairs - Mulcahy and Kane
- Student Athletes – MarQueis Gray, football; Mia Tabberson, volleyball
- Coaches – Don Lucia, men's hockey; Meg Stephenson, women's gymnastics
- Athletic Staff – Dan O'Brien, football operations
- Faculty and Academic leadership – Perry Leo, professor and department director, aerospace engineering, and faculty athletic representative; Linda Brady, professor, food science and nutrition, and faculty athletic representative; Virginia Zuiker, associate professor, family social science, and chair, Advisory Committee on Athletics; Walt Jacobs, associate professor and chair, African American & African Studies, and vice chair, Faculty Consultative Committee; Robert McMaster, vice provost and dean of undergraduate education
- Compliance – JT Bruett, director, athletic compliance
- Community Members – Julianne Bye, Archie Givens, Nancy Lindahl, Peggy Lucas, Dave Mona, Lou Nanne, Mark Sheffert and Darrell Thompson
- Former student athletes – Quincy Lewis, basketball; and Sue Grimm, swimming, president, M Club

Parker Executive Search, led by President Dan Parker, has completed successful athletics director searches at 41 public and private universities, including 18 schools from a Bowl Championship Series (BCS) automatic qualifying conference. This list also includes four from the Big Ten Conference: Indiana University, Ohio State University, University of Illinois and University of Iowa.

Parker and his firm have completed more than 1,000 senior level searches and, in 2007, Parker was named by the Chronicle of Higher Education as one of the 10 most influential people in collegiate athletics.

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Last modified on February 21, 2012

## **President Kaler's Charge to the Athletic Director Search Advisory Committee February 27, 2012**

### **I. Athletic Director Search Advisory Committee:**

A group of diverse engaged stakeholders appointed by President Kaler to provide critical insights and advice to advance Intercollegiate Athletics at the University of Minnesota

### **II. Committee Charge:**

The committee will provide advice and guidance to the President during the search and athletic director transition. It will serve as a sounding board for the President on issues relating to Athletics. Specifically, the committee will provide insights and guidance on the following:

- Identify qualities sought and criteria for selection of the Director of Athletics
- Attend listening sessions with additional stakeholder groups
- Act as ambassadors for the search in the broader community
- Share community perspectives with the President and search consultant
- Meet with the executive search firm
- Review/approve final job description
- Assist in promoting the position and identifying qualified candidates, particularly candidates with diverse backgrounds
- Interview finalist(s) on campus
- Help on-board new Director of Athletics and ensure his or her success in the first year

### **III. Commitment:**

Committee members are asked to bring the utmost integrity to the role. The committee will meet 2-3 times between late February and May 1.

## **ANNOTATED AGENDA for chairs/Pres Kaler/Parker**

- 5:30-5:45: **Welcome and introductions** **Co-Chairs / All**
- Mary Jo and Tim introduce themselves
  - Ask each member to introduce themselves
- 5:45-6:00: **Committee Charge** **President Kaler**
- Role of this group [see hand out in your packet]
    - Identify and priorities qualities sought in a new Athletics Director
    - Attend listening sessions with additional stakeholder groups
    - Act as ambassadors for the search in the broader community
    - Share community perspectives with me and search consultant
    - Meet with executive search firm
    - Review/ provide input to job description
    - Assist in promoting the position and identifying qualified candidates, particularly candidates from diverse backgrounds
    - Interview finalist(s) on campus
    - Help on-board new Athletics and ensure his or her success
  - Goals for athletics at UMN
    - Build on current levels of athletic and competitive success
    - Maintain and support a culture of compliance and integrity
    - Continue a strong commitment to the principles of gender equity
    - Achieve and maintain long term financial stability
    - Transparent, consultative and open decision-making
  - Committee is critical to building a diverse candidate pool
  - Questions?
- 6:00-6:30: **Discussion: Key Qualities for a new AD** **All**
- Liz/Jon take notes on flip charts
- 6:30-6:45: **Search process / national trends** **Dan Parker**
- Quick review of recent, national searches
  - How he builds a pool / best practices
  - Where people should send names/etc
- 6:45-7: **Wrap up / next steps** **Co-Chairs**
- Listening sessions next week / attend if you can / send sign up sheet
  - Additional background material in packets (draft job description, info about department structure/budget, etc)
  - Contact us at any time
  - Ambassadors in the community (rumor control also)

**Exhibit 95**





**PROPOSED TIMELINE  
FOR SELECTION OF  
Director of Athletics  
March 1, 2012**

The exact timing is directed by the University of Minnesota. We will agree with Minnesota on a strict timeline and commit the full resources of our firm to aggressively conduct the search to meet and exceed the University of Minnesota's expectations. Our firm has a reputation for successfully completing assignments on schedule.

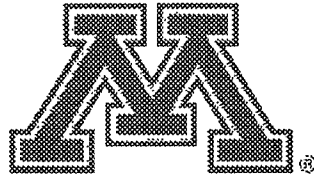
<u>DATE/TIME</u>	<u>OBJECTIVE</u>	<u>RESPONSIBILITY</u>
February 28, 2012	Parker Executive Search (PES) meets with President Kaler and his representatives for the University of Minnesota to discuss the expectations and qualifications for the Director of Athletics and search process.	President Kaler and Parker Executive Search (PES)
March 2, 2012	Advertisement announcing the position will appear on the <i>NCAA News Online</i> Website, University of Minnesota Website, and Parker Executive Search Website.	PES
March 16, 2012 9:00 A.M. CST Conference Call  <i>Dial-in Number: 866-390-5250 Participant Code: 9494178#</i>	Parker Executive Search will provide the first search update during this conference call. The Candidate Status Log will be posted on the secure site for the AD Search Committee's review.  University of Minnesota representatives will have access to all search materials via a secure website. <b>(Providing Confidential Information)</b> Access information will be provided via email.	University of Minnesota Representatives and PES
March 20, 2012 5 :30PM- 7 PM CST  <i>Williams Arena Club Room</i>	Director of Athletics Search Advisory Committee Meeting	Search Committee and Search Advisory Committee
March 23, 2012 9:30 A.M. CST Conference Call  <i>Dial-in Number: 866-390-5250 Participant Code: 9494178#</i>	Parker Executive Search will provide the second search update during this conference call.	University of Minnesota Representatives and PES

Exhibit 96

April 6, 2012	The AD Search Committee will receive Parker Executive Search's recommendation of candidates. All candidate materials can be reviewed via the secure website.	PES
April 10, 2012 9 :00A.M. CST  <i>Conference Call</i>  <i>Dial-in Number:</i> <i>866-390-5250</i> <i>Participant Code:</i> <i>9494178#</i>	The University of Minnesota Representatives will select 6 (more or less) candidates for initial interviews.  PES will conduct extensive background checks on all candidates, including credit, criminal and motor vehicle background checks, confirm degrees, NCAA sanctions reviews conduct media reviews for potentially controversial areas of concern, obtain candidates' signed statement of resume accuracy, and reference checking. We also encourage University representatives to make direct reference calls when appropriate.	University of Minnesota Representatives and PES
April 18-19, 2012	University of Minnesota search committee will conduct first round of interviews of 6 (more or less) candidates. Parker Executive Search will provide a report containing all selected candidates' materials and appropriate information for the first round of interviews.  <b>Location: Minneapolis, Minnesota</b>	University of Minnesota Search Committee and PES
April 24-25, 2012	President Kaler and University of Minnesota Representatives will conduct <i>potential</i> on-campus interviews with the final 2 or 3 candidates and spouses on campus.	President Kaler and University of Minnesota Representatives
April 25, 2012	Announcement of new Director of Athletics.	President Kaler

Parker Executive Search will work directly with University of Minnesota to arrange all schedules and assist in facilitating and expediting the process of candidate recommendation. The search firm will also work with Minnesota to arrange final schedules and, when necessary, assist in the offer and negotiations. Background and reference checks will continue throughout the process to ensure that the all parties are satisfied with the information provided on each final candidate. All deliberations will be maintained in confidence by the search firm and its representatives.

*Parker Executive Search accepts, without reservation, the principles of equal opportunity in employment. Parker Executive Search does not discriminate on the basis of gender, disability, race, age, color, sexual orientation, political affiliation, marital status, national origin, or religion.*



**University of Minnesota  
Intercollegiate Athletics  
Director of Athletics**

The Director of Athletics shall report to the President and serve on his senior leadership team. The Director of Athletics shall diligently and conscientiously devote their full time, attention, and best efforts in performing and discharging the usual and customary duties of an athletic director of a NCAA Division I intercollegiate athletics program, including, but not limited to, the following duties:

- Supervise all head coaches, staff and administrative personnel, including reviewing the performance for all University employees who report to the Athletics Director, setting compensation for the department employees, and hiring, promoting, demoting or terminating any such employee in accordance with applicable University policy.
- Develop and implement an ongoing strategic plan that is reflective of the mission, values and vision of Intercollegiate Athletics and the University of Minnesota.
- Develop and administer the annual budget for the department.
- In conjunction with the Director of Athletics Compliance and the Office of the General Counsel, ensure the department's compliance with rules and regulations of the University and the rules and regulations of any designated governing association (NCAA, Big Ten, WCHA), including policies regarding compliance with academic standards of the University, NCAA, Big Ten and WCHA.
- In conjunction with the Director of the McNamara Academic Center and the Provost's Office, ensure the commitment to academic integrity, academic process and procedures of the University and the academic progress of and graduation of student athletes.
- Ensure the department's compliance with Title IX, including without limitation, development and implementation of a long-term gender-equity plan.
- Demonstrate a commitment to diversity in the recruitment, retention and representation of staff and student athletes.
- Direct, lead, and organize the department's fund raising efforts, including increasing the annual fund and endowment for the department.

**Exhibit 97**

- Conduct and supervise the relationship and presentation of the department to the media, including without limitation, radio and television appearances.
- Direct, lead, and organize the department's public relations and promotions and marketing efforts.
- Direct, lead and organize efforts to improve the athletic facilities at the University; work with Recreational Sports to best utilize and satisfy facilities' needs.
- Serve and represent the University on all appropriate athletic governing or oversight bodies and any governing associations.
- Perform such other duties as directed by the University.

**Education:**

- Bachelor's degree required; advance degree preferred

**Application Process:**

The University of Minnesota invites letters of nomination, applications, or expressions of interest to be submitted to the search firm assisting the University. Confidential review of materials will begin immediately and continue until the appointment is made. For full consideration, application materials should be submitted by April 2, 2012. For additional information please contact:

Dan Parker, President  
Laurie C. Wilder, Executive Vice President and Managing Director  
770-804-1996 ext: 116  
[danielparker@parkersearch.com](mailto:danielparker@parkersearch.com)

*The University of Minnesota is an Equal Opportunity/Affirmative Action employer  
<http://www.eoaa.umn.edu/>*

## **Summary of Qualities and Attributes for next Director of Athletics March 19, 2012**

The Athletics Director Search Advisory Committee met on February 27, 2012. Committee members discussed the qualities and attributes they wanted to see in the next Athletics Director for the Golden Gophers. We combined these with what we heard during the four stakeholder engagement sessions, attended by over 60 people, held the week of March 5-9.

Six major themes and attendant qualities and one set of “intangibles” emerged:

### **1 – Integrity**

- a. Commitment to a strong culture of compliance and accountability
- b. Commitment to academic integrity
- c. Honest
- d. Humble / quiet confidence
- e. Demonstrated high standards
- f. Authentic
- g. Established credibility
- h. Garner respect from student-athletes and staff
- i. Consistent
- j. Commitment to diversity in staffing and student-athletes

### **2 – Leadership / Management**

- a. Visionary
- b. Inspirational
- c. Presence / charisma / gravitas
- d. Demonstrated record of building successful athletic and administrative programs
- e. Ability to energize and mobilize others
- f. No tolerance for mediocrity / winning attitude / commitment to competing at highest level
- g. Innovative
- h. Willingness and ability to make tough decisions / decisive
- i. Ability to recognize and hire talent
- j. Ability to delegate / empower staff / prioritize
- k. Catalyst for change / strategist
- l. Understand college sports business model

### **3 – Communication**

- a. Good listener
- b. Proactive in advancing the University’s message / telling our story
- c. Media savvy / understand local media
- d. Ability to relate and talk to faculty
- e. Effectively manage high profile people and situations
- f. Inclusive
- g. Track record of building bridges
- h. Engage and collaborate with broader University and external community
- i. Build pride and the U brand

**Exhibit 98**

#### 4 – Student-Athlete Focus

- a. Cares about student-athletes as people / personal development beyond sports
- b. Committed to the student-athlete experience
- c. Appreciation for what sports can develop in a young person
- d. Commitment to maintaining the educational component of college athletics
- e. Appreciation for academic mission of University
- f. Understanding of the expectations placed upon student-athletes.
- g. Commitment to balance among the many sports

#### 5 – Fundraising acumen

- a. Track record of fundraising success
- b. Effective “sales” person / ability to sell the U
- c. Ability to engage diverse stakeholders, especially business community
- d. Ability to build partnerships and relationships
- e. Ability to tap into the hope and passion that exists in our alums and Minnesotans

#### 6 – Commitment to Minnesota

- a. Passion for college athletics Minnesota Gophers
- b. Understanding and appreciation for UM traditions, history, and CULTURE
- c. Ability to relate to Minnesotans
- d. Understanding the challenges of the local pro sports market

#### 7 – Intangibles

- a. Competitive—wants to win
- b. Problem-solver
- c. High level of social confidence
- d. High energy
- e. Sense of humor
- f. Strong relationship with President Kaler
- g. Thick-skinned / broad shoulders
- h. Approachable
- i. Experience in a large complex organization
- j. Qualities of a college AD in the 21<sup>st</sup> century – 10 years from now???

**Athletics Director Search Advisory Committee**

Tuesday, March 20, 2012

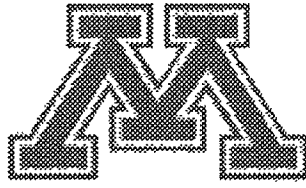
5:30-7 p.m.

Williams Arena Club Room

**AGENDA**

5:00-5:30	Arrive and dinner	All
5:30-5:45	Welcome and search update	Tim Mulcahy, Mary Jo Kane
5:45-6:15	Review and prioritize outcomes of stakeholder engagement	All
6:15-6:50	Discussion: Interview questions for candidates	All
6:45-7:00	Wrap up / next steps	Tim Mulcahy, Mary Jo Kane

**Exhibit 99**



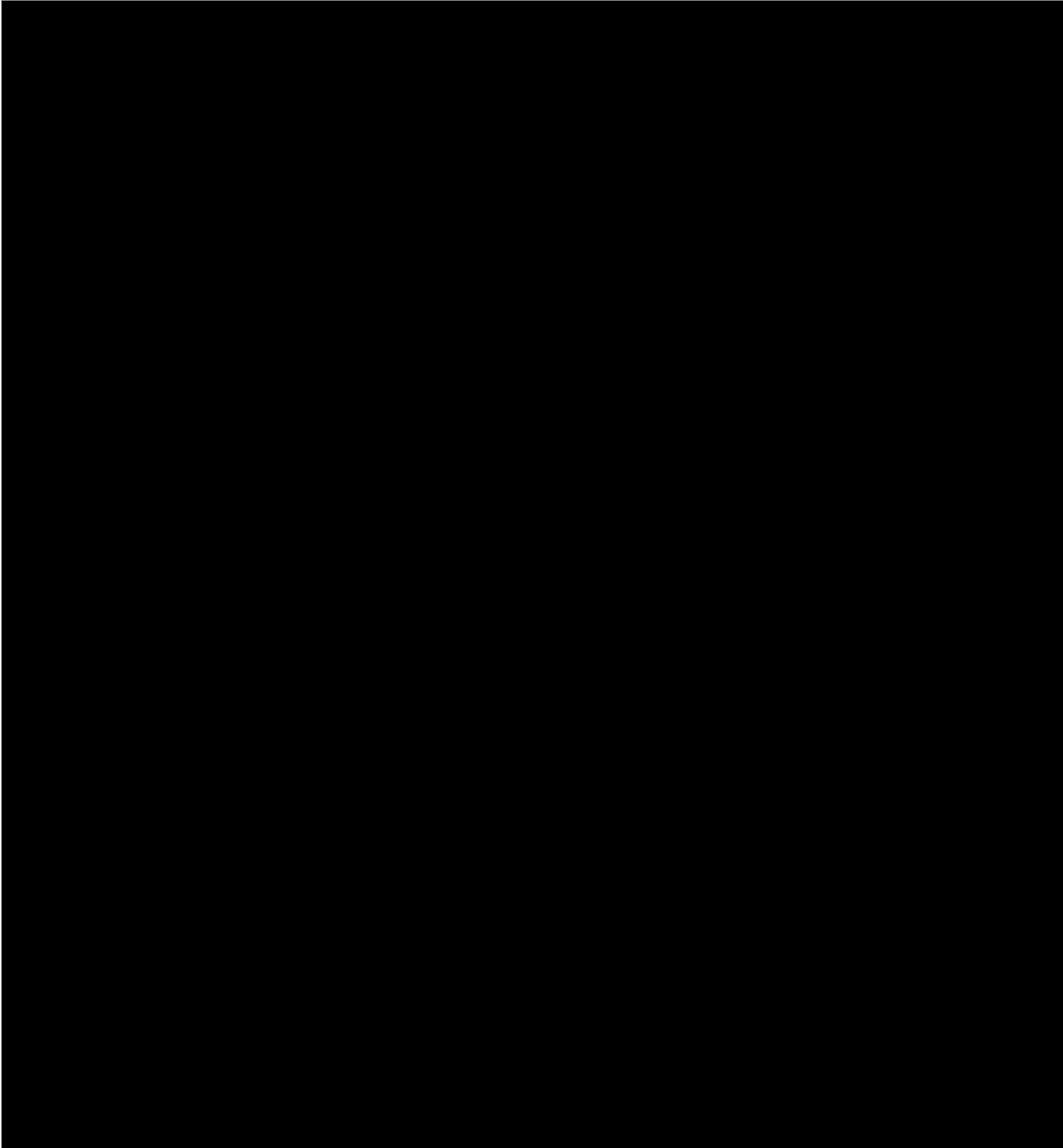
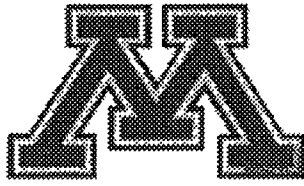
**Director of Athletics  
Candidate Questionnaire**

*We ask that you please keep your responses brief and limit the total document to no more than 4-5 pages.*

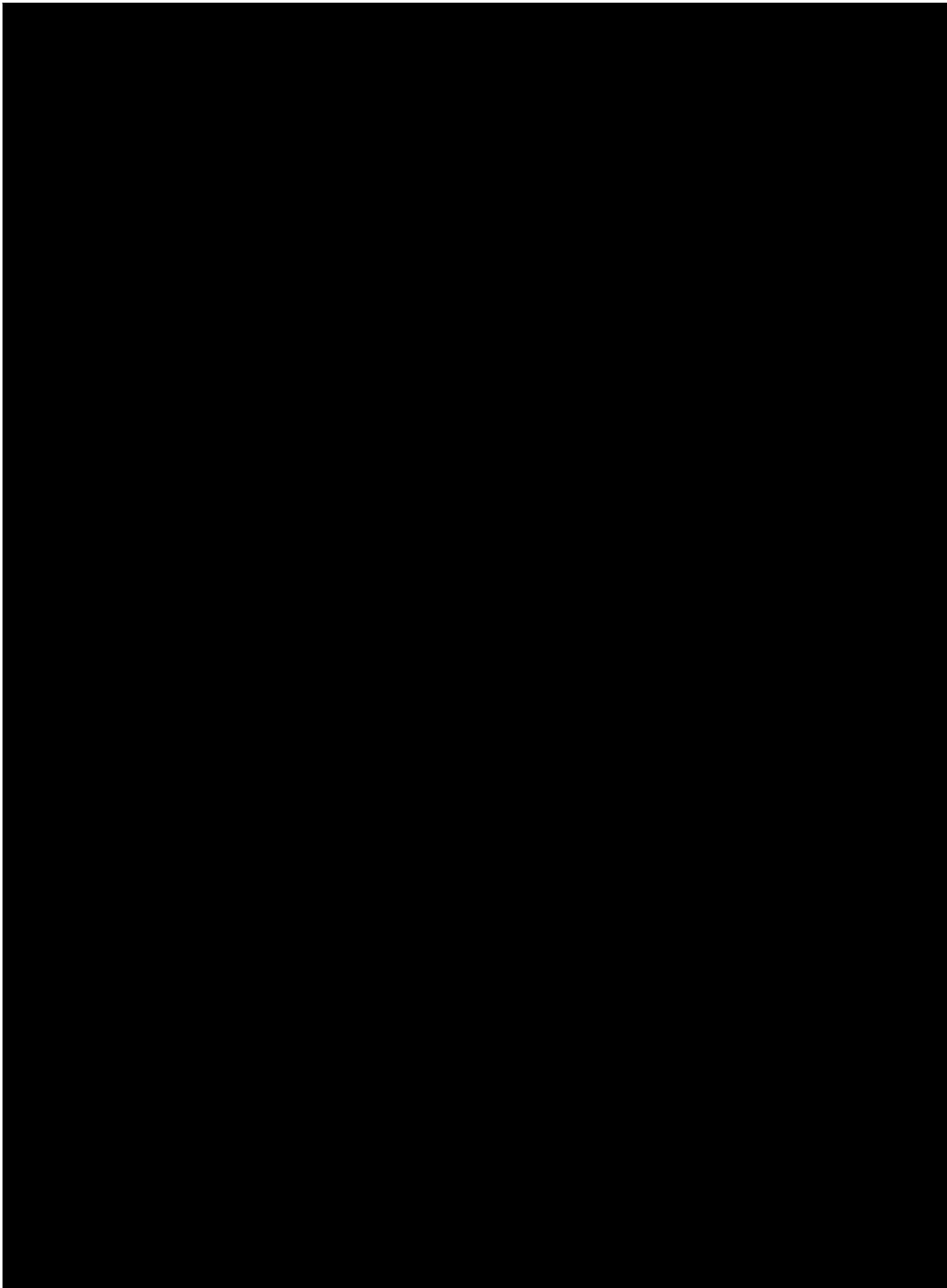
1. Please describe your current position and responsibilities. Also, what do you consider to be your most significant accomplishments in your current position and career?
2. Why are you interested in the Director of Athletics position at the University of Minnesota? Please share your vision for the Universities athletic department and how you would approach these objectives?
3. What qualities do you look for when hiring coaches and other staff? Tell us about your record in hiring and promoting minority candidates?
4. How will you assure that coaches abide by the letter and spirit of the law while winning championships? (NCAA, Big Ten Conference, and University rules and regulations)
5. Please describe your abilities and experience in enhancing support for an athletic department among its many constituents. Specifically, describe your fund and friend raising experience. (Please list all major accomplishments, and leadership roles)
6. Please describe your involvement in your conference, NCAA, University and Community. What leadership roles specifically are you currently holding or have held for the University, Conference or NCAA in the past?
7. How do you differentiate yourself from other potential candidates?
8. Please respond to each of the following:
  - a. Are you open to relocation to Minneapolis, Minn?
  - b. What is your total compensation? What was your 2010 W-2?
  - c. Do you have any specific compensation requests?
  - d. Do you have any specific personal or professional accommodations with which you would require assistance before making a decision concerning this opportunity?
  - e. Are you involved in any other searches at this time?

