



Audit & Compliance

February 2017

February 9, 2017

8:00 a.m. - 9:30 a.m.

West Committee Room, McNamara Alumni Center

AUD - FEB 2017

1. Overview of Equal Opportunity and Affirmative Action Office Compliance Responsibilities and Outcomes

Docket Item Summary - Page 4

Presentation Materials - Page 5

Comparison of Roles and Reporting Structures of Title IX Offices at
Other Universities - Page 19

Progress Report on External Review Recommendations - Page 22

Office of Civil Rights Dear Colleague Letter of April 4, 2011 - Page 30

Office of Civil Rights Questions and Answers on Title IX and Sexual
Violence, April 2014 - Page 49

Roles of University Offices in Responding to Reports of Student Sexual
Misconduct - Page 102

2. External Auditor's Review of Completed Audit Work

Docket Item Summary - Page 104

Presentation Materials - Page 105

Audit of Federal Expenditures under the Uniform Guidance - Page 111

Minnesota Office of Higher Education - Twin Cities & Rochester Campus
- Page 146

Minnesota Office of Higher Education - Duluth Campus - Page 151

Minnesota Office of Higher Education - Morris Campus - Page 157

Minnesota Office of Higher Education - Crookston Campus - Page 163

Parking and Transportation Services Review - Page 169

NCAA Agreed-Upon Procedures - Page 177

Regenerative Medicine Agreed-Upon-Procedures - Page 190

3. Recommendation for Engagement of External Auditor

Docket Item Summary - Page 195

4. Update on the Law School's Progress in Addressing Audit Recommendations

Docket Item Summary - Page 196

5. Update on Human Participant Research Protection Implementation Plan

Docket Item Summary - Page 197

Advancing Human Research Protections Progress Report - January
2017 - Page 204

6. Internal Audit Update

Docket Item Summary - Page 232

Internal Audit Update - Page 233



BOARD OF REGENTS DOCKET ITEM SUMMARY

Audit & Compliance

February 9, 2017

AGENDA ITEM: Overview of Equal Opportunity and Affirmative Action Office Compliance Responsibilities and Outcomes

Review Review + Action Action Discussion

This is a report required by Board policy.

PRESENTERS: Kimberly Hewitt, Deputy Chief of Staff, Office for Equity and Diversity
Tina Marisam, Director, Office of Equal Opportunity and Affirmative Action, Title IX Coordinator

PURPOSE & KEY POINTS

The purpose of this item is to discuss the University’s Office of Equal Opportunity and Affirmative Action (EOAA), including an overview of staffing, funding, and training. The committee will consider the pros and cons of EOAA’s position within University administration, and compare to structures of peer institutions.

The committee will review EOAA’s investigation process that includes interaction with University and external partners and will address the evolution of the role of EOAA in the University since the Office for Civil Rights issued the “Dear Colleague” letter in 2011.

BACKGROUND INFORMATION

The following background information is in the docket:

- Comparison information about the roles and reporting structures of Title IX offices at other colleges and universities.
- Memo regarding an update on EOAA’s work plan related to the external review recommendations.
- Office for Civil Rights issued “Dear Colleague” letter dated April 4, 2011.
- Office for Civil Rights issued Questions and Answers on Title IX and Sexual Violence dated April 29, 2014.
- Memo regarding the roles of University offices in responding to reports of student sexual misconduct.



Presentation to the Board of Regents Audit & Compliance Committee

Equal Opportunity and Affirmative Action

Kimberly Hewitt, Office for Equity and Diversity

Tina Marisam, EOAA Director and Title IX Coordinator

February 9, 2017



Overview of Presentation

- Primary functions
- Staffing and funding
- Student Title IX investigations
- Employee discrimination, nepotism and retaliation investigations
- Placement within the University's structure



EOAA's Primary Functions

- Responds to reports of employee discrimination, harassment, nepotism and retaliation.
- Responds to reports of student Title IX violations.
- Oversees compliance with affirmative action requirements involving employees.
- Coordinates system-wide efforts to develop and improve policies and practices related to discrimination, harassment, retaliation, nepotism and Title IX.
- Provides education and training on equal opportunity and affirmative action matters.