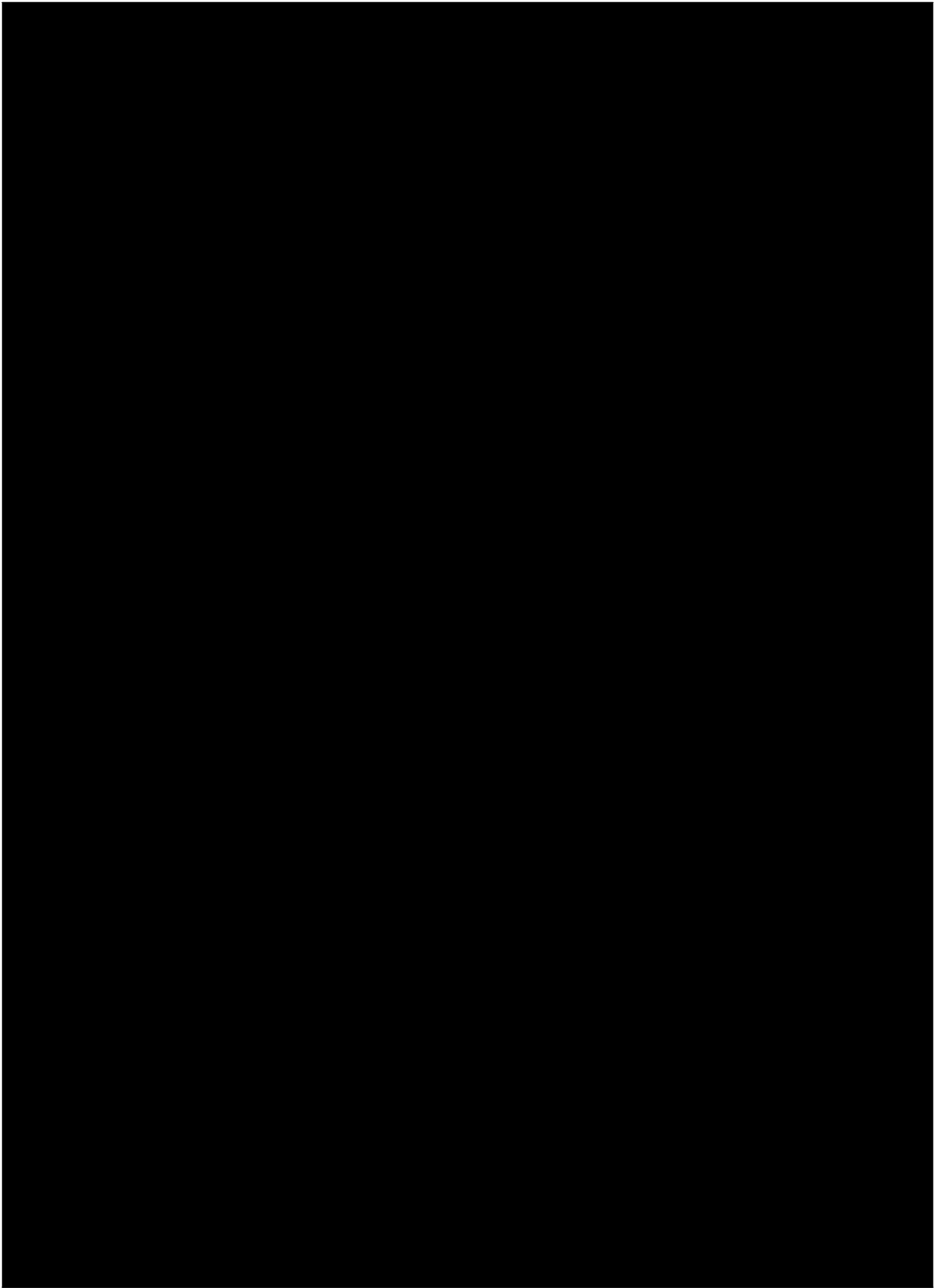
**Exhibit 100**

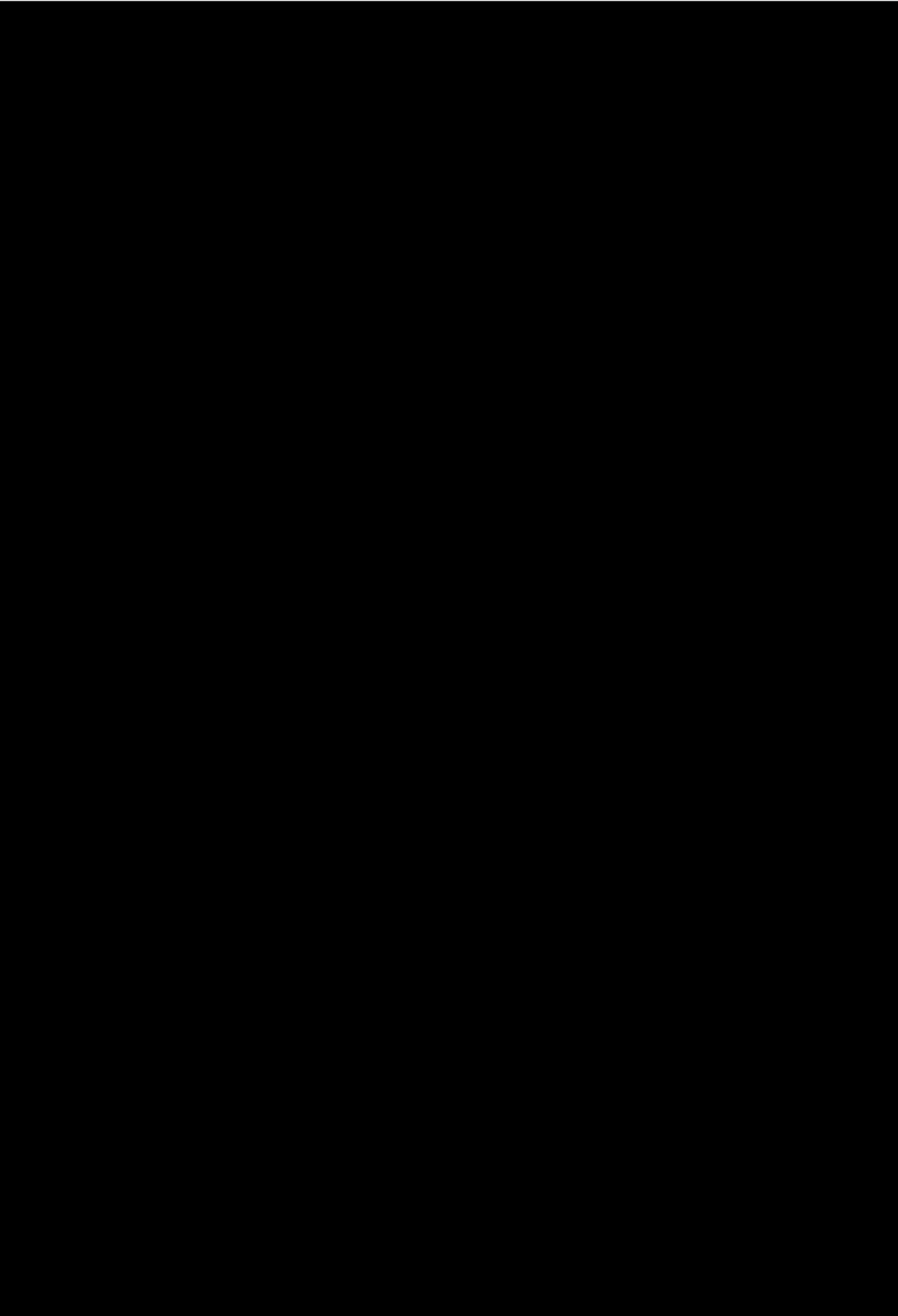


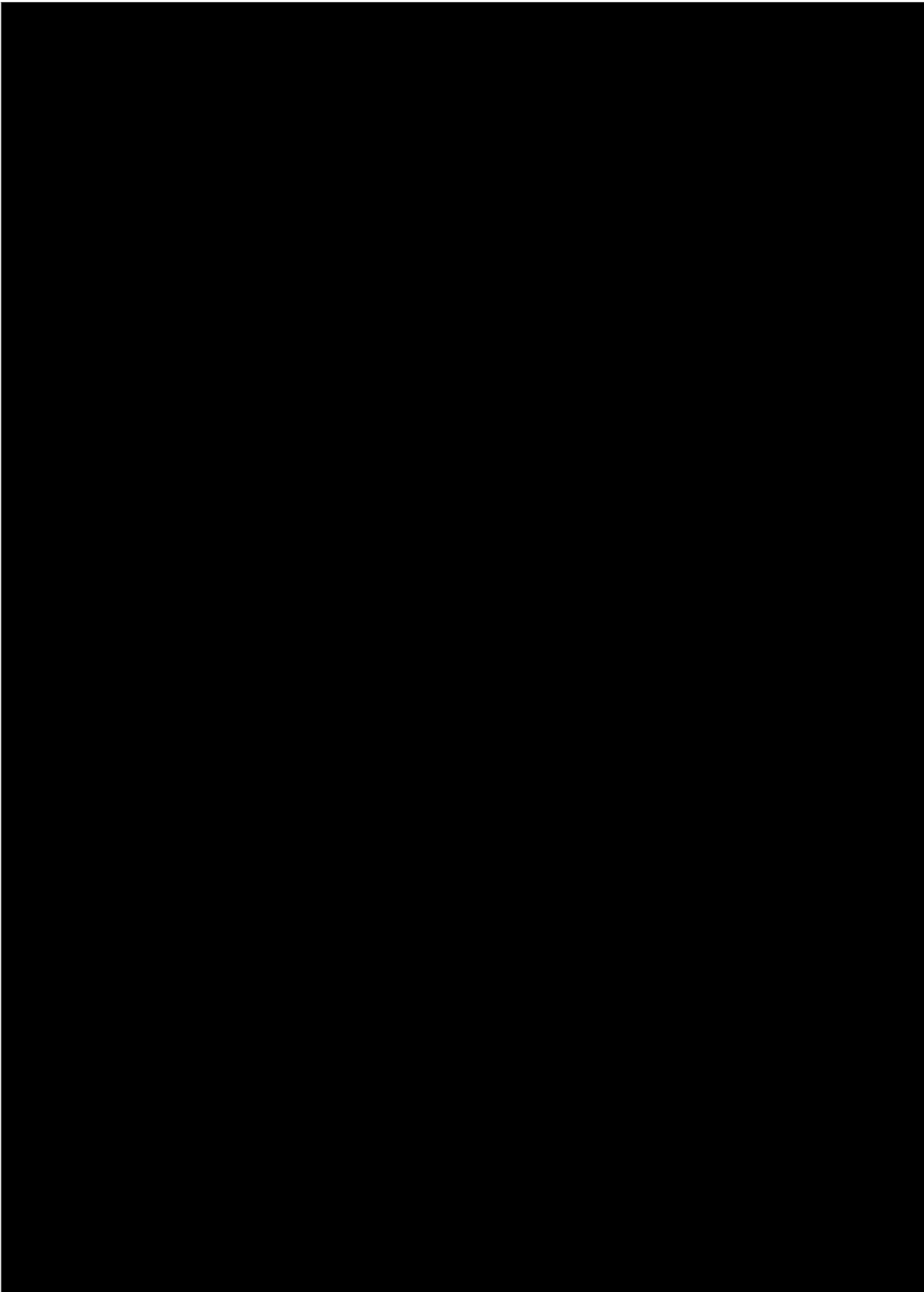


**Exhibit 101**









Candidate Name \_\_\_\_\_

## Athletics Director – Interview Questions

### *Intro paragraph...*

Thank you so much for joining us today. We're pleased you agreed to be part of this search. We have built a strong program, we have excellent programs and facilities, including a new on campus football stadium and new coach. Joel has been very successful over the past decade: increased revenues substantially, merged men's and women's departments, improved academic standing of student athletes, improved facilities, engaged more effectively with the broader campus community, ran a program with no major NCAA infractions.

Looking forward, we're looking for someone who will build on Joel's legacy of accomplishment. Specifically, we have strong student-athlete focus and culture of compliance. We need to achieve greater success in our revenue programs, particularly football, but also men's and women's basketball and hockey. Importantly, we need greater outreach to our external communities and to improve fundraising from both individuals and corporations.

We have a series of questions to ask and will plan to leave about 30 minutes at the end for you to ask us questions or talk generally.

### **Questions:**

#### ***Opening/introductory***

Briefly review your career. What makes you interested in taking on this new role at this time?

Why are you the strongest candidate? How will your skills, attributes and experiences make you successful in this role?

- How has your job changed in the past five years? How will it change in the next 10?

***Knowledge of Minnesota:***

- What do you think makes Minnesota unique? What do you think are our biggest challenges and opportunities?

What is our most valuable asset for football?

What makes Minnesota hockey unique?

What would you do about our facilities?

- What makes the Big Ten unique? What do you think the most important role the AD has in terms of the conference relationship?

***Managing people & organizations:***

- What was the most challenging personnel issue you have managed?

- How do you build and develop teams?

How would your direct reports describe you as a manager?

- Who are your most important direct reports currently and how might that change going forward?

- Do you foresee adding to and supplementing to the current infrastructure within athletics at the U – are there individuals you have in mind you would like to add to your staff at the U?

***Communications/External relations***

- Describe your media relations experience. What was the most difficult media relations challenge you've handled?
  
  
  
  
  
  
  
  
  
  
- Tell me about your fundraising experience. Give an example of a time you have cultivated a donor, moving someone from a low to a high level of commitment and giving.

Have you ever had to "sell" an idea to your faculty or external constituents? How did you do it? Did they "buy" it?

- How have you worked with local corporations and business leaders to increase their engagement with and support for your programs?
  
  
  
  
  
  
  
  
  
  
- Describe your ideal for alumni engagement and how you would advance that ideal at Minnesota.



***Academic life:***

- How have you worked with faculty? What is the role of faculty in advancing intercollegiate athletics?

How do you promote academic success for our student athletes?

- How will you partner with others across campus? Describe partnerships you have built with other campus offices (police, facilities, student affairs, admissions, etc.)

***Diversity:***

How do you create a culture that values diversity? Tell us specifically how you have advanced diversity in your current role.

- Minnesota has a broad based program. How do you balance the needs of revenue and non-revenue sports.

- How have you promoted gender equity in intercollegiate athletics? How do you personally support women's programs and participation?

***Honesty/Integrity:***

Have you ever reported a compliance infraction over the objection of the coach?

Describe a time when you disagreed with the president of your institution. How did you handle it.

Have you ever had a major donor/booster who you felt overstepped? How did you handle the situation?

***Change management:***

□ Tell me about a time you've had to drive and manage change. What were the barriers you faced? How did you overcome them and get buy-in?

Have you ever had to rebuild an organization or a program? How did you go about it? Were you successful?

***Decision making:***

Tell me about a difficult decision you've made in a professional context.

How do you balance priorities with a limited budget? How would you balance investments in revenue with non-revenue sports?

***Leadership and vision:***

Tell me about a time when you had to move an organization from a place of dysfunction or low function to high functioning, what did you do?

Describe a project or idea that was implemented primarily because of your efforts. What was your role? What was the outcome?

Give me an example of a time when you motivated others who didn't report to you.

Describe a decision you made that was unpopular and how you handled implementing it.

□ What would you do in your first 100 days?

Tell me a time when you have had to stand up to a power coach. What do you need from the President and others to do that effectively?

□ What will be your legacy?



Specific questions for candidates:

**Wednesday 8:00 a.m. Candidate 6:** You talk about rebuilding the football program, describe how you did that? What lessons did you learn and what actions would you take again if you were in this role needing to ensure greater success at Minnesota? Push around external relations given what Parker has said about low key style.

**Wednesday 10:30 a.m. Candidate 3 [formerly candidate 4]:** How would you make the step up to a much larger program and a much larger media market? You have not managed BCS football, how would you approach that learning curve? What does successfully moving the team forward require? How do you see yourself interacting with a Midwestern culture? Would your personal style need to adapt, if so, how?

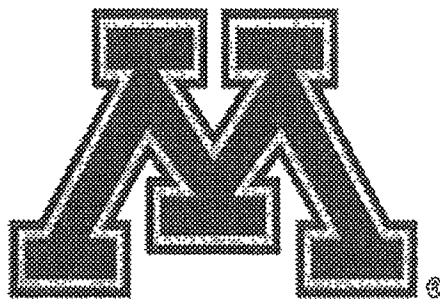
**Wednesday, 1:15 p.m., Candidate 2: [formerly candidate 3]:** How does your journalist background inform your approach to this role? What from your past Big Ten experience is the most important thing you'll bring to this role?

**Wednesday 3:45 p.m. Candidate 4:** [this is the new person]: How would you make the step up to a much larger program? You have not had football for a number of years, tell me about your experience with football at your previous institution.

FRIDAY

**Friday 8:00 a.m. Candidate 5 [always 5]:** How would you approach managing football? What do you think it takes to build a strong program?

**Friday 10 a.m. Candidate 1:** Why this move at this time? What excites you about the position?



April 20, 2012

Mr. Shep Cooper  
Director, Committee on Infractions  
NCAA  
700 W. Washington Street  
Indianapolis, IN 46202

Dear Mr. Cooper:

Parker Executive Search, an executive search firm, is currently representing the University of Minnesota in a search for a new Director of Athletics.

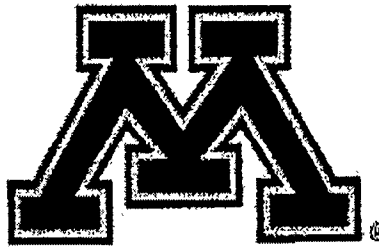
Please allow Daniel Parker, Principal at Parker Executive Search, to conduct a NCAA sanctions review for past major infractions on our potential candidates. He will be representing me and the University of Minnesota.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Amy Phenix', followed by a horizontal line.

Amy Phenix  
Chief of Staff, Office of the President  
University of Minnesota

**Exhibit 103**



Director of Athletics

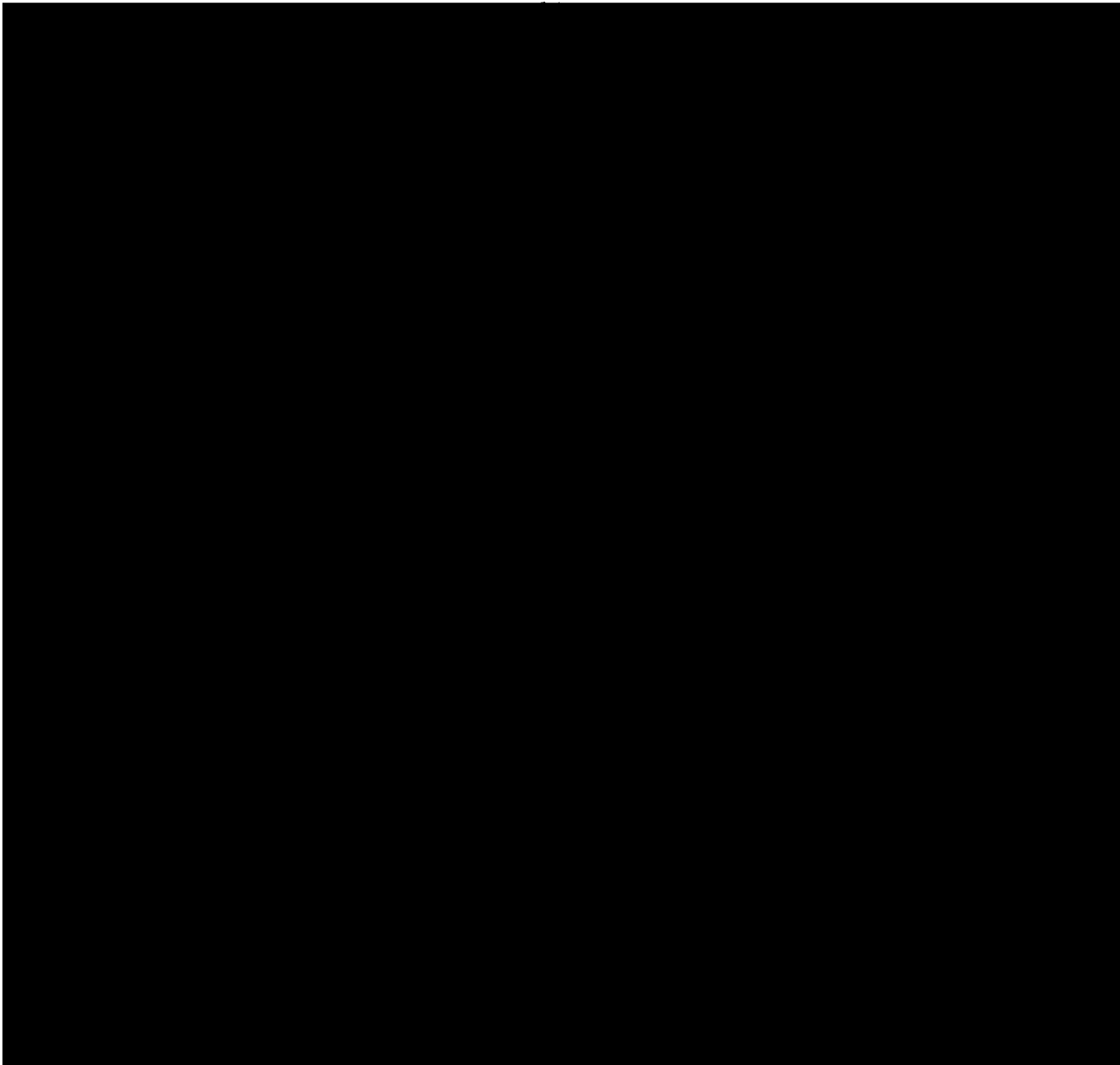


Exhibit 104

## **Norwood Teague named finalist for University of Minnesota Director of Athletics**

*Teague visits Twin Cities campus and meets with President  
on Monday*

MINNEAPOLIS / ST. PAUL (04/22/2012) – University of Minnesota President Eric Kaler has announced Norwood Teague as the finalist for the university's director of athletics position.

Teague is currently the director of athletics for Virginia Commonwealth University (VCU) and has held that position since July 2006. He has more than 20 years of experience working in intercollegiate athletics throughout the nation. Teague, 46, is a native of Raleigh, N.C. He graduated from the University of North Carolina in 1988 with a degree in political science. In 1992, Teague earned a master's degree in sports administration from Ohio University.

"He rose to the top of the candidate pool not only because of his proven history of success but because he is genuine and authentic. He has a superlative track record of fundraising and attracting and retaining high quality coaches. He's committed to maintaining an academic standard of excellence that is a tradition of Gopher Athletics. And he has the expertise, values and work ethic to ensure that athletics at the U of M will reach an even greater level of success," said Mary Jo Kane, director of the university's Tucker Center for Research on Girls & Women in Sport and co-chair of the athletics director search.

Teague is visiting campus Monday and will interview with President Kaler and the search advisory committee and will meet with coaches, faculty and senior leaders.

Monday's interviews are the final steps of a two-month national search co-chaired by R. Timothy Mulcahy, vice president for research at the university, and Kane. A search advisory committee and a four-person search committee worked with the leading national executive search firm in collegiate athletics — Parker Executive Search — to engage a variety of stakeholders and diverse viewpoints in the process.

"This intensive search process included four listening sessions, during which we heard from faculty, staff, student athletes, community

**Exhibit 105**



members and other key stakeholders," Kane said. "They made it clear – and Vice President Mulcahy and I couldn't agree more - that they wanted to see a finalist that embodies integrity, visionary leadership and management experience, good communication, a focus on student-athletes both on and off the court, fundraising acumen and an overall commitment to excellence at the University of Minnesota. We're confident Norwood Teague is that finalist."

Teague was one of about 40 candidates to apply for the position. Candidates included women, people of color and non-traditional candidates.

During his tenure at VCU, Teague has overseen continued success in the classroom and on the playing field, as well as stunning growth in gifts to VCU's annual and capital funds. This past year, the average GPA for all VCU student athletes was 3.0 and last year's Graduation Success Rate was the highest ever attained by VCU athletics.