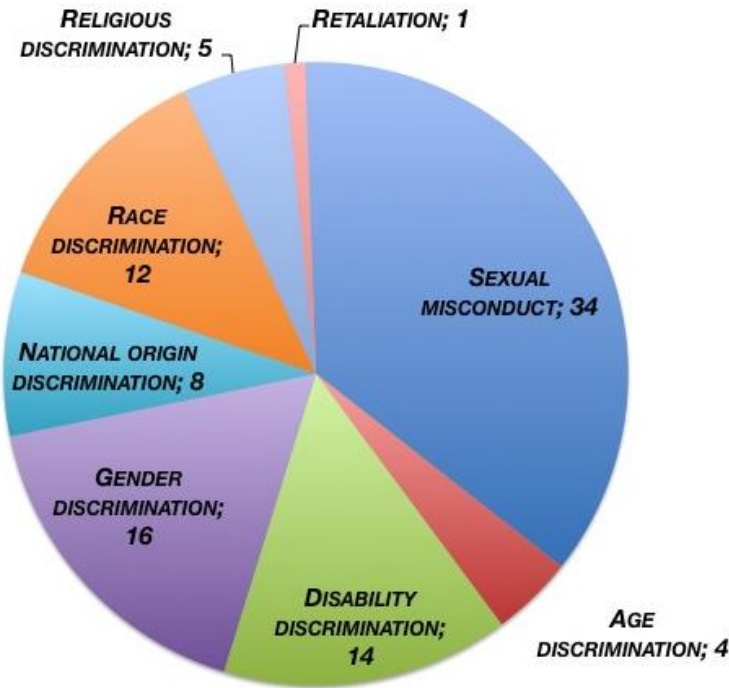
EOAA Staffing and Funding

- Staff roles
 - Director & Title IX Coordinator
 - Assistant Director
 - 5 Equal Opportunity Associates
 - Administrator
 - Part-Time Student Employee
- Staff backgrounds and ongoing training
- Funded through the Office for Equity and Diversity



Overview of EOAA Investigations

EOAA Investigations
in 2016:





Title IX Investigations

Key Office for Civil Rights guidance:

- Abide by complainants' requests for no investigation where possible given the University's responsibility to provide a safe and nondiscriminatory environment.
- Investigate sexual misconduct reports regardless of any criminal investigations or outcomes.
- Apply the preponderance of the evidence standard.
- Conduct prompt, thorough, equitable and impartial investigation.
- Provide accommodations and support to students



Student Title IX Cases

	2014-15 Fiscal Year 7/1/14 – 6/30/15	2015-16 Fiscal Year 7/1/15 – 6/30/16
Sexual Misconduct Reports	51	107
Sexual Misconduct Investigations	22	32
Sexual Misconduct Policy Violation Findings	15	24