Since Teague's arrival, the VCU athletic annual fund has increased more than 119 percent, with annual average increases of more than 20 percent. Teague is lauded for his work in advancing construction for athletics including a campaign to build a \$10 million VCU practice facility for men's and women's basketball and other sports.

Teague has also led VCU to all-time high Verizon Wireless Arena attendance records, and season ticket revenue has doubled since his arrival at VCU.

VCU has also achieved heightened athletic success under Teague's guidance. The Rams' men's basketball team reached its first ever Final Four in 2011; women's basketball earned the first NCAA Tournament bid in program history; the baseball, golf and tennis programs all made multiple postseason appearances; and the track program had several student-athletes qualify for NCAA regional appearances.

Teague arrived at VCU after five years as associate athletic director at the University of North Carolina, where he oversaw external operations such as the Tar Heels' multimedia property, marketing and licensing. Prior to that, Teague honed his craft at some of the nation's most prestigious athletic departments. From 1999-2001, he served as general manager of the Sun Devil Sports Network at Arizona State. While in Tempe, he increased sales and negotiated several multi-year television contracts. Teague oversaw radio, television, Internet and

signage operations, while operating in one of America's top 20 media markets.

During 1998-99, Teague headed up new programs for Vilcom Sports and The Tar Heel Sports Network at the University of North Carolina.

At the University of Virginia Athletic Department from 1993-98, Teague worked as director of marketing, and then served as the director of operations for the Cavaliers' men's basketball program under Jeff Jones.

Gophers Athletics is nationally lauded for both academic and competitive success. The program has recorded top-15 finishes in Directors' Cup standings two of the last three academic years, and has been in the top 30 for 16 consecutive years. Befitting its stature as one of the nation's premier public research and land grant universities, Minnesota placed 68 student-athletes on the Big Ten Conference Distinguished Scholar Athletes list in 2010-11, matching Michigan State for most honorees by an individual school.

Minnesota's 25-sport program boasts impressive facilities, including TCF Bank Stadium, the conference's first new on-campus stadium in nearly 50 years. With more than 500,000 "U" alumni, the Twin Cities campus draws an average of nearly 1 million fans to Gopher athletic events annually.

Meeting Schedule for Norwood Teague, Director of Athletics Finalist  
April 23, 2012

7:40 a.m. Liz will meet Norwood in lobby of University Hotel and drive to first meeting  
(breakfast on your own)

8-9 a.m. Meet with Search Advisory Committee / CSOM Board Room

9-9:30 a.m. John, Mary Jo and Tim debrief with Search Advisory Committee after Norwood departs

9-9:30 a.m. Travel time to Bierman (Amy to escort)

9:30-10:30 a.m. Meet with Head Coaches / McNamara Academic Center Classroom, Bierman (Amy sit in)

10:45-11:30 a.m. Meet with Sr. ICA Staff / McNamara Academic Center Classroom, Bierman (Amy sit in)

11:30-noon Travel time to Morrill (Amy to escort)

Noon-1 p.m. Open meeting for University Sr. Staff and Faculty / 238A Morrill (Tim/Amy/MJ sit in)  
Lunch will be provided

1-2 p.m. Formal interview with President Kaler / 202 Morrill

2-2:45 p.m. Prep for press conference & travel time to TCF Bank Stadium

2:45-3:15 p.m. Press conference w/ President in the Gopher home team locker room @ TCF Bank Stadium  
(MJ/Tim/Amy/John present, if possible)

3:15-4 p.m. Norwood does 10 minute 1:1 media interviews (ICA to staff)  
President to Distinguished Teaching Awards

4-6 p.m. Are there key stakeholders Norwood needs to meet / call?

**Exhibit 106**

STRICTLY CONFIDENTIAL



## CANDIDATE BACKGROUND REPORT

For the position of

Director of Athletics

University of Minnesota

A handwritten signature in cursive script, appearing to read 'Dan Parker'.

Dan Parker  
Parker Executive Search  
April 23, 2012

*The information contained in this report is strictly confidential. Its use should be restricted to those members who are directly involved with the selection of a candidate for the position concerned.*

*Parker Executive Search believes the information in this Candidate Background Report to be accurate, but cannot warrant same, as some information is beyond our ability to verify.*

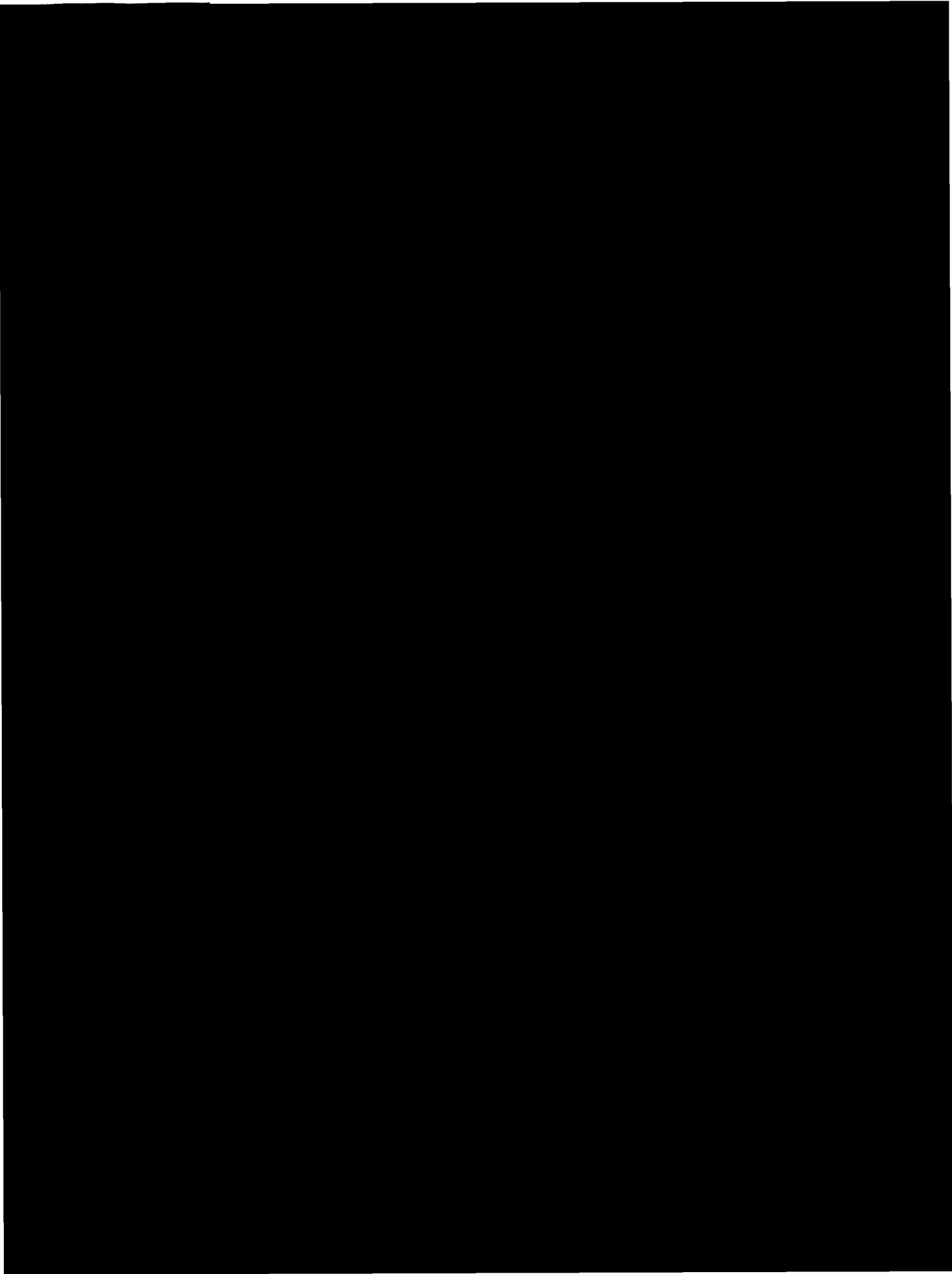
*If any credit information contained in this report is going to be used to make an adverse employment decision (such as not hiring someone), please contact Parker Executive Search immediately. Before taking adverse action, Parker Executive Search must take the necessary steps required by the Fair Credit Reporting Act.*

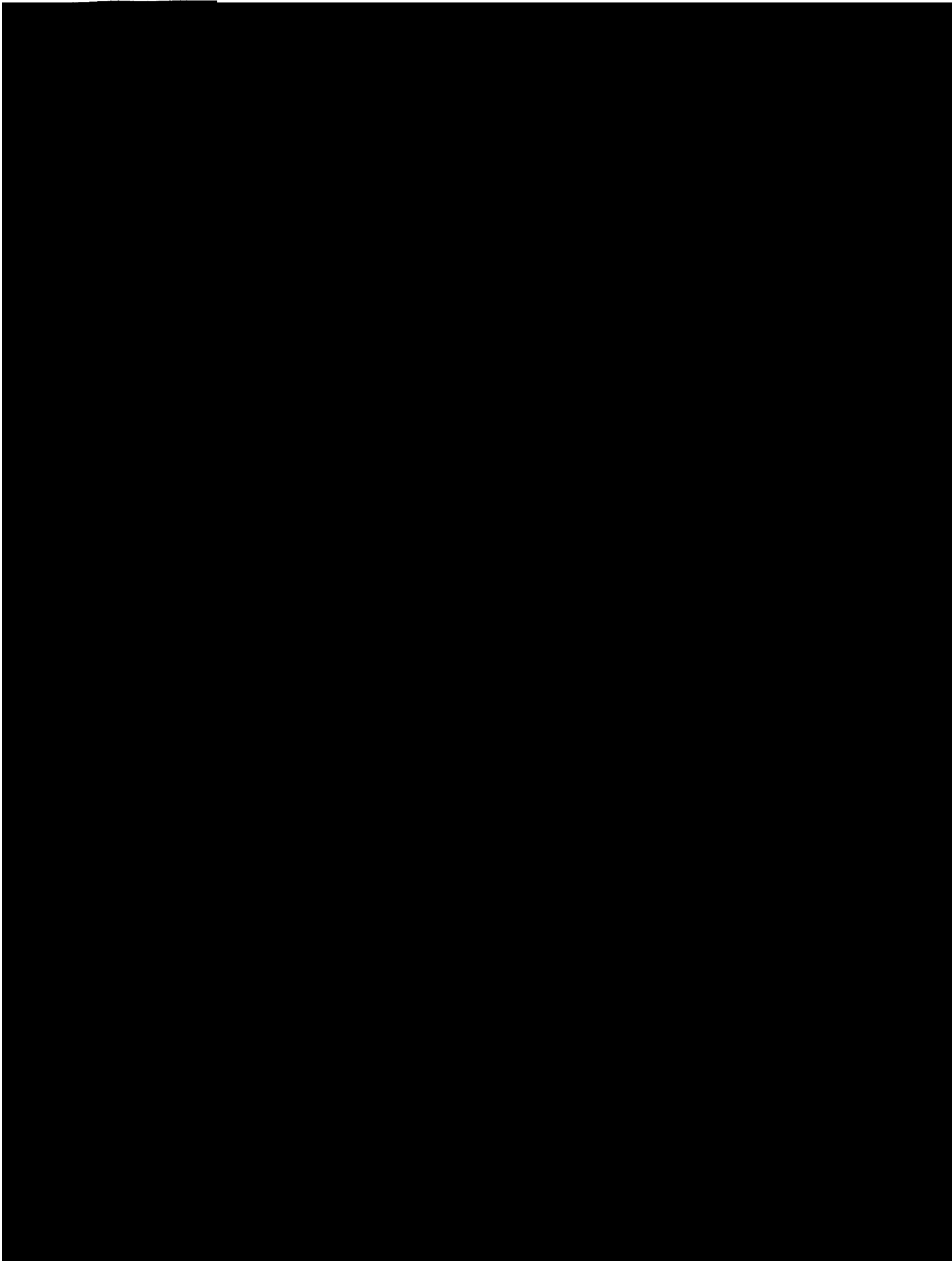
*Parker Executive Search accepts, without reservation, the principles of equal opportunity in employment. Parker Executive Search does not discriminate on the basis of gender, disability, race, age, color, sexual orientation, political affiliation, marital status, national origin, or religion.*

Five Concourse Parkway - Suite 2900  
Atlanta, Georgia 30328-6111  
(770) 804-1996

**Exhibit 107**





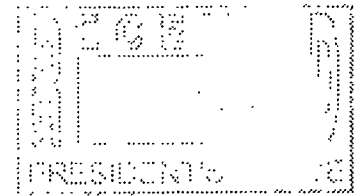


# UNIVERSITY OF MINNESOTA

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*Board of Regents  
Office of the Executive Director  
and Corporate Secretary*

*600 McNamara Alumni Center  
200 Oak Street S.E.  
Minneapolis, MN 55455  
612-625-6300*



**Personal and Confidential**

May 14, 2012

Norwood Teague  


Dear Mr. Teague:

I am pleased to inform you that the Board of Regents, at its meeting on May 11, 2012 approved your appointment at the University of Minnesota as follows:

Director of Athletics effective June 18, 2012

The Board of Regents joins me in wishing you both professional and personal success and fulfillment in your career at the University of Minnesota.

Sincerely,



Brian R. Steeves  
Acting Executive Director and Corporate Secretary

BRS/kl

c: ✓ Eric Kaler, President, University of Minnesota

**Driven to Discover™**

**Exhibit 108**



# ROBBINS

LITIGATION AND REGULATORY LAW

RICHARD L. ROBBINS  
Direct Line: 678-701-7320  
E-mail: [rrobbins@robbinsfirm.com](mailto:rrobbins@robbinsfirm.com)

August 21, 2015

**VIA EMAIL AND FEDERAL EXPRESS**

Eric W. Kaler  
Office of the President  
202 Morrill Hall  
100 Church Street S.E.  
University of Minnesota  
Minneapolis, MN 55455  
Email: [upres@umn.edu](mailto:upres@umn.edu)

Re: Parker Executive Search

Dear President Kaler:

Our law firm represents Parker Executive Search. Our client has asked us to respond to certain comments attributed to you regarding the due diligence performed by Parker Executive Search in connection with the University of Minnesota's decision to retain Norwood Teague as Athletics Director. We refer to the comments reflected in a reported interview with Minnesota Public Radio News, among various other media reports.

Parker Executive Search respectfully disagrees with any suggestion that its search process was incomplete, or that there is or should be any "legal recourse" against the firm. Parker Executive Search takes tremendous pride in the process it rigorously follows, which has led to many successful searches at a large number of higher education institutions around the country. Parker Executive Search is a member of the Association of Executive Search Consultants and follows the code of professional practice and the national standards of excellence of the Association.

The University's original Press Release accurately summarized the rigorous nature of the due diligence performed by Parker Executive Search and by the University. We also agree with the Press Release that neither Parker Executive Search nor the University had any reason to believe that Mr. Teague would engage in the appalling and unacceptable conduct of which he is accused.

Unfortunately, the subsequent comments attributed to you, and some of the conclusions apparently drawn by the media based on those comments, did not

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ROBBINS·ROSS·ALLOY·BELINFANTE·LITTLEFIELD LLC  
999 PEACHTREE ST., NE·SUITE 1120·ATLANTA, GA 30309 · [www.robbinsfirm.com](http://www.robbinsfirm.com)

**Exhibit 109**

accurately reflect the role of Parker Executive Search. This has the potential of causing significant harm to the business and reputation of Parker Executive Search. Thus we need to set the record straight, while at the same time respecting the confidentiality obligations our client owes to you and the candidates, including Mr. Teague.

At the outset, we want to emphasize that Parker Executive Search has valued greatly its longtime relationship with the University of Minnesota. The firm has successfully recruited several outstanding candidates with your great institution. Parker Executive Search is very distressed that the situation involving Mr. Teague has disrupted that relationship, and the firm does hope that the University reconsider its stated position that it does not plan to work with the firm.

### **Timeline**

The timeline, as it involves Parker Executive Search, is critical. Since you may not have recalled accurately the series of events at the time of your interviews with the media, we want to provide a brief summary.

#### **February 28, 2012**

Parker Executive Search, per its agreement with the University, began the search for a new Athletic Director for the University.

#### **April 18, 2012**

The University's Search Committee interviewed five candidates. At the direction of the University, Parker Executive Search focused its primary due diligence on Mr. Teague as the leading contender. Mr. Teague was at the time Athletics Director at Virginia Commonwealth University (VCU), and was very well respected in that position.

#### **April 23, 2012**

Parker Executive Search submitted its written "Candidate Background Report" on Mr. Teague to the University. While the details of the Report are highly confidential, we can say that the Report was consistent with the Parker Executive Search's standard and rigorous due diligence practices. As the University's Press Release accurately stated:

"As part of its search services, Parker Executive Search conducted background investigations on candidates that included to:

- Obtain written permission from each candidate to conduct background investigations;
- Conduct criminal, credit and motor vehicle investigations;
- Confirm candidates' academic degrees;
- Conduct a NCAA sanctions review for past major infractions;
- Conduct media reviews for potentially controversial areas of concern;
- Have candidates sign a statement of accuracy of vita and/or bio;
- Check references for each candidate.

In addition, as part of Parker's process, Parker asked candidates to disclose in writing any potential issues of controversy or concern that that University of Minnesota should be award of (i.e., legal, work-related, credit issues, civil litigation suits [sic], etc. [The finalist] signed a statement, indicating no such issues exist."

(August 17, 2015 Press Release.)

#### **April 23, 2012**

The same date as the submission of the Candidate Background Report, the University held a press conference at which Mr. Teague was named the next Athletics Director. According to press reports, Mr. Teague was very positively commended by many prominent individuals in the athletics world. (See April 23, 2012 article on [www.Gophersports.com](http://www.Gophersports.com), a copy of which is attached). Clearly, none of these outstanding individuals, who had actual working relationships with Mr. Teague at VCU and elsewhere, would have supported him had they had any knowledge or even suspicion that Mr. Teague had ever engaged in the type of misconduct of which he is now accused.

Parker Executive Search did not uncover any reported instances of sexual harassment. And it is notable that, as of this date, there still have not been any reports that Mr. Teague engaged in sexual misconduct at VCU or elsewhere before he became Athletics Director at the University of Minnesota.

**The involvement of Parker Executive Search concluded as of the time of Mr. Teague's appointment on April 23.** Parker Executive Search was not asked to, nor did it, conduct any further investigation of the candidate.

**May 2012**

It is our understanding that Beth Cunningham, VCU's then-women's basketball coach, filed an internal complaint with VCU in May 2012. Our further understanding is that the complaint was not based on sexual harassment but instead on an alleged Title IX violation, and that the matter was settled, for unknown reasons, by VCU in July 2012.

VCU's complaint process is highly confidential. Our understanding of the filing date, the nature of the complaint, and its outcome are based on press reports which may or may not be accurate. VCU has publicly confirmed the confidentiality of the process. If there was an EEOC charge, that would have been confidential, nonpublic information as well, pursuant to federal law.

**It is critical to note that the Cunningham complaint against VCU was filed, to the best of our knowledge, after the search process by Parker Executive Search had concluded.** Even if it had been filed earlier, Parker Executive Search cannot be faulted for not learning more about a complaint filed internally and confidentially within VCU, or otherwise filed in a confidential context.

We all agree Mr. Teague did not disclose any such claim even if he was aware of such a claim, or the potential for such claim. He in fact warranted the opposite. VCU also did not disclose the complaint, consistent with its internal processes with which we do not quibble. We presume the University of Minnesota has a similar internal confidential process for evaluating internal grievances or EEOC charges.

Nor did the University's own due diligence uncover the potential for any such claim by Ms. Cunningham. Our understanding is that the University, like other institutions of higher learning, conducted its own due diligence under the auspices of the Search Committee. (Both Parker Executive Search and the University to our knowledge checked with "on list" and "off list" references.) The University's due diligence did not uncover any evidence that Mr. Teague ever engaged in any misconduct, which was consistent with the findings of Parker Executive Search.

In your interview, you referred to an earlier "lawsuit" filed by Ms. Cunningham, and suggested that Parker Executive Search "missed" the litigation during its due diligence. **To our knowledge, and according to published reports, there was no "litigation."** There was only a confidential internal complaint and/or a confidential

EEOC charge. I personally checked the federal docketing today and saw no indication of any lawsuit being filed. We would welcome any documentation you have to the contrary. This is a critical distinction because any litigation would have been a matter of public record, while any internal or EEOC complaint would not have been. Any suggestion that Parker Executive Search "missed" a public filing is simply not accurate.

### **March 2013**

Our understanding is that an employee of the University of Minnesota filed a federal lawsuit against the University which challenged her termination by Mr. Teague. Parker Executive Search was not involved in any manner with any due diligence of Mr. Teague at that time. The University elected to settle with the plaintiff in November 2013 and elected to continue to employ Mr. Teague, which was certainly its prerogative but was without the involvement of Parker Executive Search.

Reportedly, that employee's claims, like those of Ms. Cunningham at VCU earlier, were not based on sexual harassment but instead on an alleged Title IX violation. We have no understanding one way or the other whether the claims against the University of Minnesota had merit. As a longtime litigator who has handled many employment disputes, I certainly am aware that there are reasons why an employer may settle a claim whether or not it is believed to have merit, including cost of litigation, distraction and the like. Again, this was the University's decision and did not involve our client.

### **Conclusion**

Parker Executive Search conducted an extensive and thorough due diligence process for the University, which concluded with its Report submitted on April 23, 2012. Prior to that date there were no reported instances -- and there still are no reported instances -- of any sexual harassment or similar misconduct by Mr. Teague. The one complaint of which anyone is aware was filed by Ms. Cunningham after the search was conducted by Parker Executive Search and after Mr. Teague was appointed as Athletics Director of the University of Minnesota.

In any event, Ms. Cunningham's claim against VCU reportedly was based on Title IX discrimination rather than sexual harassment. A Title IX claim by another claimant at the University of Minnesota in 2013 was not deemed a sufficient basis for termination of Mr. Teague at that time, and there is no indication that the reported VCU complaint would have been a disqualifying factor had the University known of it earlier. Our view, based on the information of which we are aware, is that neither Parker

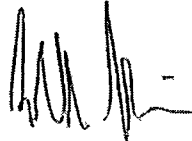
Eric W. Kaler  
August 21, 2015  
Page 6

Executive Services nor you were or should have been aware of any disqualifying information on Mr. Teague at the time the employment decision was made.

In light of the above, all of which we believe is readily verifiable, we trust you and the University will reconsider any express or implied statements that Parker Executive Search performed its search in anything other than an excellent manner. We also hope that the University consider Parker Executive Search for future searches. Our client's processes and contacts within the athletics community are unparalleled.

Should your Office or counsel have any questions, please do not hesitate to contact me. You or your staff also should feel free to talk directly with Laurie C. Wilder, the President of Parker Executive Searches.

Sincerely yours,



Richard L. Robbins

RLR/klm  
Attachment

cc: Amy Phenix, Chief of Staff, Office of the President (via email and Fed Exp)  
([pheni001@umn.edu](mailto:pheni001@umn.edu))  
Dan Parker, Chairman  
Laurie C. Wilder, President  
Daniel Parker, Vice President and Managing Director, Sports  
Alexa R. Ross, Esq. Co-counsel



# Norwood Teague Named New Director of Athletics at University of Minnesota

President Eric Kaler has named Norwood Teague as the next director of athletics at the U of M.