Student Title IX Investigation Process

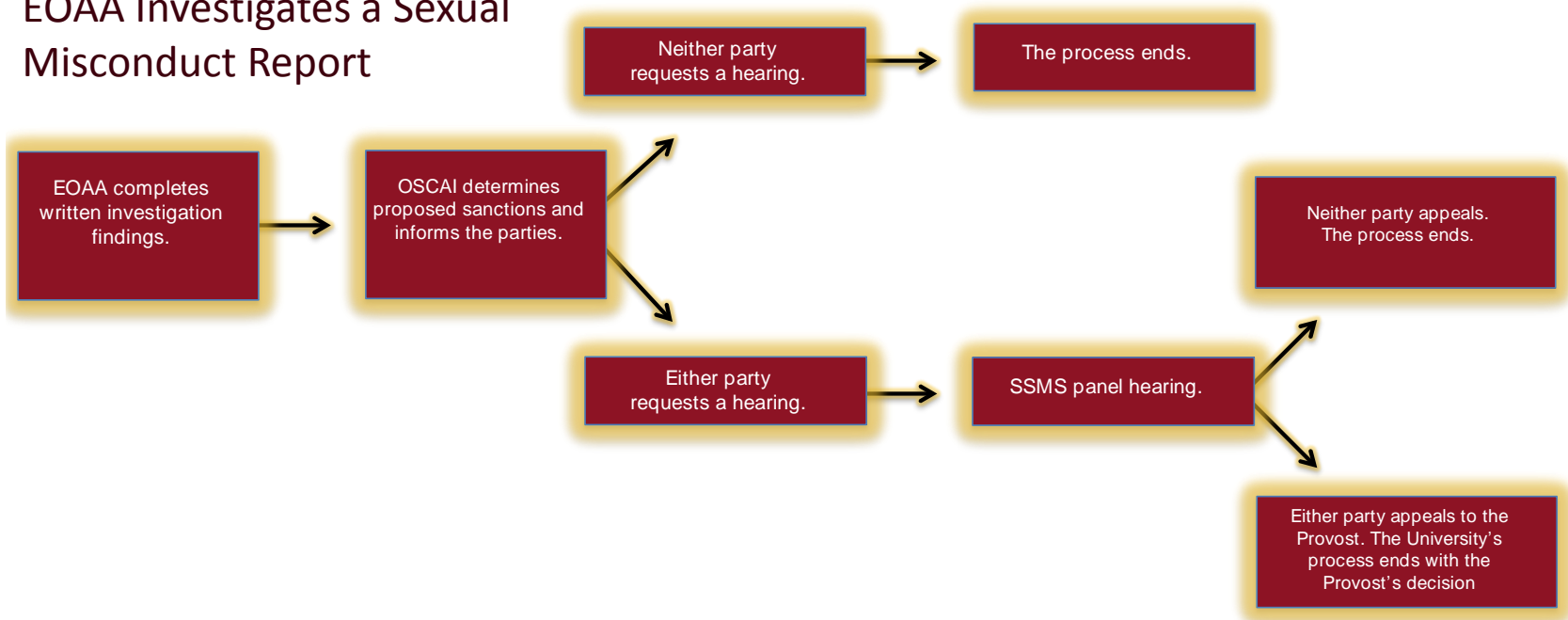
EOAA Receives a Sexual Misconduct Report





Student Title IX Investigation Process

EOAA Investigates a Sexual Misconduct Report





Student Title IX Investigation Process

Key University process protections for both parties:

- Provides both parties with a written description of the sexual misconduct investigation and adjudication process.
- Invites both parties to provide information and witnesses.
- Notifies both parties that they can bring an advocate to any meetings related to the sexual misconduct investigation and adjudication process.
- Provides both parties with University advocates to assist them through the process.
- Offers four levels of process: EOAA investigation, SSMS hearing, appeal to the Provost and appeal to the Minnesota Court of Appeals.



Employee Investigation Process

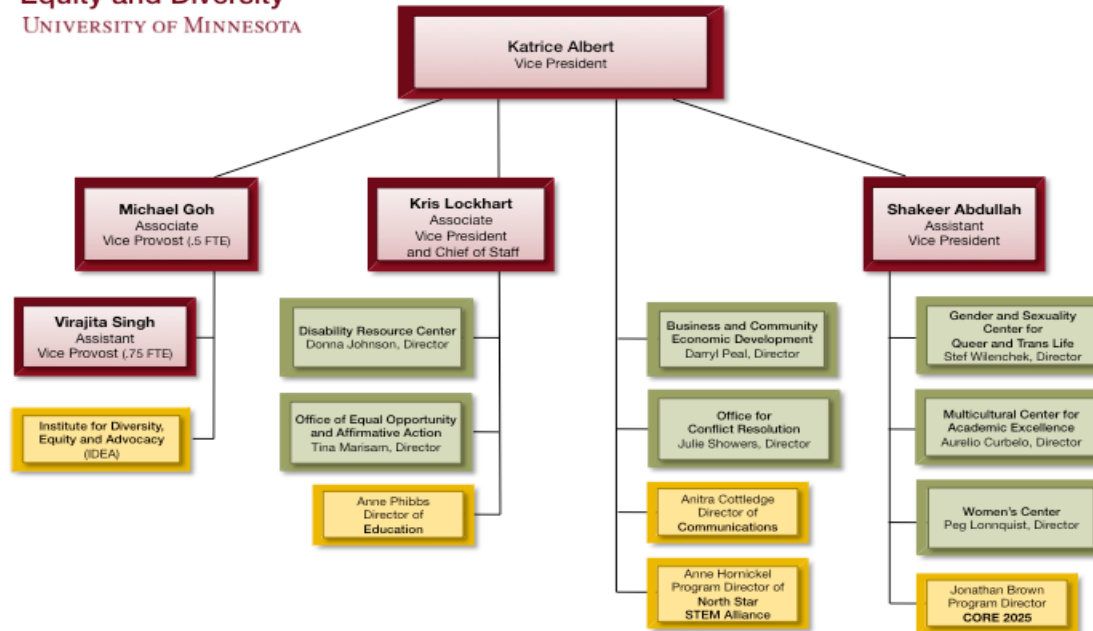
- EOAA investigates reports of employee discrimination, harassment, nepotism and retaliation.
- EOAA provides written findings and recommendations, if any, to the appropriate University authority.
- The appropriate University authority decides on responsive actions, if any, and implements them.