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8/10/2015 - Football

8/12/2015 - Baseball

8/18/2015 - W Volleyball

8/19/2015 - M Tennis

8/19/2015 - Football

8/15/2015 - W Cross Country



Norwood Teague was named the new director of athletics of the University of Minnesota

## Norwood Teague: First Interview as Gophers' AD



April 23, 2012

Photo Gallery | Read Norwood Teague's Full Biography | Watch the full press conference | Follow Teague on Twitter | Read President Kaler's full remarks from the news conference | Feature: "Eager for the Challenge"

University of Minnesota President Eric Kaler has named Norwood Teague as the next director of athletics at the University of Minnesota, pending approval by the university's Board of Regents. Teague joins Gopher Athletics after overseeing an unprecedented run of success during his six years as the director of athletics at Virginia Commonwealth University. He replaces the retiring Joel Maturl, who has held the position for the past 10 years.

"We are thrilled to welcome Norwood to the University of Minnesota and Gopher Athletics," Kaler said. "Norwood is the real deal - a visionary leader who is fully committed to winning, our student athletes and their education, someone who has achieved great athletic success in a challenging environment, a relationship-builder and experienced fundraiser, and a great manager."

"For many Minnesotans and our half million alumni, Gopher Athletics and our facilities serve as a front door to the U," Kaler continued. "Norwood clearly understands that, and is prepared to take Gopher Athletics to greater success."

Kaler welcomed Teague during a press conference at TCF Bank Stadium this afternoon.

"I'm honored to be a Gopher and can't wait to be part of the Big Ten Conference," Teague said. "Joel Maturl and the partnerships he has forged with student athletes, coaches, faculty, staff, donors and the broader community have built a strong Gopher Athletics program. I'm ready to lead the Gophers to the next level and I hope existing and new stakeholders will join me in that endeavor. Together, I know we will accomplish great things."

If approved, Teague will begin work at the university on July 1. He was on campus Monday to interview with President Kaler and the search advisory committee, as well as meet coaches, faculty and other senior university leaders.

Teague, 46, has more than 20 years of experience working in intercollegiate athletics. During his tenure at VCU, he has overseen continued success in the classroom and on the playing field, as well as stunning growth in gifts to VCU's annual and capital funds. VCU has also achieved unprecedented athletic success under Teague's guidance. The Rams' men's basketball team reached its first ever Final Four in 2011, women's basketball earned the first NCAA Tournament bid in program history, the baseball, golf and tennis programs all made multiple postseason appearances, and the track program had several student athletes qualify for NCAA regional appearances. Teague holds a master's degree in sports administration from Ohio University and a bachelor's degree in political science from the University of North Carolina.

"Minnesota should celebrate the hire of Teague," said Jim Phillips, athletics director at Northwestern University and a former colleague of Teague's. "He's got exceptional experience in supporting student athletes and managing coaches. All that he's done means he is prepared to win at high levels. He's done so at Arizona State University, North Carolina and VCU."

Phillips, who also earlier in his career hired Gophers Football Coach Jerry Kill, said he expects Teague and Kill to make a great team. "They are cut from the same cloth," Phillips said. "They have similar values and are grounded in the belief of developing young people into leaders through athletics. Teague is a terrific relationship builder with coaches, staff, donors, the NCAA and the community. He's also a visionary who works hard, plans well and will build a strong relationship with Coach Kill and others to reap benefits for the football program."

Kill said he is looking forward to making that happen.

"Jim Phillips has assured me about Norwood and that's good enough for me. I look forward to working with him and

After meeting with Teague and other Gophers coaches Monday morning, Kill said, "I know Norwood gets it. That's the best compliment you can give anyone at this level. He understands college athletics and what it's going to take to be successful."

Shaka Smart, VCU's head men's basketball coach, knows Teague's management style first hand. Smart took the 11th-seeded Rams to the Final Four in 2011 for the first time in school history.

"Norwood Teague had a profound effect on my life and career. He took an interest in me as a young assistant coach, gave me a phenomenal opportunity at VCU and wholeheartedly supported us every step of the way over the past three years," Smart said. "He demonstrated an uncommon loyalty and genuine care for me as a coach and as a person. Norwood is a terrific communicator who has a fantastic way with people. He will find great success at Minnesota."

Teague's visit on the Twin Cities campus on Monday was the final step in a two-month national search co-chaired by R. Timothy Mulcahy, vice president for research at the university, and Mary Jo Kane, director of the university's Tucker Center for Research on Girls & Women in Sport. A 23-member search advisory committee and a four-person search committee worked with the leading national executive search firm in collegiate athletics - Parker Executive Search - to engage a variety of stakeholders and diverse viewpoints in the process. The process included faculty, staff, student athletes, community members and others whose input was sought at public listening sessions and interviews.

"I want to express my sincere gratitude to everyone who participated in this search, especially the members of our search advisory committee and the four-person search committee, which included search co-chairs Vice President Mulcahy and Professor Kane, alumnus John Lindahl, a close friend of athletics, and Chief of Staff Amy Pharis," Kessler said. "The timeline was aggressive and my charge to find a strong candidate with a host of impeccable attributes was no small task. But everyone rose to the challenge and forwarded a finalist in whom I have great confidence."

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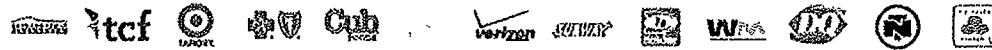
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## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

April 4, 2011

Dear Colleague:

Education has long been recognized as the great equalizer in America. The U.S. Department of Education and its Office for Civil Rights (OCR) believe that providing all students with an educational environment free from discrimination is extremely important. The sexual harassment of students, including sexual violence, interferes with students' right to receive an education free from discrimination and, in the case of sexual violence, is a crime.

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulations, 34 C.F.R. Part 106, prohibit discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. In order to assist recipients, which include school districts, colleges, and universities (hereinafter "schools" or "recipients") in meeting these obligations, this letter<sup>1</sup> explains that the requirements of Title IX pertaining to sexual harassment also cover sexual violence, and lays out the specific Title IX requirements applicable to sexual violence.<sup>2</sup> Sexual violence, as that term is used in this letter, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape,

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<sup>1</sup> The Department has determined that this Dear Colleague Letter is a "significant guidance document" under the Office of Management and Budget's Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007), available at: [http://www.whitehouse.gov/sites/default/files/omb/assets/regulatory\\_matters\\_pdf/012507\\_good\\_guidance.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/regulatory_matters_pdf/012507_good_guidance.pdf). OCR issues this and other policy guidance to provide recipients with information to assist them in meeting their obligations, and to provide members of the public with information about their rights, under the civil rights laws and implementing regulations that we enforce. OCR's legal authority is based on those laws and regulations. This letter does not add requirements to applicable law, but provides information and examples to inform recipients about how OCR evaluates whether covered entities are complying with their legal obligations. If you are interested in commenting on this guidance, please send an e-mail with your comments to [OCR@ed.gov](mailto:OCR@ed.gov), or write to us at the following address: Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202.

<sup>2</sup> Use of the term "sexual harassment" throughout this document includes sexual violence unless otherwise noted. Sexual harassment also may violate Title IV of the Civil Rights Act of 1964 (42 U.S.C. § 2000c), which prohibits public school districts and colleges from discriminating against students on the basis of sex, among other bases. The U.S. Department of Justice enforces Title IV.

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**Exhibit 110**

sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX.

The statistics on sexual violence are both deeply troubling and a call to action for the nation. A report prepared for the National Institute of Justice found that about 1 in 5 women are victims of completed or attempted sexual assault while in college.<sup>3</sup> The report also found that approximately 6.1 percent of males were victims of completed or attempted sexual assault during college.<sup>4</sup> According to data collected under the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (Clery Act), 20 U.S.C. § 1092(f), in 2009, college campuses reported nearly 3,300 forcible sex offenses as defined by the Clery Act.<sup>5</sup> This problem is not limited to college. During the 2007-2008 school year, there were 800 reported incidents of rape and attempted rape and 3,800 reported incidents of other sexual batteries at public high schools.<sup>6</sup> Additionally, the likelihood that a woman with intellectual disabilities will be sexually assaulted is estimated to be significantly higher than the general population.<sup>7</sup> The Department is deeply concerned about this problem and is committed to ensuring that all students feel safe in their school, so that they have the opportunity to benefit fully from the school's programs and activities.

This letter begins with a discussion of Title IX's requirements related to student-on-student sexual harassment, including sexual violence, and explains schools' responsibility to take immediate and effective steps to end sexual harassment and sexual violence. These requirements are discussed in detail in OCR's *Revised Sexual Harassment Guidance* issued in 2001 (*2001 Guidance*).<sup>8</sup> This letter supplements the *2001 Guidance* by providing additional guidance and practical examples regarding the Title IX requirements as they relate to sexual violence. This letter concludes by discussing the proactive efforts schools can take to prevent sexual harassment and violence, and by providing examples of remedies that schools and OCR may use to end such conduct, prevent its recurrence, and address its effects. Although some examples contained in this letter are applicable only in the postsecondary context, sexual

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<sup>3</sup> CHRISTOPHER P. KREBS ET AL., *THE CAMPUS SEXUAL ASSAULT STUDY: FINAL REPORT* xiii (Nat'l Criminal Justice Reference Serv., Oct. 2007), available at <http://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>. This study also found that the majority of campus sexual assaults occur when women are incapacitated, primarily by alcohol. *Id.* at xviii.

<sup>4</sup> *Id.* at 5-5.

<sup>5</sup> U.S. Department of Education, Office of Postsecondary Education, Summary Crime Statistics (data compiled from reports submitted in compliance with the Clery Act), available at <http://www2.ed.gov/admins/lead/safety/criminal2007-09.pdf>. Under the Clery Act, forcible sex offenses are defined as any sexual act directed against another person, forcibly and/or against that person's will, or not forcibly or against the person's will where the victim is incapable of giving consent. Forcible sex offenses include forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling. 34 C.F.R. Part 668, Subpt. D, App. A.

<sup>6</sup> SIMONE ROBERS ET AL., *INDICATORS OF SCHOOL CRIME AND SAFETY: 2010* at 104 (U.S. Dep't of Educ. & U.S. Dep't of Justice, Nov. 2010), available at <http://nces.ed.gov/pubs2011/2011002.pdf>.

<sup>7</sup> ERIKA HARRELL & MICHAEL R. RAND, *CRIME AGAINST PEOPLE WITH DISABILITIES, 2008* (Bureau of Justice Statistics, U.S. Dep't of Justice, Dec. 2010), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/capd08.pdf>.

<sup>8</sup> The *2001 Guidance* is available on the Department's Web site at <http://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>. This letter focuses on peer sexual harassment and violence. Schools' obligations and the appropriate response to sexual harassment and violence committed by employees may be different from those described in this letter. Recipients should refer to the *2001 Guidance* for further information about employee harassment of students.

harassment and violence also are concerns for school districts. The Title IX obligations discussed in this letter apply equally to school districts unless otherwise noted.

### **Title IX Requirements Related to Sexual Harassment and Sexual Violence**

#### **Schools' Obligations to Respond to Sexual Harassment and Sexual Violence**

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment prohibited by Title IX.<sup>9</sup>

As explained in OCR's *2001 Guidance*, when a student sexually harasses another student, the harassing conduct creates a hostile environment if the conduct is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the school's program. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. Indeed, a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. For instance, a single instance of rape is sufficiently severe to create a hostile environment.<sup>10</sup>

Title IX protects students from sexual harassment in a school's education programs and activities. This means that Title IX protects students in connection with all the academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, on a school bus, at a class or training program

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<sup>9</sup> Title IX also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. The Title IX obligations discussed in this letter also apply to gender-based harassment. Gender-based harassment is discussed in more detail in the *2001 Guidance*, and in the 2010 Dear Colleague letter on Harassment and Bullying, which is available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>.

<sup>10</sup> See, e.g., *Jennings v. Univ. of N.C.*, 444 F.3d 255, 268, 274 n.12 (4th Cir. 2006) (acknowledging that while not an issue in this case, a single incident of sexual assault or rape could be sufficient to raise a jury question about whether a hostile environment exists, and noting that courts look to Title VII cases for guidance in analyzing Title IX sexual harassment claims); *Vance v. Spencer Cnty. Pub. Sch. Dist.*, 231 F.3d 253, 259 n.4 (6th Cir. 2000) ("[w]ithin the context of Title IX, a student's claim of hostile environment can arise from a single incident" (quoting *Doe v. Sch. Admin. Dist. No. 19*, 66 F. Supp. 2d 57, 62 (D. Me. 1999))); *Soper v. Hoben*, 195 F.3d 845, 855 (6th Cir. 1999) (explaining that rape and sexual abuse "obviously qualify[ed] as...severe, pervasive, and objectively offensive sexual harassment"); see also *Berry v. Chi. Transit Auth.*, 618 F.3d 688, 692 (7th Cir. 2010) (in the Title VII context, "a single act can create a hostile environment if it is severe enough, and instances of uninvited physical contact with intimate parts of the body are among the most severe types of sexual harassment"); *Turner v. Saloon, Ltd.*, 595 F.3d 679, 686 (7th Cir. 2010) (noting that "[o]ne instance of conduct that is sufficiently severe may be enough," which is "especially true when the touching is of an intimate body part" (quoting *Jackson v. Cnty. of Racine*, 474 F.3d 493, 499 (7th Cir. 2007))); *McKinnis v. Crescent Guardian, Inc.*, 189 F. App'x 307, 310 (5th Cir. 2006) (holding that "the deliberate and unwanted touching of [a plaintiff's] intimate body parts can constitute severe sexual harassment" in Title VII cases (quoting *Harvill v. Westward Commc'ns, L.L.C.*, 433 F.3d 428, 436 (5th Cir. 2005))).

sponsored by the school at another location, or elsewhere. For example, Title IX protects a student who is sexually assaulted by a fellow student during a school-sponsored field trip.<sup>11</sup>

If a school knows or reasonably should know about student-on-student harassment that creates a hostile environment, Title IX requires the school to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects.<sup>12</sup> Schools also are required to publish a notice of nondiscrimination and to adopt and publish grievance procedures. Because of these requirements, which are discussed in greater detail in the following section, schools need to ensure that their employees are trained so that they know to report harassment to appropriate school officials, and so that employees with the authority to address harassment know how to respond properly. Training for employees should include practical information about how to identify and report sexual harassment and violence. OCR recommends that this training be provided to any employees likely to witness or receive reports of sexual harassment and violence, including teachers, school law enforcement unit employees, school administrators, school counselors, general counsels, health personnel, and resident advisors.

Schools may have an obligation to respond to student-on-student sexual harassment that initially occurred off school grounds, outside a school's education program or activity. If a student files a complaint with the school, regardless of where the conduct occurred, the school must process the complaint in accordance with its established procedures. Because students often experience the continuing effects of off-campus sexual harassment in the educational setting, schools should consider the effects of the off-campus conduct when evaluating whether there is a hostile environment on campus. For example, if a student alleges that he or she was sexually assaulted by another student off school grounds, and that upon returning to school he or she was taunted and harassed by other students who are the alleged perpetrator's friends, the school should take the earlier sexual assault into account in determining whether there is a sexually hostile environment. The school also should take steps to protect a student who was assaulted off campus from further sexual harassment or retaliation from the perpetrator and his or her associates.

Regardless of whether a harassed student, his or her parent, or a third party files a complaint under the school's grievance procedures or otherwise requests action on the student's behalf, a school that knows, or reasonably should know, about possible harassment must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation. As discussed later in this letter, the school's Title IX investigation is different from any law enforcement investigation, and a law enforcement investigation does not relieve the school of its independent Title IX obligation to investigate the conduct. The specific steps in a school's

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<sup>11</sup> Title IX also protects third parties from sexual harassment or violence in a school's education programs and activities. For example, Title IX protects a high school student participating in a college's recruitment program, a visiting student athlete, and a visitor in a school's on-campus residence hall. Title IX also protects employees of a recipient from sexual harassment. For further information about harassment of employees, see *2001 Guidance* at n.1.

<sup>12</sup> This is the standard for administrative enforcement of Title IX and in court cases where plaintiffs are seeking injunctive relief. See *2001 Guidance* at ii-v, 12-13. The standard in private lawsuits for monetary damages is actual knowledge and deliberate indifference. See *Davis v. Monroe Cnty. Bd. of Ed.*, 526 U.S. 629, 643, 648 (1999).

investigation will vary depending upon the nature of the allegations, the age of the student or students involved (particularly in elementary and secondary schools), the size and administrative structure of the school, and other factors. Yet as discussed in more detail below, the school's inquiry must in all cases be prompt, thorough, and impartial. In cases involving potential criminal conduct, school personnel must determine, consistent with State and local law, whether appropriate law enforcement or other authorities should be notified.<sup>13</sup>

Schools also should inform and obtain consent from the complainant (or the complainant's parents if the complainant is under 18 and does not attend a postsecondary institution) before beginning an investigation. If the complainant requests confidentiality or asks that the complaint not be pursued, the school should take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the school should inform the complainant that its ability to respond may be limited.<sup>14</sup> The school also should tell the complainant that Title IX prohibits retaliation, and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

As discussed in the *2001 Guidance*, if the complainant continues to ask that his or her name or other identifiable information not be revealed, the school should evaluate that request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. Thus, the school may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the alleged harasser's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99.<sup>15</sup> The school should inform the complainant if it cannot ensure confidentiality. Even if the school cannot take disciplinary action against the alleged harasser because the complainant insists on confidentiality, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence. Examples of such steps are discussed later in this letter.

Compliance with Title IX, such as publishing a notice of nondiscrimination, designating an employee to coordinate Title IX compliance, and adopting and publishing grievance procedures, can serve as preventive measures against harassment. Combined with education and training programs, these measures can help ensure that all students and employees recognize the

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<sup>13</sup> In states with mandatory reporting laws, schools may be required to report certain incidents to local law enforcement or child protection agencies.

<sup>14</sup> Schools should refer to the *2001 Guidance* for additional information on confidentiality and the alleged perpetrator's due process rights.

<sup>15</sup> For example, the alleged harasser may have a right under FERPA to inspect and review portions of the complaint that directly relate to him or her. In that case, the school must redact the complainant's name and other identifying information before allowing the alleged harasser to inspect and review the sections of the complaint that relate to him or her. In some cases, such as those where the school is required to report the incident to local law enforcement or other officials, the school may not be able to maintain the complainant's confidentiality.

nature of sexual harassment and violence, and understand that the school will not tolerate such conduct. Indeed, these measures may bring potentially problematic conduct to the school's attention before it becomes serious enough to create a hostile environment. Training for administrators, teachers, staff, and students also can help ensure that they understand what types of conduct constitute sexual harassment or violence, can identify warning signals that may need attention, and know how to respond. More detailed information and examples of education and other preventive measures are provided later in this letter.

### **Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence**

Recipients of Federal financial assistance must comply with the procedural requirements outlined in the Title IX implementing regulations. Specifically, a recipient must:

- (A) Disseminate a notice of nondiscrimination;<sup>16</sup>
- (B) Designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX;<sup>17</sup> and
- (C) Adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee sex discrimination complaints.<sup>18</sup>

These requirements apply to all forms of sexual harassment, including sexual violence, and are important for preventing and effectively responding to sex discrimination. They are discussed in greater detail below. OCR advises recipients to examine their current policies and procedures on sexual harassment and sexual violence to determine whether those policies comply with the requirements articulated in this letter and the *2001 Guidance*. Recipients should then implement changes as needed.

#### **(A) Notice of Nondiscrimination**

The Title IX regulations require that each recipient publish a notice of nondiscrimination stating that the recipient does not discriminate on the basis of sex in its education programs and activities, and that Title IX requires it not to discriminate in such a manner.<sup>19</sup> The notice must state that inquiries concerning the application of Title IX may be referred to the recipient's Title IX coordinator or to OCR. It should include the name or title, office address, telephone number, and e-mail address for the recipient's designated Title IX coordinator.

The notice must be widely distributed to all students, parents of elementary and secondary students, employees, applicants for admission and employment, and other relevant persons. OCR recommends that the notice be prominently posted on school Web sites and at various

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<sup>16</sup> 34 C.F.R. § 106.9.

<sup>17</sup> *Id.* § 106.8(a).

<sup>18</sup> *Id.* § 106.8(b).

<sup>19</sup> *Id.* § 106.9(a).

locations throughout the school or campus and published in electronic and printed publications of general distribution that provide information to students and employees about the school's services and policies. The notice should be available and easily accessible on an ongoing basis.

Title IX does not require a recipient to adopt a policy specifically prohibiting sexual harassment or sexual violence. As noted in the *2001 Guidance*, however, a recipient's general policy prohibiting sex discrimination will not be considered effective and would violate Title IX if, because of the lack of a specific policy, students are unaware of what kind of conduct constitutes sexual harassment, including sexual violence, or that such conduct is prohibited sex discrimination. OCR therefore recommends that a recipient's nondiscrimination policy state that prohibited sex discrimination covers sexual harassment, including sexual violence, and that the policy include examples of the types of conduct that it covers.

(B) Title IX Coordinator

The Title IX regulations require a recipient to notify all students and employees of the name or title and contact information of the person designated to coordinate the recipient's compliance with Title IX.<sup>20</sup> The coordinator's responsibilities include overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. The Title IX coordinator or designee should be available to meet with students as needed. If a recipient designates more than one Title IX coordinator, the notice should describe each coordinator's responsibilities (*e.g.*, who will handle complaints by students, faculty, and other employees). The recipient should designate one coordinator as having ultimate oversight responsibility, and the other coordinators should have titles clearly showing that they are in a deputy or supporting role to the senior coordinator. The Title IX coordinators should not have other job responsibilities that may create a conflict of interest. For example, serving as the Title IX coordinator and a disciplinary hearing board member or general counsel may create a conflict of interest.

Recipients must ensure that employees designated to serve as Title IX coordinators have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the recipient's grievance procedures operate. Because sexual violence complaints often are filed with the school's law enforcement unit, all school law enforcement unit employees should receive training on the school's Title IX grievance procedures and any other procedures used for investigating reports of sexual violence. In addition, these employees should receive copies of the school's Title IX policies. Schools should instruct law enforcement unit employees both to notify complainants of their right to file a Title IX sex discrimination complaint with the school in addition to filing a criminal complaint, and to report incidents of sexual violence to the Title IX coordinator if the complainant consents. The school's Title IX coordinator or designee should be available to provide assistance to school law enforcement unit employees regarding how to respond appropriately to reports of sexual violence. The Title IX coordinator also should be given access to school law enforcement unit investigation notes

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<sup>20</sup> *Id.* § 106.8(a).

and findings as necessary for the Title IX investigation, so long as it does not compromise the criminal investigation.

(C) Grievance Procedures

The Title IX regulations require all recipients to adopt and publish grievance procedures providing for the prompt and equitable resolution of sex discrimination complaints.<sup>21</sup> The grievance procedures must apply to sex discrimination complaints filed by students against school employees, other students, or third parties.

Title IX does not require a recipient to provide separate grievance procedures for sexual harassment and sexual violence complaints. Therefore, a recipient may use student disciplinary procedures or other separate procedures to resolve such complaints. Any procedures used to adjudicate complaints of sexual harassment or sexual violence, including disciplinary procedures, however, must meet the Title IX requirement of affording a complainant a prompt and equitable resolution.<sup>22</sup> These requirements are discussed in greater detail below. If the recipient relies on disciplinary procedures for Title IX compliance, the Title IX coordinator should review the recipient's disciplinary procedures to ensure that the procedures comply with the prompt and equitable requirements of Title IX.<sup>23</sup>

Grievance procedures generally may include voluntary informal mechanisms (*e.g.*, mediation) for resolving some types of sexual harassment complaints. OCR has frequently advised recipients, however, that it is improper for a student who complains of harassment to be required to work out the problem directly with the alleged perpetrator, and certainly not without appropriate involvement by the school (*e.g.*, participation by a trained counselor, a trained mediator, or, if appropriate, a teacher or administrator). In addition, as stated in the *2001 Guidance*, the complainant must be notified of the right to end the informal process at any time and begin the formal stage of the complaint process. Moreover, in cases involving allegations of sexual assault, mediation is not appropriate even on a voluntary basis. OCR recommends that recipients clarify in their grievance procedures that mediation will not be used to resolve sexual assault complaints.