EOAA's Placement Within the University Structure

Office for
Equity and Diversity
UNIVERSITY OF MINNESOTA

January 2017



Equal Opportunity and
Affirmative Action
Office for **Equity and Diversity**

UNIVERSITY OF MINNESOTA



Reporting Structures of Title IX Offices at Other Institutions

- President or Provost
- Diversity and Inclusion
- Ethics and Compliance
- Human Resources or Student Affairs



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Equal Opportunity and
Affirmative Action
Office for **Equity and Diversity**

UNIVERSITY OF MINNESOTA

Memorandum

To: Board of Regents Audit and Compliance Committee

From: Tina Marisam, Director, Office of Equal Opportunity and Affirmative Action
Kimberly Hewitt, Office of Equity and Diversity

Date: January 23, 2017

Re: Comparison information about the roles and reporting structures of Title IX offices at other colleges and universities

Institution	Name of the Title IX office	Where does the Title IX office report to?	Does the Title IX office also conduct employee discrimination investigations?
University of Minnesota	Office of Equal Opportunity and Affirmative Action	Office for Equity and Diversity	Yes
University of Illinois at Urbana-Champaign	Office of Diversity, Equity, and Access	Chancellor	Yes
Indiana University	Office of Student Welfare & Title IX	Office of the Vice President and General Counsel	No
University of Iowa	Office of the Sexual Misconduct Response Coordinator	University President and the Vice President of Student Life	No
University of Maryland	Office of Civil Rights & Sexual Misconduct	University President	Yes

Institution	Name of the Title IX office	Where does the Title IX office report to?	Does the Title IX office also conduct employee discrimination investigations?
University of Michigan	Office for Institutional Equity	Human Resources and the Office of the Provost	Yes
Michigan State University	Office for Institutional Equity	University President	Yes
University of Nebraska	Institutional Equity and Compliance	Chancellor	Yes
Northwestern University	University Sexual Harassment Prevention Office	Provost	Yes, but only those that involve complaints of sexual misconduct.
The Ohio State University	Office of University Compliance and Integrity	Vice President and Chief Compliance Officer	Yes
Pennsylvania State University	Office of Sexual Misconduct Prevention & Response	Student Affairs	Yes, but only those that involve Title IX-related complaints.
Purdue University	Office of Institutional Equity	Vice President for Ethics and Compliance	Yes
Rutgers University	Office of Student Affairs Compliance & Title IX	Vice President for Student Affairs/Dean of Students	No
University of Wisconsin-Madison	Office of Compliance	Director of Compliance	Yes
University of California-Berkeley	Office for the Prevention of Harassment & Discrimination	Deputy Associate Chancellor and Chief Operating Officer	Yes

Institution	Name of the Title IX office	Where does the Title IX office report to?	Does the Title IX office also conduct employee discrimination investigations?
Claremont McKenna College	Title IX Office	Vice President of Diversity and Inclusion/ Chief Civil Rights Office	No
University of Texas - Austin	Title IX Office	University Compliance Services	No
University of Washington	Title IX Investigation Office	University Complaint Investigation and Resolution Office (UCIRO)	No
Carleton College	The Title IX Coordinator is housed in the Division of Student Life.	The Title IX Coordinator Reports to the Dean of Students.	No
Harvard University	Office for Sexual and Gender-Based Dispute Resolution	Reports to the Title IX Officer, who reports to the Provost.	No
Stanford University	Title IX Office	Provost	No
Oberlin College	Office of Equity, Diversity, and Inclusion	President	No
University of Virginia	Office for Equal Opportunity and Civil Rights	Assistant Vice President for Equal Opportunity and Human Rights	Yes

**Update on EOAA Work Plan related to External Review Recommendations
January 25, 2017**

In December 2015 President Kaler charged Vice President Katrice Albert to convene a committee to review the recommendations from the External Reviewers of the Athletics Department regarding the work of the Equal Opportunity and Affirmative Action Office (EOAA). The Committee was led by Kimberly Hewitt, then Director of the Office for Equal Opportunity and Affirmative Action and Deputy Chief of Staff for the Office for Equity and Diversity (OED). The following individuals participated on the committee, which met twice and provided written input into a work plan.

Brent Benrud, Office of the General Counsel
Lynn Zentner, Office for Institutional Compliance
Margaret Yzaguirre, Office of Human Resources
Karen Miksche, Professor, College of Education and Human Development
Julie Showers, Office for Conflict Resolution
Al Levine, Vice Provost
Tricia Budke, Athletics Department Human Resources

The Committee met on January 6 and January 13, 2015 to develop the work plan for implementation of the recommendations in the external review. The final work plan was submitted to the Board of Regents by President Kaler on February 8, 2016. Since that time EOAA has been working on the recommended items along with its existing process of continuous improvement and evaluation of operations. The following is an update on the specific items in the work plan:

1. Recommendation:

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.

Plan:

- Continue regular review of planned presentations and evaluations for developing future training.
- Add a role for current Athletics Department administration in the delivery of the training and an opportunity for a role-playing exercise so that participants can practice responding to issues.

- The University should continue a discussion with faculty and employee governance groups about the implementation of mandatory sexual harassment training for all employees, including faculty.

Update:

EOAA delivered four one-hour training sessions to the Athletics Department staff on Sexual Misconduct in December 2016. Tricia Budke, Human Resources Director for the Athletics Department participated in the delivery of the training with the EOAA staff. The training was modified to include updates to policy and practices and changes were made to the scenarios. In addition, participants were asked to complete a reflection document at the conclusion of the training that asked how what they learned might impact their work and to identify one step they will take to deepen their knowledge.

2. Recommendation: 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.

Plan:

- Continue registration of EOAA training through ULearn that provides automatic evaluation for all participants.
- During training interject evaluative questions, in addition to existing quiz questions, for immediate reaction to how concepts are being communicated and understood.
- At the conclusion of each session ask participants to share one take away and one question.

Update:

All participants in EOAA training are registered through ULearn that provides automatic and electronic evaluation forms. EOAA reviews evaluations throughout the school year and annually performs a review of its educational programs during the summer. As EOAA has done in past years, all participants were provided with an electronic evaluation form.

3. Recommendation: 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.

Plan:

- Continue review of training programs by Office for Equity and Diversity (OED) Education Director.
- Consult with the Center for Educational Innovation, the Office for Human Resources (OHR) Leadership and Talent Development Office and the College of Education and Human Development (CEHD) experts on adult education.
- Increase the number of on-line and push emails to employees at different stages after the training as reminders of what was learned.
- Supervisors should be directed by HR and relevant leadership to revisit topics discussed periodically with staff.

Update:

EOAA implemented recommendations for training made by this Committee as well as input from the Director of Education for the Office for Equity and Diversity. One member of the EOAA staff serves on a Subcommittee to the Provost's Committee on Mental Health related to Best Practices Teaching Sensitive Courses. In her role she worked with the Center for Educational Innovation (CEI) to develop and deliver a course as part of CEI's Teaching Enrichment Series. In her work developing the course with CEI she observed some of their best practices in delivering educational programs which she brought back to EOAA for integration into our workshops.

4. Recommendation:

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.