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<sup>21</sup> *Id.* § 106.8(b). Title IX also requires recipients to adopt and publish grievance procedures for employee complaints of sex discrimination.

<sup>22</sup> These procedures must apply to all students, including athletes. If a complaint of sexual violence involves a student athlete, the school must follow its standard procedures for resolving sexual violence complaints. Such complaints must not be addressed solely by athletics department procedures. Additionally, if an alleged perpetrator is an elementary or secondary student with a disability, schools must follow the procedural safeguards in the Individuals with Disabilities Education Act (at 20 U.S.C. § 1415 and 34 C.F.R. §§ 300.500-300.519, 300.530-300.537) as well as the requirements of Section 504 of the Rehabilitation Act of 1973 (at 34 C.F.R. §§ 104.35-104.36) when conducting the investigation and hearing.

<sup>23</sup> A school may not absolve itself of its Title IX obligations to investigate and resolve complaints of sexual harassment or violence by delegating, whether through express contractual agreement or other less formal arrangement, the responsibility to administer school discipline to school resource officers or "contract" law enforcement officers. See 34 C.F.R. § 106.4.



Prompt and Equitable Requirements

As stated in the *2001 Guidance*, OCR has identified a number of elements in evaluating whether a school's grievance procedures provide for prompt and equitable resolution of sexual harassment complaints. These elements also apply to sexual violence complaints because, as explained above, sexual violence is a form of sexual harassment. OCR will review all aspects of a school's grievance procedures, including the following elements that are critical to achieve compliance with Title IX:

- Notice to students, parents of elementary and secondary students, and employees of the grievance procedures, including where complaints may be filed;
- Application of the procedures to complaints alleging harassment carried out by employees, other students, or third parties;
- Adequate, reliable, and impartial investigation of complaints, including the opportunity for both parties to present witnesses and other evidence;
- Designated and reasonably prompt time frames for the major stages of the complaint process;
- Notice to parties of the outcome of the complaint;<sup>24</sup> and
- An assurance that the school will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

As noted in the *2001 Guidance*, procedures adopted by schools will vary in detail, specificity, and components, reflecting differences in the age of students, school sizes and administrative structures, State or local legal requirements, and past experiences. Although OCR examines whether all applicable elements are addressed when investigating sexual harassment complaints, this letter focuses on those elements where our work indicates that more clarification and explanation are needed, including:

(A) Notice of the grievance procedures

The procedures for resolving complaints of sex discrimination, including sexual harassment, should be written in language appropriate to the age of the school's students, easily understood, easily located, and widely distributed. OCR recommends that the grievance procedures be prominently posted on school Web sites; sent electronically to all members of the school community; available at various locations throughout the school or campus; and summarized in or attached to major publications issued by the school, such as handbooks, codes of conduct, and catalogs for students, parents of elementary and secondary students, faculty, and staff.

(B) Adequate, Reliable, and Impartial Investigation of Complaints

OCR's work indicates that a number of issues related to an adequate, reliable, and impartial investigation arise in sexual harassment and violence complaints. In some cases, the conduct

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<sup>24</sup> "Outcome" does not refer to information about disciplinary sanctions unless otherwise noted. Notice of the outcome is discussed in greater detail in Section D below.

may constitute both sexual harassment under Title IX and criminal activity. Police investigations may be useful for fact-gathering; but because the standards for criminal investigations are different, police investigations or reports are not determinative of whether sexual harassment or violence violates Title IX. Conduct may constitute unlawful sexual harassment under Title IX even if the police do not have sufficient evidence of a criminal violation. In addition, a criminal investigation into allegations of sexual violence does not relieve the school of its duty under Title IX to resolve complaints promptly and equitably.

A school should notify a complainant of the right to file a criminal complaint, and should not dissuade a victim from doing so either during or after the school's internal Title IX investigation. For instance, if a complainant wants to file a police report, the school should not tell the complainant that it is working toward a solution and instruct, or ask, the complainant to wait to file the report.

Schools should not wait for the conclusion of a criminal investigation or criminal proceeding to begin their own Title IX investigation and, if needed, must take immediate steps to protect the student in the educational setting. For example, a school should not delay conducting its own investigation or taking steps to protect the complainant because it wants to see whether the alleged perpetrator will be found guilty of a crime. Any agreement or Memorandum of Understanding (MOU) with a local police department must allow the school to meet its Title IX obligation to resolve complaints promptly and equitably. Although a school may need to delay temporarily the fact-finding portion of a Title IX investigation while the police are gathering evidence, once notified that the police department has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any charges), the school must promptly resume and complete its fact-finding for the Title IX investigation.<sup>25</sup> Moreover, nothing in an MOU or the criminal investigation itself should prevent a school from notifying complainants of their Title IX rights and the school's grievance procedures, or from taking interim steps to ensure the safety and well-being of the complainant and the school community while the law enforcement agency's fact-gathering is in progress. OCR also recommends that a school's MOU include clear policies on when a school will refer a matter to local law enforcement.

As noted above, the Title IX regulation requires schools to provide equitable grievance procedures. As part of these procedures, schools generally conduct investigations and hearings to determine whether sexual harassment or violence occurred. In addressing complaints filed with OCR under Title IX, OCR reviews a school's procedures to determine whether the school is using a preponderance of the evidence standard to evaluate complaints. The Supreme Court has applied a preponderance of the evidence standard in civil litigation involving discrimination under Title VII of the Civil Rights Act of 1964 (Title VII), 42 U.S.C. §§ 2000e *et seq.* Like Title IX,

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<sup>25</sup> In one recent OCR sexual violence case, the prosecutor's office informed OCR that the police department's evidence gathering stage typically takes three to ten calendar days, although the delay in the school's investigation may be longer in certain instances.

Title VII prohibits discrimination on the basis of sex.<sup>26</sup> OCR also uses a preponderance of the evidence standard when it resolves complaints against recipients. For instance, OCR's Case Processing Manual requires that a noncompliance determination be supported by the preponderance of the evidence when resolving allegations of discrimination under all the statutes enforced by OCR, including Title IX.<sup>27</sup> OCR also uses a preponderance of the evidence standard in its fund termination administrative hearings.<sup>28</sup> Thus, in order for a school's grievance procedures to be consistent with Title IX standards, the school must use a preponderance of the evidence standard (*i.e.*, it is more likely than not that sexual harassment or violence occurred). The "clear and convincing" standard (*i.e.*, it is highly probable or reasonably certain that the sexual harassment or violence occurred), currently used by some schools, is a higher standard of proof. Grievance procedures that use this higher standard are inconsistent with the standard of proof established for violations of the civil rights laws, and are thus not equitable under Title IX. Therefore, preponderance of the evidence is the appropriate standard for investigating allegations of sexual harassment or violence.

Throughout a school's Title IX investigation, including at any hearing, the parties must have an equal opportunity to present relevant witnesses and other evidence. The complainant and the alleged perpetrator must be afforded similar and timely access to any information that will be used at the hearing.<sup>29</sup> For example, a school should not conduct a pre-hearing meeting during which only the alleged perpetrator is present and given an opportunity to present his or her side of the story, unless a similar meeting takes place with the complainant; a hearing officer or disciplinary board should not allow only the alleged perpetrator to present character witnesses at a hearing; and a school should not allow the alleged perpetrator to review the complainant's

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<sup>26</sup> See, e.g., *Desert Palace, Inc. v. Costa*, 539 U.S. 90, 99 (2003) (noting that under the "conventional rule of civil litigation," the preponderance of the evidence standard generally applies in cases under Title VII); *Price Waterhouse v. Hopkins*, 490 U.S. 228, 252-55 (1989) (approving preponderance standard in Title VII sex discrimination case) (plurality opinion); *id.* at 260 (White, J., concurring in the judgment); *id.* at 261 (O'Connor, J., concurring in the judgment). The 2001 Guidance noted (on page vi) that "[w]hile *Gebser* and *Davis* made clear that Title VII agency principles do not apply in determining liability for money damages under Title IX, the *Davis* Court also indicated, through its specific references to Title VII caselaw, that Title VII remains relevant in determining what constitutes hostile environment sexual harassment under Title IX." See also *Jennings v. Univ. of N.C.*, 482 F.3d 686, 695 (4th Cir. 2007) ("We look to case law interpreting Title VII of the Civil Rights Act of 1964 for guidance in evaluating a claim brought under Title IX.").

<sup>27</sup> OCR's Case Processing Manual is available on the Department's Web site, at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

<sup>28</sup> The Title IX regulations adopt the procedural provisions applicable to Title VI of the Civil Rights Act of 1964. See 34 C.F.R. § 106.71 ("The procedural provisions applicable to Title VI of the Civil Rights Act of 1964 are hereby adopted and incorporated herein by reference."). The Title VI regulations apply the Administrative Procedure Act to administrative hearings required prior to termination of Federal financial assistance and require that termination decisions be "supported by and in accordance with the reliable, probative and substantial evidence." 5 U.S.C. § 556(d). The Supreme Court has interpreted "reliable, probative and substantial evidence" as a direction to use the preponderance standard. See *Steadman v. SEC*, 450 U.S. 91, 98-102 (1981).

<sup>29</sup> Access to this information must be provided consistent with FERPA. For example, if a school introduces an alleged perpetrator's prior disciplinary records to support a tougher disciplinary penalty, the complainant would not be allowed access to those records. Additionally, access should not be given to privileged or confidential information. For example, the alleged perpetrator should not be given access to communications between the complainant and a counselor or information regarding the complainant's sexual history.

statement without also allowing the complainant to review the alleged perpetrator’s statement.

While OCR does not require schools to permit parties to have lawyers at any stage of the proceedings, if a school chooses to allow the parties to have their lawyers participate in the proceedings, it must do so equally for both parties. Additionally, any school-imposed restrictions on the ability of lawyers to speak or otherwise participate in the proceedings should apply equally. OCR strongly discourages schools from allowing the parties personally to question or cross-examine each other during the hearing. Allowing an alleged perpetrator to question an alleged victim directly may be traumatic or intimidating, thereby possibly escalating or perpetuating a hostile environment. OCR also recommends that schools provide an appeals process. If a school provides for appeal of the findings or remedy, it must do so for both parties. Schools must maintain documentation of all proceedings, which may include written findings of facts, transcripts, or audio recordings.

All persons involved in implementing a recipient’s grievance procedures (*e.g.*, Title IX coordinators, investigators, and adjudicators) must have training or experience in handling complaints of sexual harassment and sexual violence, and in the recipient’s grievance procedures. The training also should include applicable confidentiality requirements. In sexual violence cases, the fact-finder and decision-maker also should have adequate training or knowledge regarding sexual violence.<sup>30</sup> Additionally, a school’s investigation and hearing processes cannot be equitable unless they are impartial. Therefore, any real or perceived conflicts of interest between the fact-finder or decision-maker and the parties should be disclosed.

Public and state-supported schools must provide due process to the alleged perpetrator. However, schools should ensure that steps taken to accord due process rights to the alleged perpetrator do not restrict or unnecessarily delay the Title IX protections for the complainant.

*(C) Designated and Reasonably Prompt Time Frames*

OCR will evaluate whether a school’s grievance procedures specify the time frames for all major stages of the procedures, as well as the process for extending timelines. Grievance procedures should specify the time frame within which: (1) the school will conduct a full investigation of the complaint; (2) both parties receive a response regarding the outcome of the complaint; and (3) the parties may file an appeal, if applicable. Both parties should be given periodic status updates. Based on OCR experience, a typical investigation takes approximately 60 calendar days following receipt of the complaint. Whether OCR considers complaint resolutions to be timely, however, will vary depending on the complexity of the investigation and the severity and extent of the harassment. For example, the resolution of a complaint involving multiple incidents with multiple complainants likely would take longer than one involving a single incident that

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<sup>30</sup> For instance, if an investigation or hearing involves forensic evidence, that evidence should be reviewed by a trained forensic examiner.

occurred in a classroom during school hours with a single complainant.

(D) Notice of Outcome

Both parties must be notified, in writing, about the outcome of both the complaint and any appeal,<sup>31</sup> *i.e.*, whether harassment was found to have occurred. OCR recommends that schools provide the written determination of the final outcome to the complainant and the alleged perpetrator concurrently. Title IX does not require the school to notify the alleged perpetrator of the outcome before it notifies the complainant.

Due to the intersection of Title IX and FERPA requirements, OCR recognizes that there may be confusion regarding what information a school may disclose to the complainant.<sup>32</sup> FERPA generally prohibits the nonconsensual disclosure of personally identifiable information from a student's "education record." However, as stated in the *2001 Guidance*, FERPA permits a school to disclose to the harassed student information about the sanction imposed upon a student who was found to have engaged in harassment when the sanction directly relates to the harassed student. This includes an order that the harasser stay away from the harassed student, or that the harasser is prohibited from attending school for a period of time, or transferred to other classes or another residence hall.<sup>33</sup> Disclosure of other information in the student's "education record," including information about sanctions that do not relate to the harassed student, may result in a violation of FERPA.

Further, when the conduct involves a crime of violence or a non-forcible sex offense,<sup>34</sup> FERPA permits a postsecondary institution to disclose to the alleged victim the final results of a

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<sup>31</sup> As noted previously, "outcome" does not refer to information about disciplinary sanctions unless otherwise noted.

<sup>32</sup> In 1994, Congress amended the General Education Provisions Act (GEPA), of which FERPA is a part, to state that nothing in GEPA "shall be construed to affect the applicability of title VI of the Civil Rights Act of 1964, title IX of Education Amendments of 1972, title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." 20 U.S.C. § 1221(d). The Department interprets this provision to mean that FERPA continues to apply in the context of Title IX enforcement, but if there is a direct conflict between the requirements of FERPA and the requirements of Title IX, such that enforcement of FERPA would interfere with the primary purpose of Title IX to eliminate sex-based discrimination in schools, the requirements of Title IX override any conflicting FERPA provisions. See *2001 Guidance* at vii.

<sup>33</sup> This information directly relates to the complainant and is particularly important in sexual harassment cases because it affects whether a hostile environment has been eliminated. Because seeing the perpetrator may be traumatic, a complainant in a sexual harassment case may continue to be subject to a hostile environment if he or she does not know when the perpetrator will return to school or whether he or she will continue to share classes or a residence hall with the perpetrator. This information also directly affects a complainant's decision regarding how to work with the school to eliminate the hostile environment and prevent its recurrence. For instance, if a complainant knows that the perpetrator will not be at school or will be transferred to other classes or another residence hall for the rest of the year, the complainant may be less likely to want to transfer to another school or change classes, but if the perpetrator will be returning to school after a few days or weeks, or remaining in the complainant's classes or residence hall, the complainant may want to transfer schools or change classes to avoid contact. Thus, the complainant cannot make an informed decision about how best to respond without this information.

<sup>34</sup> Under the FERPA regulations, crimes of violence include arson; assault offenses (aggravated assault, simple assault, intimidation); burglary; criminal homicide (manslaughter by negligence); criminal homicide (murder and

disciplinary proceeding against the alleged perpetrator, regardless of whether the institution concluded that a violation was committed.<sup>35</sup> Additionally, a postsecondary institution may disclose to anyone—not just the alleged victim—the final results of a disciplinary proceeding if it determines that the student is an alleged perpetrator of a crime of violence or a non-forcible sex offense, and, with respect to the allegation made, the student has committed a violation of the institution’s rules or policies.<sup>36</sup>

Postsecondary institutions also are subject to additional rules under the Clery Act. This law, which applies to postsecondary institutions that participate in Federal student financial aid programs, requires that “both the accuser and the accused must be informed of the outcome<sup>37</sup> of any institutional disciplinary proceeding brought alleging a sex offense.”<sup>38</sup> Compliance with this requirement does not constitute a violation of FERPA. Furthermore, the FERPA limitations on redisclosure of information do not apply to information that postsecondary institutions are required to disclose under the Clery Act.<sup>39</sup> Accordingly, postsecondary institutions may not require a complainant to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the redisclosure of this information.

### **Steps to Prevent Sexual Harassment and Sexual Violence and Correct its Discriminatory Effects on the Complainant and Others**

#### **Education and Prevention**

In addition to ensuring full compliance with Title IX, schools should take proactive measures to prevent sexual harassment and violence. OCR recommends that all schools implement preventive education programs and make victim resources, including comprehensive victim services, available. Schools may want to include these education programs in their (1) orientation programs for new students, faculty, staff, and employees; (2) training for students who serve as advisors in residence halls; (3) training for student athletes and coaches; and (4) school assemblies and “back to school nights.” These programs should include a

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non-negligent manslaughter); destruction, damage or vandalism of property; kidnapping/abduction; robbery; and forcible sex offenses. Forcible sex offenses are defined as any sexual act directed against another person forcibly or against that person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent. Forcible sex offenses include rape, sodomy, sexual assault with an object, and forcible fondling. Non-forcible sex offenses are incest and statutory rape. 34 C.F.R. Part 99, App. A.

<sup>35</sup> 34 C.F.R. § 99.31(a)(13). For purposes of 34 C.F.R. §§ 99.31(a)(13)-(14), disclosure of “final results” is limited to the name of the alleged perpetrator, any violation found to have been committed, and any sanction imposed against the perpetrator by the school. 34 C.F.R. § 99.39.

<sup>36</sup> 34 C.F.R. § 99.31(a)(14).

<sup>37</sup> For purposes of the Clery Act, “outcome” means the institution’s final determination with respect to the alleged sex offense and any sanctions imposed against the accused. 34 C.F.R. § 668.46(b)(11)(vi)(B).

<sup>38</sup> 34 C.F.R. § 668.46(b)(11)(vi)(B). Under the Clery Act, forcible sex offenses are defined as any sexual act directed against another person forcibly or against that person’s will, or not forcibly or against the person’s will where the person is incapable of giving consent. Forcible sex offenses include forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling. Non-forcible sex offenses include incest and statutory rape. 34 C.F.R. Part 668, Subpt. D, App. A.

<sup>39</sup> 34 C.F.R. § 99.33(c).

discussion of what constitutes sexual harassment and sexual violence, the school's policies and disciplinary procedures, and the consequences of violating these policies.

The education programs also should include information aimed at encouraging students to report incidents of sexual violence to the appropriate school and law enforcement authorities. Schools should be aware that victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of school or campus rules were involved.<sup>40</sup> As a result, schools should consider whether their disciplinary policies have a chilling effect on victims' or other students' reporting of sexual violence offenses. For example, OCR recommends that schools inform students that the schools' primary concern is student safety, that any other rules violations will be addressed separately from the sexual violence allegation, and that use of alcohol or drugs never makes the victim at fault for sexual violence.

OCR also recommends that schools develop specific sexual violence materials that include the schools' policies, rules, and resources for students, faculty, coaches, and administrators. Schools also should include such information in their employee handbook and any handbooks that student athletes and members of student activity groups receive. These materials should include where and to whom students should go if they are victims of sexual violence. These materials also should tell students and school employees what to do if they learn of an incident of sexual violence. Schools also should assess student activities regularly to ensure that the practices and behavior of students do not violate the schools' policies against sexual harassment and sexual violence.

### **Remedies and Enforcement**

As discussed above, if a school determines that sexual harassment that creates a hostile environment has occurred, it must take immediate action to eliminate the hostile environment, prevent its recurrence, and address its effects. In addition to counseling or taking disciplinary action against the harasser, effective corrective action may require remedies for the complainant, as well as changes to the school's overall services or policies. Examples of these actions are discussed in greater detail below.

Title IX requires a school to take steps to protect the complainant as necessary, including taking interim steps before the final outcome of the investigation. The school should undertake these steps promptly once it has notice of a sexual harassment or violence allegation. The school should notify the complainant of his or her options to avoid contact with the alleged perpetrator and allow students to change academic or living situations as appropriate. For instance, the school may prohibit the alleged perpetrator from having any contact with the complainant pending the results of the school's investigation. When taking steps to separate the complainant and alleged perpetrator, a school should minimize the burden on the

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<sup>40</sup> The Department's Higher Education Center for Alcohol, Drug Abuse, and Violence Prevention (HEC) helps campuses and communities address problems of alcohol, other drugs, and violence by identifying effective strategies and programs based upon the best prevention science. Information on HEC resources and technical assistance can be found at [www.higheredcenter.org](http://www.higheredcenter.org).

complainant, and thus should not, as a matter of course, remove complainants from classes or housing while allowing alleged perpetrators to remain. In addition, schools should ensure that complainants are aware of their Title IX rights and any available resources, such as counseling, health, and mental health services, and their right to file a complaint with local law enforcement.<sup>41</sup>

Schools should be aware that complaints of sexual harassment or violence may be followed by retaliation by the alleged perpetrator or his or her associates. For instance, friends of the alleged perpetrator may subject the complainant to name-calling and taunting. As part of their Title IX obligations, schools must have policies and procedures in place to protect against retaliatory harassment. At a minimum, schools must ensure that complainants and their parents, if appropriate, know how to report any subsequent problems, and should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred.

When OCR finds that a school has not taken prompt and effective steps to respond to sexual harassment or violence, OCR will seek appropriate remedies for both the complainant and the broader student population. When conducting Title IX enforcement activities, OCR seeks to obtain voluntary compliance from recipients. When a recipient does not come into compliance voluntarily, OCR may initiate proceedings to withdraw Federal funding by the Department or refer the case to the U.S. Department of Justice for litigation.

Schools should proactively consider the following remedies when determining how to respond to sexual harassment or violence. These are the same types of remedies that OCR would seek in its cases.

Depending on the specific nature of the problem, remedies for the complainant might include, but are not limited to:<sup>42</sup>

- providing an escort to ensure that the complainant can move safely between classes and activities;
- ensuring that the complainant and alleged perpetrator do not attend the same classes;
- moving the complainant or alleged perpetrator to a different residence hall or, in the case of an elementary or secondary school student, to another school within the district;
- providing counseling services;
- providing medical services;
- providing academic support services, such as tutoring;

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<sup>41</sup> The Clery Act requires postsecondary institutions to develop and distribute a statement of policy that informs students of their options to notify proper law enforcement authorities, including campus and local police, and the option to be assisted by campus personnel in notifying such authorities. The policy also must notify students of existing counseling, mental health, or other student services for victims of sexual assault, both on campus and in the community. 20 U.S.C. §§ 1092(f)(8)(B)(v)-(vi).

<sup>42</sup> Some of these remedies also can be used as interim measures before the school's investigation is complete.



- arranging for the complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant’s academic record; and
- reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined.<sup>43</sup>

Remedies for the broader student population might include, but are not limited to:

*Counseling and Training*

- offering counseling, health, mental health, or other holistic and comprehensive victim services to all students affected by sexual harassment or sexual violence, and notifying students of campus and community counseling, health, mental health, and other student services;
- designating an individual from the school’s counseling center to be “on call” to assist victims of sexual harassment or violence whenever needed;
- training the Title IX coordinator and any other employees who are involved in processing, investigating, or resolving complaints of sexual harassment or sexual violence, including providing training on:
  - the school’s Title IX responsibilities to address allegations of sexual harassment or violence
  - how to conduct Title IX investigations
  - information on the link between alcohol and drug abuse and sexual harassment or violence and best practices to address that link;
- training all school law enforcement unit personnel on the school’s Title IX responsibilities and handling of sexual harassment or violence complaints;
- training all employees who interact with students regularly on recognizing and appropriately addressing allegations of sexual harassment or violence under Title IX; and
- informing students of their options to notify proper law enforcement authorities, including school and local police, and the option to be assisted by school employees in notifying those authorities.

*Development of Materials and Implementation of Policies and Procedures*

- developing materials on sexual harassment and violence, which should be distributed to students during orientation and upon receipt of complaints, as well as widely posted throughout school buildings and residence halls, and which should include:
  - what constitutes sexual harassment or violence
  - what to do if a student has been the victim of sexual harassment or violence
  - contact information for counseling and victim services on and off school grounds
  - how to file a complaint with the school
  - how to contact the school’s Title IX coordinator

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<sup>43</sup> For example, if the complainant was disciplined for skipping a class in which the harasser was enrolled, the school should review the incident to determine if the complainant skipped the class to avoid contact with the harasser.

- what the school will do to respond to allegations of sexual harassment or violence, including the interim measures that can be taken
- requiring the Title IX coordinator to communicate regularly with the school’s law enforcement unit investigating cases and to provide information to law enforcement unit personnel regarding Title IX requirements;<sup>44</sup>
- requiring the Title IX coordinator to review all evidence in a sexual harassment or sexual violence case brought before the school’s disciplinary committee to determine whether the complainant is entitled to a remedy under Title IX that was not available through the disciplinary committee;<sup>45</sup>
- requiring the school to create a committee of students and school officials to identify strategies for ensuring that students:
  - know the school’s prohibition against sex discrimination, including sexual harassment and violence
  - recognize sex discrimination, sexual harassment, and sexual violence when they occur
  - understand how and to whom to report any incidents
  - know the connection between alcohol and drug abuse and sexual harassment or violence
  - feel comfortable that school officials will respond promptly and equitably to reports of sexual harassment or violence;
- issuing new policy statements or other steps that clearly communicate that the school does not tolerate sexual harassment and violence and will respond to any incidents and to any student who reports such incidents; and
- revising grievance procedures used to handle sexual harassment and violence complaints to ensure that they are prompt and equitable, as required by Title IX.

*School Investigations and Reports to OCR*

- conducting periodic assessments of student activities to ensure that the practices and behavior of students do not violate the school’s policies against sexual harassment and violence;
- investigating whether any other students also may have been subjected to sexual harassment or violence;
- investigating whether school employees with knowledge of allegations of sexual harassment or violence failed to carry out their duties in responding to those allegations;
- conducting, in conjunction with student leaders, a school or campus “climate check” to assess the effectiveness of efforts to ensure that the school is free from sexual harassment and violence, and using the resulting information to inform future proactive steps that will be taken by the school; and

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<sup>44</sup> Any personally identifiable information from a student’s education record that the Title IX coordinator provides to the school’s law enforcement unit is subject to FERPA’s nondisclosure requirements.

<sup>45</sup> For example, the disciplinary committee may lack the power to implement changes to the complainant’s class schedule or living situation so that he or she does not come in contact with the alleged perpetrator.

- submitting to OCR copies of all grievances filed by students alleging sexual harassment or violence, and providing OCR with documentation related to the investigation of each complaint, such as witness interviews, investigator notes, evidence submitted by the parties, investigative reports and summaries, any final disposition letters, disciplinary records, and documentation regarding any appeals.

### **Conclusion**

The Department is committed to ensuring that all students feel safe and have the opportunity to benefit fully from their schools' education programs and activities. As part of this commitment, OCR provides technical assistance to assist recipients in achieving voluntary compliance with Title IX.

If you need additional information about Title IX, have questions regarding OCR's policies, or seek technical assistance, please contact the OCR enforcement office that serves your state or territory. The list of offices is available at <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>. Additional information about addressing sexual violence, including victim resources and information for schools, is available from the U.S. Department of Justice's Office on Violence Against Women (OVW) at <http://www.ovw.usdoj.gov/>.<sup>46</sup>

Thank you for your prompt attention to this matter. I look forward to continuing our work together to ensure that all students have an equal opportunity to learn in a safe and respectful school climate.

Sincerely,

/s/

Russlynn Ali  
Assistant Secretary for Civil Rights

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<sup>46</sup> OVW also administers the Grants to Reduce Domestic Violence, Dating Violence, Sexual Assault, and Stalking on Campus Program. This Federal funding is designed to encourage institutions of higher education to adopt comprehensive, coordinated responses to domestic violence, dating violence, sexual assault, and stalking. Under this competitive grant program, campuses, in partnership with community-based nonprofit victim advocacy organizations and local criminal justice or civil legal agencies, must adopt protocols and policies to treat these crimes as serious offenses and develop victim service programs and campus policies that ensure victim safety, offender accountability, and the prevention of such crimes. OVW recently released the first solicitation for the Services, Training, Education, and Policies to Reduce Domestic Violence, Dating Violence, Sexual Assault and Stalking in Secondary Schools Grant Program. This innovative grant program will support a broad range of activities, including training for school administrators, faculty, and staff; development of policies and procedures for responding to these crimes; holistic and appropriate victim services; development of effective prevention strategies; and collaborations with mentoring organizations to support middle and high school student victims.

# UNIVERSITY OF MINNESOTA BOARD OF REGENTS

December 8, 2015

## REPORT OF THE EXTERNAL REVIEW

Presented by

Karen Schanfield and Joseph Dixon

Fredrikson & Byron, P.A.

200 South Sixth Street, Suite 4000

Minneapolis, Minnesota 55402-1425

# EXTERNAL REVIEW SCOPE

1. All post-resignation allegations of sexual harassment against Teague or other senior leaders in the Athletics Department
2. Confidential complaints of sexual harassment in the Athletics Department during Teague's tenure

# EXTERNAL REVIEW SCOPE

3. Whether the University knew or should have known of allegations of sexual harassment by Teague, but failed to address them
4. Hiring and vetting of Teague
5. The climate in the Athletics Department for reporting and addressing sexual harassment

# THE CHARGE

- Be complete, accurate, objective, and fair
- Prepare a public report
- Commit sufficient time and resources

# OVERSIGHT COMMITTEE

- Regent Laura Brod, Chair
- Regent Abdul Omari
- Dean Jean Quam
- Professor Christopher Uggen
- General Counsel Bill Donohue



# THE ROLE OF THE OVERSIGHT COMMITTEE

- Ensured cooperation and resources
- Clarified scope
- Committee
  - Did not direct the review
  - Did not limit the sources of information
  - Did not review Report in advance

# METHODOLOGY

- Conducted over 100 witness interviews
- Reviewed over 250,000 pages of documents, texts, and emails
- Conducted additional survey of all Athletics Department staff and review prior surveys

# METHODOLOGY

- Reviewed
  - University communications
  - Relevant policies and training
  - Reporting channels
- Reviewed reports of sexual harassment during Teague's tenure and the University's handling of those

# FINDINGS AND CONCLUSIONS

- Climate of reporting and addressing
- Post-resignation complaints
- Confidential complaints and University's response during Teague's tenure
- Whether University knew or should have known of any Teague allegations
- Hiring and vetting

# RECOMMENDATIONS

## ***TRAINING AND RESOURCES***

- Utilization of the Athletics Department EOAA Coordinator
- Annual Training
- Communications

# RECOMMENDATIONS

## ***REPORTING/HANDLING REPORTS***

- Mandatory Reporting
- Handling of Reports Exclusively by EOAA

# RECOMMENDATIONS

## ***REPORTING/HANDLING REPORTS***

- Enhanced EOAA Practices and Protocols
- Athletics Department Sanctions

# RECOMMENDATIONS

## ***MONITORING AND AUDITING***

- Enhanced Systems or Procedures for Tracking Reports
- Reports to the Athletics Department on Complaints
- Comprehensive Annual Report



# RECOMMENDATIONS

## ***MONITORING AND AUDITING***

- Annual Survey Questions
- Plan for Annual Assessments
- Conduct an Audit within Two Years

# RECOMMENDATIONS

## ***UNIVERSITY POLICIES RELATING TO SEXUAL HARASSMENT***

- Develop a Single Policy
- Adopt Mandatory Reporting
- Policy Should Address Third Parties

# RECOMMENDATIONS

## ***HIRING AND VETTING***

- Clear Delineation of Responsibilities
- Written Disclosures
- Timely Receipt of Information
- Clear Written Obligation to Provide Complete and Accurate Information
- Consider Enhanced Interview Process



# BOARD OF REGENTS DOCKET ITEM SUMMARY

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**Board of Regents**

**December 8, 2015**

**AGENDA ITEM:** Audit of Financial Management Practices within Intercollegiate Athletics

**Review**

**Review + Action**

**Action**

**Discussion**

*This is a report required by Board policy.*

**PRESENTERS:** Gail Klatt, Associate Vice President

## **PURPOSE & KEY POINTS**

The purpose of this item is to receive and discuss an internal audit of financial management practices within intercollegiate athletics, specifically related to expenses incurred and/or authorized by senior department officials from 2012-2015.

## **BACKGROUND INFORMATION**

The Audit & Compliance Committee reviewed the FY 2016 Internal Audit Plan at its meeting on June 11, 2015. The plan included audits covering athletics financial management and compliance.

## Executive Summary: Athletics Administration

*This audit included a review and assessment of current operating controls and procedures, and testing of financial transactions processed during the period of July 2012 through August 2015. Our testing focused on ICA senior leadership expenses including travel, purchasing cards, alcohol, and other administrative activities.*

### Overall Assessment = Needs Improvement

Results of the audit work performed show that Athletics Administration has developed a control environment and system of internal control that addresses much of its more routine business and compliance risks. However, a stronger culture of compliance and setting an appropriate “tone at the top” needs to be established by senior ICA leadership and communicated throughout the organization.

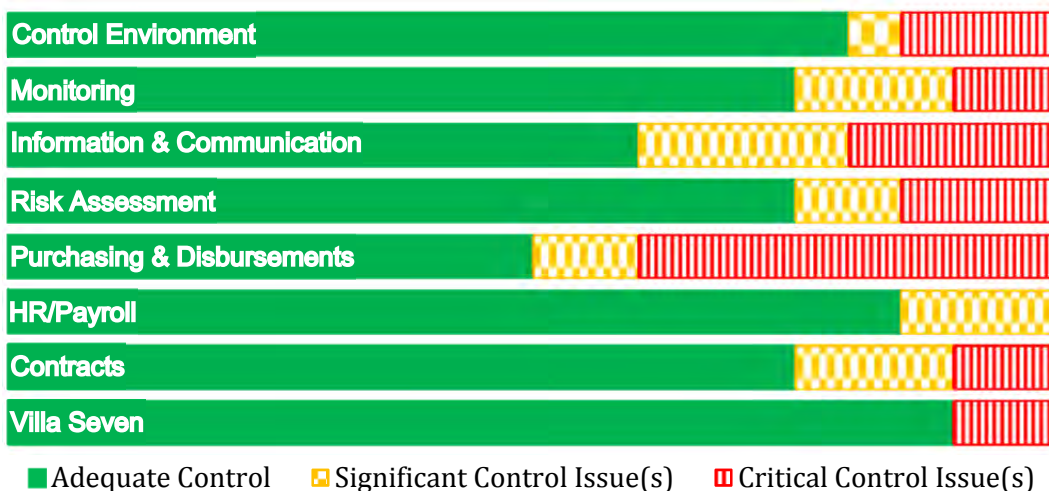
### Background

- Unit is currently managed by an Interim Athletic Director
- Acceleration of the audit, planned to be completed in FY16, was requested by the President so that it could be completed contemporaneously with the external review

### Risks Warranting Further Mitigation

Improvement is needed in purchasing, contracting, and disbursement processes. Greater emphasis needs to be placed on compliance with travel policies such as choosing the least costly methods of transportation while meeting schedule and business needs. Similarly, purchasing policies indicate purchasing decisions should be made with the utmost consideration for what is in the best interest of the University, including appropriate stewardship of University assets and accountability to funding sources and stakeholders. Adherence to these principles was not always evident for the financial activities we reviewed.

### Athletics Administration Control Evaluation



Office of Internal Audit Report  
Athletics Administration  
December 2015



OFFICE OF  
**INTERNAL AUDIT**

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UNIVERSITY OF MINNESOTA  
**Driven to Discover**<sup>SM</sup>

## Athletics Administration

### Table of Contents

<i>General</i> .....	1
<i>Audit Scope and Objectives</i> .....	1
<i>Conclusion</i> .....	3
<i>Issues and Recommendations</i> .....	5
<i>Purchasing &amp; Disbursements</i> .....	5
<i>Villa Seven</i> .....	13
<i>Learfield Payments</i> .....	13
<i>Burton Fuller Management</i> .....	14
<i>HR/Payroll</i> .....	15
<i>Audit Recommendation Rating System</i> .....	17
<i>Management Action Plan</i> .....	18

### General

The mission of Intercollegiate Athletics (ICA) states, “Transforming Gopher Athletics by impacting the lives of our student-athletes, enhancing the reputation of the University and bringing pride to all Minnesotans.” ICA’s vision states “Invent, Lead and Win and do so with values of Integrity, Teamwork and Commitment.”

ICA Administration oversees the department’s 25 sports, more than 300 staff members, 725 student-athletes and an annual budget of more than \$100 million. ICA Administration currently includes the Interim Athletics Director (AD) position, four senior associate athletics directors, three associate athletics directors, and seven assistant athletics directors. The 25 sport programs report to the various levels of athletics director positions.

### Audit Scope and Objectives

A financial audit of Intercollegiate Athletics was included in the FY 2016 internal audit plan. In August 2015 the Board of Regents and the University’s President requested the audit be accelerated and carried out simultaneously, and in conjunction with, the independent external review being done by the law firm Fredrikson and Bryon. While our audit of ICA finances would normally include financial activities associated with individual sports programs, facility operations, ticketing operations, etc. we were asked to focus this initial review on the financial activities associated with ICA Administration, the Athletics Director and his staff. Sports related activities will be reviewed in a subsequent audit this year.

Our audit included an analysis of operational, financial, and compliance procedures and controls in place at the time of our review. This analysis involved interviews with Athletics Administration staff, and tests of controls over various processes. Tests of financial activity focused on the period from July 2012 through August 2015. The following specific tests and procedures were performed:

- **Administration**— Obtained employee feedback through the use of an employee survey. Part A of the employee survey used our standard questions asked of departmental staff. Part B of the survey included questions from Fredrikson & Byron used to assess the culture and climate of the department. The results of the employee survey will be addressed in the Fredrikson and Byron report.
- **Travel and Employee Reimbursement Payments**— Audited all 399 expense reimbursements to the former Athletics Director and the eight administrative staff hired/promoted by and reporting to him. Expenses totaling \$386,405 were reviewed for compliance with University policies including allowability, reasonableness, evidence of proper approval and adequate justification and documentation. We noted the direct expense reimbursements of the former athletics director are being thoroughly reviewed, as required, by staff in the president’s office.
- **Purchasing Card Expenditures**— Obtained a list of all cardholders within ICA and determined one administrative employee held multiple cards that were the most likely to have been used by the nine individuals noted above and/or their administrative assistants. We selected a sample of 274 Pcard expenditures with a total cost of \$103,633 based on 1) sign out logs and 2) a search based on certain keywords (i.e. “alcohol”, ‘socials’, etc.).
- **Analysis of Alcohol Expenditures**— A query was developed to identify all expenditures coded with account code 720702 “Alcoholic Beverages”. We reviewed the documents supporting these expenditures to assess 1) the nature of the event; 2) the number of attendees and the cost per attendee; and 3) if the expenditure involved an event attended by the former athletics director. We also reviewed any transactions in other portions of this review that contained alcohol not properly coded to the 720702 account code.
- **Non-Alcohol Expenses from University of Minnesota Foundation (UMF) Funds**— Selected a judgmental sample of 94 non-alcohol voucher transactions (total cost of \$525,234) paid from ICA foundation/gift funds and tested for the attributes listed under Travel and Employee Reimbursement Payments above.
- **Review of University Emails and Calendars**— Obtained University email accounts for five employees. Keyword searches were performed to assess concerns related to compliance with University policies, evidence of inappropriate actions, and failure to promote an appropriate culture and “tone at the top” within ICA. Calendars were reviewed as needed to support conclusions.
- **Villa Seven**— Anonymous concerns were raised regarding Villa Seven. We reviewed financial transactions relating to Villa Seven. Interviews were conducted with ICA staff to gain an understanding of the relationships between ICA, Villa Seven and Nike in terms of how they support Villa Seven programs.
- **Burton Fuller Management**— Anonymous concerns were raised regarding ICA’s use of Burton Fuller Management (a.k.a. Mary Ruth Burton) as a management consultant to the former athletics director and for ties to work done for Villa Seven. We examined five contracts for professional services and payments made to Burton Fuller Management.



- **Learfield Contracts and Payments to ICA Staff**— Email documentation raised concerns regarding Learfield contracts and payments with ICA staff. We gathered information from Learfield staff, ICA staff, Office of Human Resources (OHR), and Office of the General Counsel (OGC) to analyze these transactions.
- **HR/Payroll**— Examined a number of HR/payroll related issues described in anonymous allegations. OHR consultants and ICA staff were interviewed to gather supporting documentation.
- **Complimentary Tickets/Suites Controlled by former athletics director**— Concerns were raised relating to the former athletics director and his handling of complimentary tickets and suites. We met with ticket office staff to gather suite documentation and obtained suite usage information from the ICA chief of staff and Golden Gopher Fund (GGF) staff. We also revisited the updated ICA comp ticket policy and compared it to actual 2014-15 season comp tickets issued.
- **MLB All-Star Game Analysis**— Performed an analysis of the financial transactions relating to the use of TCF Bank Stadium for the Imagine Dragons concert as part of the 2014 MLB All-Star festivities, and reviewed the trading of the stadium for ICA’s access to a MLB All-Star Game suite.

## Conclusion

From the results of the audit work performed, we believe Athletics Administration has developed a control environment and a system of internal control that addresses much of its more routine business and compliance risks. However, a stronger culture of compliance and setting an appropriate “tone at the top” needs to be established by senior ICA leadership and communicated throughout the organization. ICA’s focus on growing revenues was clearly evident, but our audit results indicate not enough emphasis is being placed on cost containment, cost monitoring, or transparency of financial transactions. There are a large number of unique transactions processed by ICA which resulted in a higher number of errors than those found in other University units. The unique transactions are often tied to donor events and expenses, travel, and contract issues. Greater emphasis needs to be placed on travel policies such as choosing the least costly methods of transportation while meeting schedule and business needs. Similarly, purchasing policies indicate purchasing decisions should be made with the utmost consideration for what is in the best interest of the University, including appropriate stewardship of University assets and accountability to funding sources and stakeholders. Adherence to these principles was not always evident for the financial activities we reviewed.

The audit resulted in the following seven recommendations considered “essential” to minimizing existing operational and compliance risks:

- ICA needs to revamp its administrative processes to address the weaknesses relating to purchasing and disbursement processes. Those employees responsible for processing ICA transactions must ensure the necessary receipts are provided, that all transactions are properly justified, the most descriptive account codes are assigned, University policies are followed and one-up approvals are obtained. ICA should also implement a policy that the most senior employee present at an event be responsible for paying for the event expenses and all expenses of the athletics director be forwarded to the president’s office for review and approval. See Recommendation #1
- ICA should seek reimbursement for those expenses considered unallowable, the amount is determinable, and the expense resulted in a personal benefit to the ICA employee. See Recommendation #2a
- ICA needs to substantially improve its compliance with University policies regarding expenses incurred when conducting University business. Not only does this include a more rigorous review of expenses by

those charged with reviewing and approving these transactions, but a stronger culture of compliance and setting an appropriate “tone at the top” needs to be established by senior ICA leadership and communicated throughout the organization.

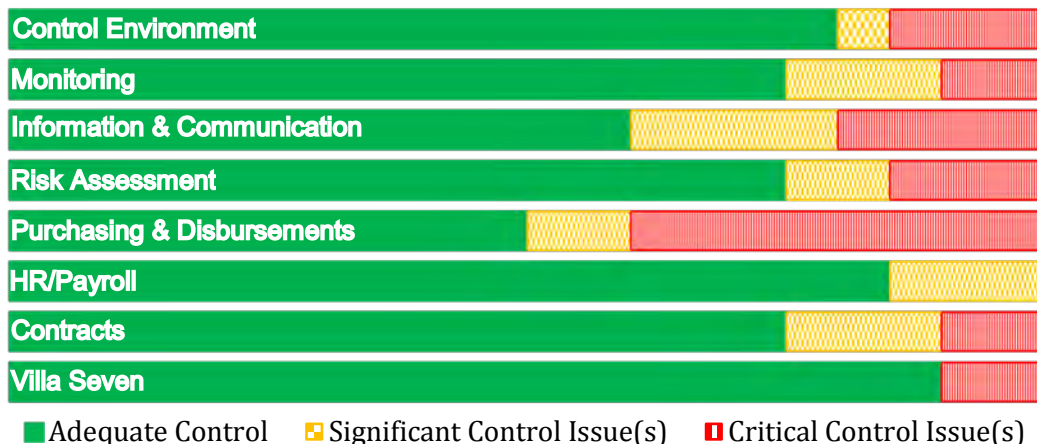
In the event ICA encounters a policy relating to the situations noted above that it finds difficult to comply with, they should contact the policy owner to see if other options are available or if the situation warrants an approved exception to University policy. Most of the policies addressed are the responsibility of the University Controller, and if exceptions are granted they should be properly documented.  
See Recommendation #2b

- ICA management should institute an administrative review of the expenditures and issues noted to determine what future practices will be regarding these (and similar) items.  
See Recommendation #3
- As ICA contemplates the future use of University facilities by outside parties it should ensure senior University leadership is fully aware of the costs involved, revenues that are, or are not, being received, and whether non-monetary items are being received in exchange for use of University assets. ICA, in consultation with senior University officials, should also assess whether the cost/benefit of such a facility usage is in the best economic interests of the institution.  
See Recommendation #4
- ICA management should review the financial and program information gathered relating to Villa Seven and make a formal determination on how to proceed with Villa Seven. If ICA management plans to continue with Villa Seven, improvements will be needed in formally documenting relationships with Villa Seven and Nike along with developing formal budgets and commitments of resources, with approval at appropriate levels.  
See Recommendation # 6
- ICA management should work with OHR to determine whether the practice of ICA staff receiving additional compensation from Learfield for interviews should be continued.  
See Recommendation #7a

The other seven recommendations, rated as “significant”, are intended to assist ICA in their efforts to improve procedures and controls in the management of processes relating to establishing operating principles for the payment of medical services for student athletes, managing purchase orders and contracts, reporting overtime hours, hiring of athletic trainers, and alcohol in Athletic facilities.

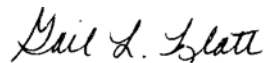
The following chart illustrates the various areas reviewed during the audit, and our assessment of the adequacy and effectiveness of the related controls.

### Athletics Administration Control Evaluation



ICA has developed a management action plan that effectively addresses the issues in the report, and timelines for implementation of the recommendations are reasonable. The action plan indicates significant progress has already been made in implementing several of the report recommendations.

Sincerely,



Gail L. Klatt, CIA  
Associate Vice President – Office of Internal Audit  
December 7, 2015

## Unit Leadership

*Beth Goetz*  
*Eric Kaler*  
*Tom McGinnis*  
*Amy Phenix*

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## Issues and Recommendations

### Purchasing & Disbursements

- 1. Administrative practices regarding the purchasing and payment processes used by ICA are not adequate.**

Our audit covered a wide variety of ICA financial transactions: the procurement of goods and services, employee travel and expense reimbursements, payments to vendors and purchases made with University-issued purchasing cards. We noted numerous examples where the administrative processes used to manage those activities were deficient, including:

- Receipts were not always available to support the expenses incurred. There were 47 instances (6% of the transactions tested) where a receipt was missing, not legible, or was not a detailed receipt (required for the reimbursement of hospitality meals).
- Justifications for the expenses incurred were routinely inadequate. Our testing noted that nearly 30% of the transaction justifications (explaining the who, what, where, when and why of a transaction) did not meet University standards, and it was especially prevalent when trying to ascertain the business purpose and attendees for many expenses relating to meals and other personal reimbursements.
- Account codes, which are codes assigned by local staff to more clearly identify the specific nature of the expense incurred (i.e. food, travel, entertainment and office supplies), were often not correctly chosen. For nearly 23% of the transactions tested a more accurate code should have been used. For

example, we noted several purchases coded as “supplies – other” when a more descriptive code existed. In addition, there were many examples where expenditures related to alcohol were not coded as “alcohol”, but instead were included in “entertainment and gifts” or a similar, more generic code. It is especially important that alcohol be correctly coded to help ensure it is eventually charged to an appropriate funding source.