Plan:

- Amend University policy to require all supervisors and advisors, including clear definitions of who is included, to report all instances of sexual harassment that they learn about involving students to EOAA.
- Continue training to those who are required to report sexual assault and harassment.
- Increase communication plan that includes information about consequences, with examples of what they might be, for the failure to report.

Update:

The EOAA Office, in conjunction with the Office of the General Counsel, is consulting with various University constituents on the proposed Sexual Misconduct Policy that includes a provision requiring all University employees to report sexual misconduct that they learn about involving students to the Title IX office. The policy will be presented to the President's Policy Committee on March 2, 2017.

Per the OCR Resolution Agreement the EOAA Office sent a University-wide communication that included information about the consequences for not reporting sexual misconduct, including disciplinary action in March 2016. The EOAA Office sends a similar message each fall that was last disseminated in November 2016.

5. Recommendation:

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.

Plan:

- Research an automated project management system to provide general updates/software that would allow parties to check the status of a matter like what is used by the Institutional Review Board (IRB).
- Utilize generic timeframes.
- Revise statement regarding projected timelines to explain that it is made with the understanding that intervening circumstances can impact completion of an investigation.
- Explore the addition of two investigators to the EOAA staff in order to shorten timeline on investigations and accommodate for the addition of the student sexual misconduct work.

Update:

EOAA revised its website statement about deadlines per the recommendation from the Committee above. EOAA is in the process of adopting and transferring information to a new database system. Currently EOAA uses a system called 4D to store all of its information. EOAA considered two new systems that are being used by other units at the University and has selected the Maxient system which is currently used by the Office of Student Affairs for sexual misconduct cases involving students. One advantage of Maxient is that it incorporates automatic updates to parties involved in investigations. Currently, EOAA is working with Institutional Research and Maxient representatives to accomplish the transition.

6. Recommendation:

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.

Plan:

- Review policies to ensure compliance with state and federal law and in recognition of the distinction in the law between complaints by employees and students and make any amendments as needed.

Update:

EOAA reviewed its practices with regard to student reporters who declined to participate in investigations with the Office of the General Counsel, which concluded that the existing practice to honor requests for confidentiality from student reporters, except in limited circumstances, was consistent with federal guidance. The University will take prompt responsive action to respond to reports of sexual harassment from employees, in consideration of concerns about retaliation or harm.

7. Recommendation:

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.

Plan:

- Contact reporters and parties to investigations on University email, except where a party is not a member of the University Community or has formally requested an alternative form of contact.
- Contact reporters who are not members of the University Community with available email or telephone number.

Update:

EOAA current practice is consistent with plan above.

8. Recommendation:

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 the 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.

Plan:

- See plan above to consider automated response software/system for parties to check status of a matter.
- Explore how local Human Resources and OHR can support parties in investigations in collaboration with EOAA.
- Continue substantive and procedural updates as needed and appropriate during investigation.
- Continue to regularly refer parties to resources in person and on website.
- Monitor and evaluate whether support measures have been effective and sufficient.

Update:

See response to recommendation 5 above. All other plan steps have been implemented.

9. Recommendation:

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 files will be maintained.

Plan:

- Send initial email to relevant parties with links to Frequently Asked Questions and Resources located on EOAA website that includes an explanation of the preponderance of the evidence standard.
- Monitor existing file maintenance practices that include some variation by investigator. (All EOAA files contain a contact log, correspondence, documents, reports and any other relevant information. Every file will contain what has been articulated in the OCR Resolution Agreement.)
- Continue to assess that investigation files are maintained in a way that ensures confidentiality and consistency and explore new methods of technology.
- Participate in new CRM initiative in order to update current database.

Update:

See response to recommendation 5 above. All other plan steps have been implemented.

10. Recommendation:

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.

Plan:

- Review policies to ensure sufficient notice to reporters and subjects.
- Continue to notify all reporters and stakeholders in written communications or through Ethics Point.
- Continue existing practice of communicating to anonymous reporters through Ethics Point.

Update:

All steps in the plan have been implemented.

11. Recommendation:

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

Plan:

- Add a step to the process where EOAA requests that the responsible administrator provide documentation of what action was taken as a result of the recommendations 30 days after the conclusion of any investigation.
- If no response is provided direct the matter back to the head of the department for appropriate responsive action.