- “One-up approval” was not always obtained for certain expenditures of the former athletics director. In some cases this individual attended certain events, such as hospitality meals, where the cost of the event was paid by a subordinate employee. When that expense was processed by ICA to reimburse the employee, it was commonly approved by the former director, who attended the meal. That meant the expense did not receive the necessary approval by the president’s office.
- Purchases of alcohol were sometimes made through use of an ICA purchasing card, which is not allowed on a purchasing card. This most commonly occurred during the settling of charges for food and beverages consumed at a suite at a non-University facility (i.e. Xcel Energy Center, Target Center, Big 10 Tournament, etc.). We identified 17 alcohol purchases totaling \$2,896 being paid for via an ICA purchasing card.

It is important that University administrative standards and processes be followed when purchasing goods and services and when paying for those costs. Failure to do so can result in an incomplete audit trail for expenses, loss of appropriate administrative oversight and monitoring, and payments being processed that might be inappropriate and contrary to the mission of the University.

#### **Recommendation**

1. ICA needs to revamp its administrative processes to address the weaknesses identified above. Those employees responsible for processing ICA transactions must ensure the necessary receipts are provided, that all transactions are properly justified, the most descriptive account codes are assigned, University policies are followed and one-up approvals are obtained. ICA should also implement a policy that the most senior employee present at an event be responsible for paying for the event expenses and all expenses of the athletics director be forwarded to the president’s office for review and approval.

#### **Rating: Essential**

#### **2. ICA has paid for expenses not allowed by University policy.**

Our testing of ICA financial transactions identified several expenditures that do not comply with University policies. For example:

- Two holiday parties for ICA employees were held, one in December 2012 and another in December 2013, for a cost of \$6,294. In addition, two holiday parties for interns were held in December 2013 and again in December 2014 for a total cost of \$936. While three of these events were paid for with gift funds, holiday parties are specifically not allowed to be charged to any University funding source.
- Twelve instances were noted where senior ICA officials stayed at hotels costing more than the allowable University limits, resulting in additional costs to the University totaling \$2,485. While a process exists that allows employees to seek and obtain prior approval for the additional costs through the use of a Lodging Exception Form, it was rarely utilized by ICA.

In one of these instances, we noted one official who attended the December 2013 College Football Foundation event at the Waldorf-Astoria in New York City. While it was likely most convenient to

stay at this hotel, and University policy allows for staying at the “conference hotel”, the room cost was \$663/night, well in excess of the allowable University limit. For this two night stay a more fiscally prudent decision would have been to seek a more reasonably priced hotel.

- One transaction reimbursed a senior ICA official for a dinner totaling \$131.85 at a local restaurant that was for a meeting with an executive search firm. The purpose of the meeting was to aid the employee in exploring future employment opportunities (non-UM). This should be considered a personal expense.
- ICA paid for expenses totaling \$1,981 for two hair stylist sessions, make-up, shoes, and a suit for a new employee. These expenses were personal in nature and should not have been paid for by the University. In addition, the expenses for a pair of shoes (\$340) and clothing (\$1,421 at Nordstrom’s Mall of America) should have been reported to Central Payroll and reported as taxable income to the employee. Finally, we noted a \$50 tip paid on a \$75 hair stylist bill, well in excess of University standards related to tipping. Gift funds were used for these expenses.
- A first class airline ticket costing \$535 was reimbursed to a senior ICA official for a flight from Indianapolis to Minneapolis. The University does not pay for first class airfare.
- One reimbursement totaling \$385 for a dinner meal expense in a Minneapolis restaurant had as its justification “donor prospect”. However, three of the five attendees were ICA employees, all of whom formerly worked together at another University. The other two attendees were listed as the president emeritus of that university and his spouse. This has all appearances of simply being a dinner involving all former colleagues, with questionable donor implications. The University of Minnesota Foundation does not have a donor record for this couple.
- There were several examples of hospitality meals being reimbursed to senior ICA officials that exceeded the \$100/person cost established by University policy. Most of these meals involved meetings with donors, and in many cases the actual cost of the meal was reduced during the expense review process to the \$100/person limit. However, there were six meals where the costs were not reduced, resulting in additional payments exceeding policy totaling \$1,021.

We also noted an additional meal expense that was not really a hospitality meal, as it only included the football coaches’ wives (total expense of \$1,841). Per the coach’s contract, wives are allowed to travel to one away game a year (this was the 2014 TCU game in Fort Worth) and are able to be reimbursed consistent with the University’s travel reimbursement policy. This meal equated to \$115 per person which exceeds the federal allowable dinner per diem in Fort Worth of \$29. It also exceeds ICA’s dinner meal allowable amount of \$20/person.

Finally, two additional events had costs in excess of \$100/person. One involved a charter cruise including donors in Excelsior for a total cost of \$2,741. The cost/person for the 25 in attendance was \$109.66. The second event included costs for a signing social that totaled \$6,003. There was no attendee list available, but ICA estimated there were 50 people present, for a cost of \$120 per person.

- In addition to the issues noted above related to hospitality meals, we also observed multiple instances where meal costs were paid for with University funds that were contrary to University policy and practices. These include: paying for the expenses of a guest who has no official University purpose in attending, reimbursing employees not in travel status for meals and/or alcoholic beverages with fellow employees (during or after normal business hours), and paying for meal

expenses for meetings held with University consultants and vendors. We also noted that many of these meals did not provide a justification for the business purpose of the meal expense.

- There were seven purchases of items given as gifts to donors that exceeded the University's gift limit of \$100, with a total unallowable cost of \$205. In addition, a "get-well" gift costing \$104 was given to an ICA employee, which is also unallowable.
- We noted items personal in nature that were paid for with University funds totaling \$151. These items, which included a snow shovel, two garment racks and hangers, a doormat, a step ladder and a watering can, were purchased to enable the former director to host donor events at his personal residence. We were told some of these items have since been recovered and returned to ICA.

We fully recognize that ICA has been operating in challenging times as it works to finance its ongoing operations and also seeks to raise additional funds for improved athletic facilities. However, it is critical that University policies be followed when transacting University business, as this helps ensure funds are spent for expenses determined allowable by the University. Adherence to policy also enables the University to demonstrate appropriate stewardship of funds given to us by others.

### **Recommendations**

- 2a. ICA should seek reimbursement for those expenses considered unallowable, the amount is determinable, and the expense resulted in a personal benefit to the ICA employee.

### **Rating: Essential**

- 2b. ICA needs to substantially improve its compliance with University policies regarding expenses incurred when conducting University business. Not only does this include a more rigorous review of expenses by those charged with reviewing and approving these transactions, but a stronger culture of compliance and setting an appropriate "tone at the top" needs to be established by senior ICA leadership and communicated throughout the organization.

In the event that ICA encounters a policy relating to the situations noted above that it finds difficult to comply with, they should contact the policy owner to see if other options are available or if the situation warrants an approved exception to University policy. Most of the policies addressed above are the responsibility of the University Controller, and if exceptions are granted they should be properly documented.

### **Rating: Essential**

- 3. There are numerous expenditures being incurred by ICA that, while not unallowable by University policy, warrant further consideration as to their appropriateness and business need.**

In addition to taking actions to fully comply with University policies and procedures, we believe there are expenses ICA has incurred that need to be reviewed and decisions made on their future appropriateness. For example:

- A partial payment to a senior ICA official for moving expenses of \$11,500 was based on an estimate from the moving company instead of the final bill. In total, the employee received relocation expenses of \$19,322, well in excess of the \$11,250 recommended by University policy. While the former athletics director approved each relocation expense payment, there was nothing in the offer letter to the employee addressing the payment of relocation expenses or the maximum amount to be paid.
- Private planes were used in the following instances:

- A private plane was used to fly five senior ICA officials to Florida to meet with donors at a cost of \$19,500.
- A private plane was used to fly the former athletics director from New Haven, Connecticut to Fort Myers, Florida to meet with donors at a cost of \$7,340.
- A private plane was used to fly senior ICA officials and five donors to Iowa for a men's basketball game at a cost of \$6,808.
- A round trip private plane was arranged by ICA to bring a Big Ten official to Minneapolis from Chicago at a cost of \$3,288.

While there can be a need to utilize private planes to cost-effectively conduct the business of ICA, a thorough review of this practice may help to establish policies resulting in a reduction in cost.

- The former athletics director used a private car service costing \$340 for transportation of a group of seven to and from the Champaign, Illinois airport for a football game at the University of Illinois. This same individual used a car service for transportation to and from a local donor event in the Twin Cities, costing \$377. Use of private car/limousine services is rarely the least costly mode of transportation, especially for travel to local destinations.
- ICA does not have a process in place to track the purchases of clothing items for non-coaching staff members. Based on our sample transactions the quantity purchased appears significant. Our sample included 11 purchases for staff clothing tops (note this total is not inclusive of all staff clothing items purchased). It included 843 tops purchased for ICA staff for a total of \$24,504 during FY2014, and 256 staff tops were purchased during FY 2015 for a total cost of \$5,549. ICA also provided clothing to Learfield employees, which was not tracked and is not addressed in the Learfield contract.
- Expenditures related to alcohol were common in the transactions we tested. Alcohol expenses were most common in the travel and employee reimbursement transactions, but we also noted expenses for both retail purchases of alcohol and for alcohol included as part of the food and beverage expenses of renting a suite at a non-University athletic event. During the period covered by our audit we determined that expenditures for alcohol totaled \$51,725, although that amount does not capture all expenses due to the manner in which alcohol expenses were coded by ICA when entered into the University's general ledger. We noted the following issues related to alcohol:
  - Three expenses related to alcohol were not paid from an allowable funding source (gift funds). These expenses will need to get moved to an appropriate gift account.
  - Alcohol was purchased for use at the former athletics director's residence for donor "social" events held prior to major University athletic events. We noted there was no tracking process in place to account for the alcohol consumed and remaining after the events, although we were told ICA staff did move the alcohol to an ICA location after the event.
  - Although expenses related to alcohol were a common (and expected) component of meals with donors, ICA does not have a policy related to alcohol expenses that addresses such topics as appropriate limits on alcohol expenses during meals and other hosted athletic events, and the reimbursement of alcohol expenses to employees while in travel status.
- There were several examples of food purchases for meetings involving ICA senior leaders and all-staff events. We also noted a staff party was held at the former athletics director's personal residence in July 2014, for a cost of \$931. The number of attendees was not determinable, nor was

there a stated business purpose. University policy states that events such as these must be reasonable, moderate and occasional to the recipient.

- We noted many expense reimbursements and purchasing card transactions included an amount for sales tax charged by the vendor. As a tax-exempt entity, the University generally should not be paying sales taxes on its purchases.
- It was common for ICA staff to purchase supplies and other similar items from local retail vendors instead of utilizing U Market Services (UMS). During FY 2015 ICA had total spend with UMS of \$213,898, with 60% of that being from one vendor (Dell). Increased use of UMS would eliminate the sales taxes that might currently be paid on transactions from the retail vendors and also take advantage of University pricing available from UMS.

A thorough review of the practices surrounding the above items will be useful in helping ICA develop the structure necessary to properly administer similar future decisions regarding costs such as these. In addition, a review can also serve to examine opportunities for ICA to consider that could result in cost reductions, improved controls and judicious use of University resources.

### **Recommendation**

3. ICA management should institute an administrative review of the expenditures and issues noted above to determine what future practices will be regarding these (and similar) items. This review should address:
  - Instituting limits on the amount of moving expenses to be paid to new employees, and ensuring the topic of moving expenses is completely addressed in all offer letters made to prospective employees.
  - Using private planes for University business.
  - Using private car/limousine services for transportation, and the use of taxis for local (Twin Cities) transportation.
  - Determining the extent of clothing purchases that are reasonable for ICA staff, and the monitoring of expenditures to ensure the established level is not being exceeded.
  - Procuring alcohol for hospitality meals and events, and when employees may incur those expenses while in travel status.
  - Determining the frequency and extent of staff gatherings where food and other costs are paid by the University.
  - Modifying purchasing practices to reduce, if not eliminate, the paying of sales taxes on retail purchases, and using UMS for more of their purchasing activities.

Decisions made regarding reasonable limits and allowable/unallowable practices should be documented and communicated to ICA employees.

ICA also needs to move the alcohol expenses that were not paid using gift funds to an appropriate funding source.

**Rating: Essential**



**4. An agreement resulting in no rental fee for use of TCF Bank Stadium was not thoroughly vetted with senior University leadership.**

The 2014 Major League Baseball (MLB) All-Star game was held at Target Field in Minneapolis on 7/15/14. In our analysis of ICA’s financial transactions we identified food and alcohol expenses totaling \$3,229 that were incurred by and reimbursed to the former athletics director for a suite the University had at the game. While attempting to determine the additional costs incurred for the suite and game tickets we learned there were no additional costs. However, in exchange for the suite and tickets the University provided free use of TCF Bank Stadium for a MLB sponsored concert on 7/12/14. It was expected this event would draw 27,000 concertgoers, and there was free admission to the concert provided by MLB.

A lease agreement (#UA-937F) was processed through the University’s Real Estate Management (REM) office for use of the stadium. The agreement was dated 6/9/14, and was signed by the former athletics director and the Corporate Secretary of MLB Properties, Inc. The agreement called for MLB to reimburse the University for typical out-of-pocket expenses (FM trades staff, police, stadium post-event cleanup, etc.), estimated at \$319,855. The agreement also allowed for Aramark and Gold Country to sell merchandise at the concert, but allowed MLB to retain the net proceeds from the Aramark sales, and Gold Country to retain the net proceeds from their sales. There was no specific mention of whether the University was to receive any portion of any of these sales proceeds.

We obtained a financial summary of the last three major events held at TCF Bank Stadium during 2015. For all three events there was a flat \$125,000 “facility use fee (rent)” charged to the organizer. We also noted that for these events there was a “facility use fee” of \$2/ticket charged to the organizer, as well as suite rental income received by the University. However, since the MLB concert was a free event to the concertgoers, the ticket and suite revenues did not apply, and as noted above the \$125,000 rent was not charged. We learned the University actually billed for and received \$187,281 to cover the direct expenses incurred by the University for this event.

At a minimum, the imputed financial cost to the University of the MLB event can be calculated as follows:

Facility use (rent) not charged for use of TCF Bank Stadium	\$125,000
Food and alcohol expenses incurred in the suite	<u>3,229</u>
<b>Total</b>	<b>\$128,229</b>

The MLB rental agreement specified the University was to receive the suite space plus 50 tickets to the All-Star Game events. Assuming 50 people attended the MLB event, the cost was \$2,565 per ticket.

Our review of emails related to the event indicated that Athletics employees received about 15 of the 50 tickets available. In addition, senior University leaders received about 8 tickets. The remaining tickets (about 25) were to go to members of the Athletics Leadership Council and individuals indicated as donors or prospects.

Finally, we noted this lease transaction was reported to the 9/11/14 Regents Facilities and Operations Committee as an information item. The report indicated that the University had a lease agreement with MLB for use of the stadium for a 2014 All-Star concert, and that the “Amount (to be) Received” totaled \$319,855. It did not disclose the University was to receive only reimbursement of our expected out-of-pocket costs, or that rent was not being charged for use of the stadium in lieu of the University’s receipt of tickets and use of a suite for the All-Star game.

### **Recommendation**

4. As ICA contemplates the future use of University facilities by outside parties it should ensure senior University leadership is fully aware of any unusual arrangements (unusual costs involved, revenues that are, or are not, being received, and whether non-monetary items are being received in exchange for use of University assets, etc.). This will ensure that senior University leadership is fully informed and has the opportunity, in consultation with ICA, to assess whether the cost/benefit of such a facility usage is in the best economic and reputational interests of the institution.

### **Rating: Essential**

#### **5. Existing ICA guidelines regarding covering student-athlete medical services should be revisited.**

During our review of athletic expenditures we noted payments for medical services provided to student athletes. Such payments were made from general athletic funds and from the NCAA Student Assistance Fund, which is funded by the conference. The Student Assistance Fund is intended to provide direct benefits to student-athletes or their families as determined by conference offices. As a guiding principle, the fund shall be used to assist student-athletes in meeting financial needs that arise in conjunction with participation in intercollegiate athletics, enrollment in an academic curriculum or that recognize academic achievement.

The NCAA recently simplified its rules regarding the provision of medical services an institution may provide to a student-athlete. It allows for institutional payment for any and all medical services at the discretion of the institution. Many factors contribute to the ultimate cost to the University for these medical services including student-athlete insurance coverage and whether the provider is “in network” or “out of network.” Many people have a role in making these decisions: the student athlete, medical staff, coaching staff, finance staff and administrative staff.

The University is committed to the health and well-being of its student-athletes. Because of the broad allowance by the NCAA, and its dependence on institutional discretion, it would be prudent for the University to establish more specific operating principles to guide these decisions. These principles should address general parameters for approvals of the costs assumed by the University for these services, expectations for documentation (selection of the provider, financial arrangements with the provider and any University financial guarantee, billing arrangements, the accountable internal decision maker, etc.), and the sources of funds that will be used to pay these expenses. In addition, the implementation of a method to track these costs across all sports and all funding sources would provide athletic leadership consolidated information to monitor trends associated with these payments.

### **Recommendation**

5. ICA should review its existing policies, procedures, and processes for the provision of medical services for student-athletes paid for by the University and make adjustments to strengthen oversight and approval of medical services for student athletes. These medical expenses should be properly documented and tracked.

### **Rating: Significant**

## Villa Seven

### 6. Relationships and support of Villa Seven were not formally documented by Intercollegiate Athletics (ICA) management.

We saw no evidence of formal contracts or other supporting documentation to define the relationships between ICA, Villa Seven and Nike.

Villa Seven has been described as a two to three day program that brings together university athletics directors and the country's elite assistant basketball coaches in an effort to prepare the next generation of college basketball leaders. The Villa Seven program started initially at Virginia Commonwealth University (VCU) and was brought to ICA with the hiring of a senior ICA official formerly employed at VCU. The Villa Seven program has been held at Nike (Oregon) multiple times. Villa Seven has also been held at Richmond (VCU), Minneapolis (U of MN) and Indianapolis (NCAA).

University ledgers indicate ICA spent a total of \$147,259 on Villa Seven expenses between July 2012 and August 2015. ICA established a separate chartstring to better track Villa Seven expenses; however, the chartstring was not consistently used by ICA. The largest expense categories were for travel \$63,372 and professional services \$48,167, as the Villa Seven speaker expenses were paid by ICA. In addition, the senior ICA official estimated that he spent up to 15% of his time working on Villa Seven duties. Financial records showed no revenues deposited to ICA accounts from Villa Seven activities, as there are no fees charged to participants. Participants pay their own travel expenses to attend Villa Seven. A senior ICA official noted that Nike covers Villa Seven program expenses relating to coaches, while ICA covers Villa Seven program costs relating to the athletics directors. The senior ICA official stated that he felt the University received value from its leadership in Villa Seven including enhanced reputational status during recruitment of coaches and an improved Nike contract because of the ICA support of Villa Seven programs.

The lack of formal documented relationships and budgets for Villa Seven and Nike increases financial risks for ICA and does not provide the clarity needed to be fully transparent with these relationships.

#### Recommendation

- ICA management should review the financial and program information gathered relating to Villa Seven and make a formal determination on how to proceed with Villa Seven. If ICA management plans to continue with Villa Seven, improvements will be needed in formally documenting relationships with Villa Seven and Nike along with developing formal budgets and commitments of resources, with approval at appropriate levels.

**Rating: Essential**

## Learfield Payments

### 7. Contracts and payments from Learfield to ICA staff did not follow University processes.

Agreements are in place between Learfield (Gopher Sports Properties) and two senior ICA officials which compensate the senior officials for participating in radio interviews during football (\$15,000) and basketball (\$20,000) broadcasts. This compensation process was introduced by the ICA management in place during fiscal year 2012-13 and has continued to the present time. Under past ICA management, these radio interviews were viewed as an expectation of assistant director job duties and did not result in extra compensation to the ICA staff.

Our review noted the following concerns:

- According to an agreement between the former Athletics Director and Learfield, Learfield entered into contracts with the individual employees, paid them for those services, and then deducted the amount of the payments to ICA staff from the contractual quarterly payment Learfield owed ICA. Therefore the University was actually fully funding the cost of this additional compensation. There was no apparent need to construct these payments in this manner as the University has well established processes to augment an employee's salary for additional duties. By arranging for the compensation of ICA staff outside of existing University payroll processes, these financial payments bypassed institutional checks and balances and lacked transparency.
- The contracts establishing this relationship had not been routed to OGC for legal review. University policies require OGC review of all legal documents that are not processed on OGC-approved templates.
- ICA staff receiving these payments did not report the payments on the University's REPA (Report of External Professional Activities) system. University policies require all faculty and P&A staff to report external professional activities annually through the REPA process. These payments were for services directly related to the employee's duties and involved a contracted vendor. Both of these circumstances would have triggered a conflict of interest review.

The lack of review and clarity in processes increase the risk of improper payments and deductions going undetected. Side agreements also complicate the overall management of the Learfield contract, which was found to warrant improvement in our February 2012 University Contract Management audit.

#### **Recommendations**

- 7a. ICA management should work with the Office of Human Resources (OHR) to determine whether the practice of ICA staff receiving additional compensation from Learfield for interviews should be continued. If it is determined these services warrant additional compensation, the current Learfield arrangement should be reviewed with OHR to identify how such payments can be handled via established University processes.

#### **Rating: Essential**

- 7b. If it is determined the Learfield agreements and payments with ICA staff should continue, the Learfield agreements should be reviewed by OGC and processed as amendments to the main agreement between Learfield and ICA.

#### **Rating: Significant**

### **Burton Fuller Management**

#### **8. ICA did not follow proper purchasing processes in the hiring of a consultant.**

ICA hired Burton Fuller Management (Mary Ruth Burton) on five different contracts for professional service (CPS) to provide consulting to the athletics director for long range planning, Birkman personality testing, ICA management development and Villa Seven work. The former athletics director also used Burton Fuller Management for consulting projects while he was employed at VCU.

We examined the purchasing processes used to hire this firm and noted all five CPS agreements were not processed timely, as the contracts were processed well after work began. In addition, the first contract started at a service level amount under \$10,000, but was amended several times to a total of \$84,999 and payments totaled \$86,467. ICA improperly bypassed Purchasing Services with Exception to Bid documentation when the contracts exceeded the \$50,000 bid threshold. This is a Regents policy

violation. This type of violation can no longer occur due to the additional controls built into the EFS upgrade. Expenses paid by ICA to Burton Fuller Management totaled \$139,232 from July 2012 through August 2015, of which \$30,521 were tied to the Villa Seven program in issue #6.

By not following established purchasing policies and processes, the risks are increased that the best value is not obtained and vendor relationships could be negatively impacted.

**Recommendations**

8a. ICA management should ensure CPS contract documents are approved and processed prior to the start of work by the consultant.

**Rating: Significant**

8b. ICA management should establish procedures to work with Purchasing Services when contracts exceed the \$50,000 bid threshold.

**Rating: Significant**

## HR/Payroll

**9. Overtime hours were not submitted timely to ICA processing staff.**

While reviewing job reclassification issues relating to the ICA chief of staff, we noted large overtime (\$9,252) and compensatory time (\$4,548) payouts during FY2013. These payments were supported by detailed timecards from 6/18/12 through 12/16/12. However, there are a number of adjustments and overpayment calculations resulting from these delayed timecards.

Employees are expected to report all hours worked on a timely bi-weekly basis. In turn, departments are responsible for processing the timecards in a timely manner. Recent system upgrades to HRMS now require electronic submission of hours worked and electronic approval of time and absences.

By not submitting hours worked on a bi-weekly basis, the risks of processing errors are increased resulting in over/under payments and inaccurate management information.

**Recommendation**

9. ICA management should communicate to ICA staff the importance of submitting overtime hours on a timely bi-weekly basis instead of accumulating hours for several months.

**Rating: Significant**

**10. Hiring process for athletic trainers lacks independence.**

Concerns were expressed relating to the process used in hiring athletic training staff. As a result, we reviewed the hiring process from the FY2014 search and identified concerns with the makeup of the search committee. The search committee included a member of the sport staff, which could lead to concerns over the independence of the search committee. This type of independence issue has been a national concern in light of the increased focus on concussions and returning to play issues.

Effective June 2014, the Big 10 Conference standards section #5a states, "Each Institution's operation standards shall be designed to prevent coaches from having direct responsibility for, or exercising undue or improper influence over, the hiring or supervision of any member of the medical or athletic training staff who works with the coach's own team, and attempting to influence inappropriately any member of the medical or athletic training staff regarding the medical treatment of a student-athlete."

University compliance with the Big 10 standard will prevent a similar occurrence from happening.

**Recommendation**

10. ICA management should establish a departmental policy to define search committee participation for the hiring of athletic trainers in order to create independence and prevent conflict of interest with coaches/sport staff and their trainers. The policies and procedures should address sport coaching/staff input on the hiring of trainers.

**Rating: Significant**

**11. ICA staff improperly consumed alcohol in University athletic facilities.**

Interviews with ICA staff and supporting documentation confirmed allegations relating to alcohol improperly brought to a University athletic facility and consumed by ICA staff. This alcohol incident occurred in a part of the facility not frequented by student-athletes.

University policies limit on-campus alcohol to those venues with liquor licenses or those events that have received an approved alcohol permit.

A variety of risks are escalated when alcohol is consumed within University facilities without obtaining the proper approvals and supervision.

**Recommendation**

11. ICA management should communicate to ICA staff the importance of complying with University alcohol policies by requiring staff to eliminate any consumption of alcohol at ICA facilities that is not purchased through official licensed venues. Similarly, ICA staff should be reminded of the need to prevent underage drinking.

**Rating: Significant**

## Audit Recommendation Rating System

This audit incorporates a rating system developed to enable the reader to determine the relative importance of the recommendations made. The rating for each recommendation is shown directly after the recommendation. Recommendations are rated as follows:

**Rating: Essential**

*Resolution would help avoid a potentially critical negative impact involving loss of material assets, reputation, critical financial information, or ability to comply with the most important laws, policies, or procedures.*

**Rating: Significant**

*Resolution would help avoid a potentially significant negative impact on the unit's assets, financial information, or ability to comply with important laws, policies, or procedures.*

**Rating: Useful**

*Resolution would help improve controls and avoid problems in the unit's operations. These issues are often handled verbally with the unit audited.*

The Office of Internal Audit will do follow-up three times per year on all “essential” recommendations to determine the progress made on implementation. The current status of these items is reported to the Audit Committee of the Board of Regents.



## University of Minnesota Athletics

Bierman Field Athletic Building | 516 15th Avenue S.E. | Minneapolis, MN 55455

**Date:** December 2, 2015

**To:** Tom Eggenberger  
Audit Manager, Office of Internal Audit

**From:** Beth Goetz  
Interim Director of Athletics

**Subject:** Management Action Plan

The Department of Athletics has indicated since the commencement of this audit, and all audits, and the external review of our department, that we welcome any feedback and recommendations on how we can operate more effectively and efficiently. Our department strongly believes that the “tone at the top” of our Department changed in early August with our change in leadership. We believe our Department’s philosophy and practices related to financial management are in line with the expectations of the University. We value the opportunity to identify areas for improvement related to financial management and are committed to implementing the recommendations identified here and improving our operations.

In addition to our specific responses listed below, we request that the University, in partnership with our department, implement the following strategic oversight plan. Our proposed oversight plan would continue until such a time as the Office of Internal Audit and the joint financial oversight group (defined below) judges that the Department has reached the appropriate level of understanding and adherence of the present University of Minnesota rules, policies and procedures for oversight and management of financial resources, and the President approves dissolution of the oversight group. In addition, we request that the oversight group recommend best practices to strengthen the reporting relationship of the Department’s Chief Financial Manager to the University’s Chief Financial Officer.

Our department requests the following steps be instituted:

Establish a joint financial oversight group which will include the University’s Chief Financial Officer, Controller, a designee from the Office of the President, a Faculty Athletics Representative and our Department’s Chief Financial Manager. The oversight group will be responsible for ensuring that appropriate financial controls are in place, and that policies and procedures for the Department are understood by all employees and are implemented and adhered to throughout the Department. As well, the team will be responsible for strengthening the culture of financial compliance among all employees, with an emphasis on the senior management team.

Specific actions to be taken by the team in cooperation with our Department would include, but are not limited to, review of financial oversight and controls in critical, high risk areas including travel, hospitality, and employee reimbursements, purchasing card transactions, accounts payable and contract management.

The group will review our existing Department financial policies and procedures, make recommendations for changes and improvements, partner with the Department to provide training and education to Department staff



and improve the culture of compliance and accountability of Department management. We would also request the group's assistance in improving our overall administrative processing practices and identifying University "best practices" our Department can implement as we move forward.

## Athletics Administration

### Issues and Recommendations

#### Purchasing & Disbursements

1. **Administrative practices regarding the purchasing and payment processes used by ICA are not adequate.**

##### **Recommendation**

1. ICA needs to revamp its administrative processes to address the weaknesses identified above. Those employees responsible for processing ICA transactions must ensure the necessary receipts are provided, that all transactions are properly justified, the most descriptive account codes are assigned, University policies are followed and one-up approvals are obtained. ICA should also implement a policy that the most senior employee present at an event be responsible for paying for the event expenses and all expenses of the athletics director be forwarded to the president's office for review and approval.

##### **Rating: Essential**

##### Audit Plan/Response:

As noted above, our Department will collaborate with the joint oversight group to review all our policies, procedures and administrative practices to ensure we have appropriate controls in place as they are related to University policies. We will also provide training and education for staff to improve the culture of financial compliance and accountability.

Our business office staff works to identify the most appropriate account code for all transactions. We will request that the Office of Internal Audit share with us the list of transactions where they felt more accurate codes should have been used to better educate our staff.

We will continue to work with the University Purchasing Office to determine the most effective way to purchase food and beverages in instances when only credit cards are accepted and the staff member responsible for the purchase is not in a position to have the expense reimbursed to them directly.

Person Responsible: Tom McGinnis/Cathy Rossi  
Expected Completion Date: June 1, 2016

2. **ICA has paid for expenses not allowed by University policy.**

##### **Recommendations**

- 2a. ICA should seek reimbursement for those expenses considered unallowable, the amount is determinable, and the expense resulted in a personal benefit to the ICA employee.

##### **Rating: Essential**

Audit Plan/Response:

We are working with the Controller's Office and Internal Audit to finalize the list of expenses to be reimbursed. To date all current staff members have completed their reimbursement to the University.

Person Responsible: Tom McGinnis/Cathy Rossi

Expected Completion Date: December 31, 2015

- 2b. ICA needs to substantially improve its compliance with University policies regarding expenses incurred when conducting University business. Not only does this include a more rigorous review of expenses by those charged with reviewing and approving these transactions, but a stronger culture of compliance and setting an appropriate "tone at the top" needs to be established by senior ICA leadership and communicated throughout the organization.

In the event that ICA encounters a policy relating to the situations noted above that it finds difficult to comply with, they should contact the policy owner to see if other options are available or if the situation warrants an approved exception to University policy. Most of the policies addressed above are the responsibility of the University Controller, and if exceptions are granted they should be properly documented.

**Rating: Essential**

Audit Plan/Response:

As noted above, our Department will collaborate with the joint oversight group to review all our policies, procedures and administrative practices to ensure we have appropriate controls in place as they are related to University policies. We will also provide training and education for staff to improve the culture of financial compliance and accountability.

Our department strongly believes that the "tone at the top" of our Department changed in early August with our change in leadership. We believe our Department's philosophy and practices related to financial management are in line with the expectations of the University. We value the opportunity to identify areas for improvement related to financial management and are committed to implementing the recommendations identified here and improving our operations.

Specifically, we will work with our Department administrators and unit directors who have the responsibility of reviewing and approving expenses and our business office staff who is responsible for reviewing and processing transactions. We will ensure more effective collaboration and communication between these groups during the review, approval and processing of transactions.

Person Responsible: Beth Goetz/Tom McGinnis/Cathy Rossi

Expected Completion Date: June 1, 2016

- 3. There are numerous expenditures being incurred by ICA that, while not unallowable by University policy, warrant further consideration as to their appropriateness and business need.**

**Recommendation**

3. ICA management should institute an administrative review of the expenditures and issues noted above to determine what future practices will be regarding these (and similar) items. This review should address:

- Instituting limits on the amount of moving expenses to be paid to new employees, and ensuring the topic of moving expenses is completely addressed in all offer letters made to prospective employees.
- Using private planes for University business.
- Using private car/limousine services for transportation, and the use of taxis for local (Twin Cities) transportation.
- Determining the extent of clothing purchases that are reasonable for ICA staff, and the monitoring of expenditures to ensure the established level is not being exceeded.
- Procuring alcohol for hospitality meals and events, and when employees may incur those expenses while in travel status.
- Determining the frequency and extent of staff gatherings where food and other costs are paid by the University.
- Modifying purchasing practices to reduce, if not eliminate, the paying of sales taxes on retail purchases, and using UMS for more of their purchasing activities.

Decisions made regarding reasonable limits and allowable/unallowable practices should be documented and communicated to ICA employees.

ICA also needs to move the alcohol expenses that were not paid using gift funds to an appropriate funding source.

**Rating: Essential**

**Audit Plan/Response:**

As noted above, our Department will collaborate with the joint oversight group to review all our policies, procedures and administrative practices to ensure we have appropriate controls in place as they are related to University policies. We will also provide training and education for staff to improve the culture of financial compliance and accountability.

We will collaborate with units within the Controller’s Office in instances where potential Departmental purchases, expenses or practices are not addressed in existing University policies to determine their appropriateness and develop ongoing standards we can utilize in our day-to-day operations. Specifically, we will work to develop processes related to the procurement of alcohol for events and related hospitality.

Person Responsible: Tom McGinnis/Cathy Rossi

Expected Completion Date: June 1, 2016

**4. An agreement resulting in no rental fee for use of TCF Bank Stadium was not thoroughly vetted with senior University leadership.**

**Recommendation**

4. As ICA contemplates the future use of University facilities by outside parties it should ensure senior University leadership is fully aware of any unusual arrangements (unusual costs involved, revenues that are, or are not, being received, and whether non-monetary items are being received in exchange for use of University assets, etc.). This will ensure that senior University leadership is fully informed and has the opportunity, in consultation with ICA, to assess whether the

cost/benefit of such a facility usage is in the best economic and reputational interests of the institution.

**Rating: Essential**

**Audit Plan/Response:**

The University and our Department is an active participant in bidding and hosting of major sporting events in the Twin Cities. We are often called upon to provide facilities for the greater good of the community and state. We have a great relationship with the Minnesota Twins organization, as well as Meet Minneapolis, Visit St. Paul and other organizations responsible for hosting these key events. As part of the Twins effort to host the 2014 MLB All-Star Game, and its related events, our Department partnered with MLB to host the All-Star Weekend concert in TCF Bank Stadium. This concert was offered free of charge to those attending. Like other organizations in the Twin Cities area, our department agreed to provide our venue rent free and only charge MLB for the out-of-pocket expenses associated with the concert. A similar example of this type of partnering with MLB for events associated with the All-Star weekend was the Minneapolis Convention Center providing their venue rent free (charged out of pocket costs) for the All-Star Fan Fest. As part of our agreement as a community partner, MLB provided our Department with a suite and tickets for the MLB All-Star events hosted at Target Field.

We will continue to work with our partners in the Office of the General Counsel, University Services and the Real Estate Office to ensure that the proper review of these agreements is completed. One example, which is already in place, to further improve and enhance the collaboration and communication with senior University leadership related to major events hosted in TCF Bank Stadium, or other athletics facilities, beginning with events that occurred during the summer of 2015, all rental contracts for these events are reviewed and co-signed by the Director of Athletics and Vice-President for University Services.

Person Responsible: Beth Goetz/Pam Wheelock  
Expected Completion Date: Complete

**5. Existing ICA guidelines regarding covering student-athlete medical services should be revisited.**

**Recommendation**

5. The Department should review its existing policies, procedures and processes for the provision of medical services for student-athletes paid for by the University and make adjustments to strengthen oversight and approval of medical services for student athletes. These medical expenses should be properly documented and tracked.

**Rating: Significant**

**Audit Plan/Response:**

Our Department has policies and procedures in place regarding student-athlete medical services and the use of student-athlete opportunity funds or operating funds for these needs. We will take this opportunity to review these policies and procedures and benchmark them against our peers in the Big Ten to identify any opportunities for improvement.

The opportunity to provide the necessary medical care to our student-athletes is an essential part of their experience at the University. The Student Athlete Opportunity Fund is a great resource provided by the NCAA and the Big Ten Conference which allows us to provide for student-athletes in instances

where they may not have the resources to cover individual expenses or unexpected costs including medical care.

Person Responsible: Moira Novak/Jim Praska  
Expected Completion Date: March 1, 2016

## Villa Seven

6. **Relationships and support of Villa Seven were not formally documented by Intercollegiate Athletics (ICA) management.**

### Recommendation

6. ICA management should review the financial and program information gathered relating to Villa Seven and make a formal determination on how to proceed with Villa Seven. If ICA management plans to continue with Villa Seven, improvements will be needed in formally documenting relationships with Villa Seven and Nike along with developing formal budgets and commitments of resources, with approval at appropriate levels.

### Rating: Essential

#### Audit Plan/Response:

The Villa Seven program was facilitated by the former Director of Athletics and executive associate athletics director. They have each resigned their positions. The University of Minnesota will not be involved in the Villa Seven program moving forward.

Person Responsible: Beth Goetz  
Expected Completion Date: Completed

## Learfield Payments

7. **Contracts and payments from Learfield to ICA staff did not follow University processes.**

### Recommendations

- 7a. ICA management should work with the Office of Human Resources (OHR) to determine whether the practice of ICA staff receiving additional compensation from Learfield for interviews should be continued. If it is determined these services warrant additional compensation, the current Learfield arrangement should be reviewed with OHR to identify how such payments can be handled via established University processes.

### Rating: Essential

#### Audit Plan/Response:

These payments were arranged by the former Director of Athletics for two staff members. One has resigned his position with the department and the other has accepted a new position within our department. The payments to these two staff members stopped effective November 30, 2015. The department will not pursue or allow any similar arrangements moving forward.

Person Responsible: Beth Goetz/Tom McGinnis  
Expected Completion Date: Completed

- 7b. If it is determined that the Learfield agreements and payments with ICA staff should continue, the Learfield agreements should be reviewed by OGC and processed as amendments to the main agreement between Learfield and ICA.

**Rating: Significant**

Audit Plan/Response:

These payments were arranged by the former Director of Athletics for two staff members. One has resigned his position with the department and the other has accepted a new position within our department. The payments to these two staff members has stopped effective November 30, 2015. The department will not pursue or allow any similar arrangements moving forward.

Person Responsible: Beth Goetz/Tom McGinnis

Expected Completion Date: Completed

## Burton Fuller Management

### 8. ICA did not follow proper purchasing processes in the hiring of a consultant.

**Recommendations**

- 8a. ICA management should ensure CPS contract documents are approved and processed prior to the start of work by the consultant.

**Rating: Significant**

Audit Plan/Response:

Our current department process requires that all purchases exceeding \$2,500 receive prior approval from the sport/unit administrator and budget office, and approval of the chief financial manager for purchases exceeding \$10,000. This process is intended to ensure that purchases which require a CPS contract follow appropriate University processes. In this instance our process was not followed by those who arranged these services.

As noted above, our Department will collaborate with the joint oversight group to review all our policies, procedures and administrative practices to ensure we have appropriate controls in place. We will also provide training and education for staff to improve the culture of financial compliance and accountability.

Person Responsible: Tom McGinnis/Cathy Rossi

Expected Completion Date: June 1, 2016

- 8b. ICA management should establish procedures to work with Purchasing Services when contracts exceed the \$50,000 bid threshold.

**Rating: Significant**

Audit Plan/Response:

Our current department process requires that all purchases exceeding \$2,500 receive prior approval from the sport/unit administrator and budget office, and approval of the chief financial manager for purchases exceeding \$10,000. This process is intended to ensure that purchases which exceed the \$50,000 threshold follow appropriate University processes. In this instance our process was not followed by those who arranged these services.

As noted above, our Department will collaborate with the joint oversight group to review all our policies, procedures and administrative practices to ensure we have appropriate controls in place. We will also provide training and education for staff to improve the culture of financial compliance and accountability.

Person Responsible: Tom McGinnis/Cathy Rossi  
Expected Completion Date: June 1, 2016

## HR/Payroll

### 9. Overtime hours were not submitted timely to ICA processing staff.

#### Recommendation

9. ICA management should communicate to ICA staff the importance of submitting overtime hours on a timely bi-weekly basis instead of accumulating hours for several months.

#### Rating: Significant

#### Audit Plan/Response:

The instance referenced here was an isolated occurrence in 2012 related to the reclassification of a department staff member from civil service to P&A. There was a miscommunication between the staff member who was reclassified and our human resources staff regarding the effective date of the classification change. This resulted in the need to retroactively report hours for the reclassified staff member.

It has been, and continues to be, our department's procedure to have staff report their hours (regular, overtime, comp time, etc.) on a bi-weekly basis and have them approved by their supervisor. Our department utilized the ESUP Payroll transition in April 2015 to electronic timesheets to reinforce the importance of this process requiring that hours be reported and approved by our bi-weekly deadlines to ensure the appropriate reporting of time and payment of staff.

Person Responsible: Tom McGinnis/Tricia Budke  
Expected Completion Date: Ongoing

### 10. Hiring process for athletic trainers lacks independence.

#### Recommendation

10. ICA management should establish a departmental policy to define search committee participation for the hiring of athletic trainers in order to create independence and prevent conflict of interest with coaches/sport staff and their trainers. The policies and procedures should address sport coaching/staff input on the hiring of trainers.

#### Rating: Significant

#### Audit Plan/Response:

Our department's Talent Acquisition Guide currently outlines the process for hiring P&A employees within our department, including utilization of search committees. The hiring of athletic trainers follows this process. Search committee for positions which provide support to specific sport teams include representation from those sport programs. It is important for candidates to recognize during the search

process the role they will have as part of the team that supports our sport programs and student-athletes.

Search committees are only one part of the selection process, so the opportunity for one individual to exert undue influence during the search process is unlikely. The committee forwards the best candidates to the hiring manager who makes a final recommendation to the Director of Athletics, who has the final approval on all Departmental hires.

To further enhance the search process directly related to athletic trainers, following the issuing of the Big Ten Conference Standards in August 2015, our Department instituted a practice of providing the opportunity for team physicians to participate in the search process for athletic trainers.

Person Responsible: Tricia Budke  
Expected Completion Date: Completed

**11. ICA staff improperly consumed alcohol in University athletic facilities.**

**Recommendation**

11. ICA management should communicate to ICA staff the importance of complying with University alcohol policies by requiring staff to eliminate any consumption of alcohol at ICA facilities that is not purchased through official licensed venues. Similarly, ICA staff should be reminded of the need to prevent underage drinking.

**Rating: Significant**

**Audit Plan/Response:**

This was reported as an isolated incident. We will communicate to those involved that their actions were not acceptable. We will also provide a reminder to all staff that alcohol is not permitted in department facilities unless provided for an approved purpose and through the appropriate means.

Person Responsible: Beth Goetz  
Expected Completion Date: December 15, 2015

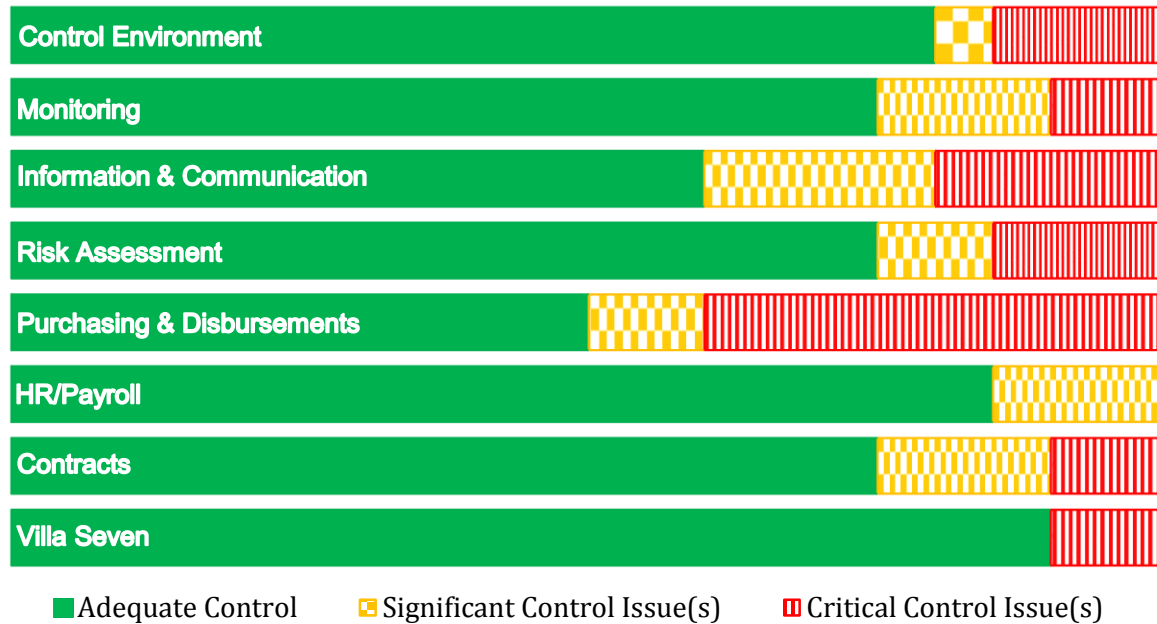


Presentation to the Board of Regents  
On the Internal Audit of  
Athletics Administration  
December 2015

- Construct of the Audit
  - Accelerated a financial audit of Athletics which was included in our FY 16 audit plan
  - Focus of this review was on the financial activities associated with the former AD and his leadership staff
  - Followed our normal audit process
  - Other scheduled audit work is still in process

- Scope of the Audit
  - Covered financial activities from July 2012- August 2015
    - Travel and employee reimbursements
    - Purchasing card expenditures
    - Alcohol expenditures
    - Non-alcohol expenditures paid for with gift funds
    - Human resources and payroll processes
    - Review of financial transactions with external parties

### Athletics Administration Control Evaluation



## Conclusions

- Efforts are needed to establish an appropriate tone at the top and culture of fiscal control
- Athletics has a transaction and business profile that differs from the rest of the University. Because of this profile, fulsome documentation of business purpose and expense justification is very important.

## Audit Findings and Recommendations

- Lack of adherence to financial processing standards
- Non-compliance with University policies
- Expenditures which warrant further review and consideration regarding future practices
- Financial relationships with outside parties

# Questions