Update:

At the conclusion of each investigation EOAA requests a follow up within 30 days to any recommendations, including training and discipline.

12. Recommendation:

The External Review Team recommends that EOAA issue a comprehensive annual report addressing the issue of sexual harassment at the University.

Plan:

- Issue an Annual Report addressing all forms of discrimination and harassment, not just sexual harassment and retaliation for reporting or participating in investigations of these matters.

Update:

An Annual Report will be produced at the end of the fiscal year.



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 letter¹ 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.² 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,

¹ 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. 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, or write to us at the following address: Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202.

² 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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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.³ The report also found that approximately 6.1 percent of males were victims of completed or attempted sexual assault during college.⁴ 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.⁵ 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.⁶ Additionally, the likelihood that a woman with intellectual disabilities will be sexually assaulted is estimated to be significantly higher than the general population.⁷ 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*).⁸ 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

³ 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.

⁴ *Id.* at 5-5.

⁵ 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.

⁶ 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>.

⁷ 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>.

⁸ 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.⁹

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.¹⁰

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

⁹ 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>.

¹⁰ 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.¹¹

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.¹² 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

¹¹ 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.

¹² 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.¹³

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.¹⁴ 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 99.¹⁵ 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

¹³ In states with mandatory reporting laws, schools may be required to report certain incidents to local law enforcement or child protection agencies.

¹⁴ Schools should refer to the *2001 Guidance* for additional information on confidentiality and the alleged perpetrator's due process rights.

¹⁵ 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;¹⁶
- (B) Designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX;¹⁷ and
- (C) Adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee sex discrimination complaints.¹⁸

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.¹⁹ 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

¹⁶ 34 C.F.R. § 106.9.

¹⁷ *Id.* § 106.8(a).

¹⁸ *Id.* § 106.8(b).

¹⁹ *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.²⁰ 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

²⁰ *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.²¹ 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.²² 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.²³

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.

²¹ *Id.* § 106.8(b). Title IX also requires recipients to adopt and publish grievance procedures for employee complaints of sex discrimination.

²² 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.

²³ 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;²⁴ 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

²⁴ “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.²⁵ 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,

²⁵ 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.²⁶ 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.²⁷ OCR also uses a preponderance of the evidence standard in its fund termination administrative hearings.²⁸ 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.²⁹ 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

²⁶ 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.”).

²⁷ 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>.

²⁸ 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).

²⁹ 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.³⁰ 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

³⁰ 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,³¹ *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.³² 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.³³ 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,³⁴ FERPA permits a postsecondary institution to disclose to the alleged victim the final results of a

³¹ As noted previously, "outcome" does not refer to information about disciplinary sanctions unless otherwise noted.

³² 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.

³³ 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.

³⁴ 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.³⁵ 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.³⁶

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 outcome³⁷ of any institutional disciplinary proceeding brought alleging a sex offense.”³⁸ 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.³⁹ 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

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.

³⁵ 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.

³⁶ 34 C.F.R. § 99.31(a)(14).

³⁷ 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).

³⁸ 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.

³⁹ 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.⁴⁰ 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

⁴⁰ 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.

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.⁴¹

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:⁴²

- 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;

⁴¹ 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).

⁴² 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.⁴³

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

⁴³ 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;⁴⁴
- 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;⁴⁵
- 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

⁴⁴ 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.

⁴⁵ 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://wdcroboelp01.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/>.⁴⁶

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

⁴⁶ 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.



UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

Questions and Answers on Title IX and Sexual Violence¹

Title IX of the Education Amendments of 1972 (“Title IX”)² is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities. All public and private elementary and secondary schools, school districts, colleges, and universities receiving any federal financial assistance (hereinafter “schools”, “recipients”, or “recipient institutions”) must comply with Title IX.³

On April 4, 2011, the Office for Civil Rights (OCR) in the U.S. Department of Education issued a Dear Colleague Letter on student-on-student sexual harassment and sexual violence (“DCL”).⁴ The DCL explains a school’s responsibility to respond promptly and effectively to sexual violence against students in accordance with the requirements of Title IX.⁵ Specifically, the DCL:

- Provides guidance on the unique concerns that arise in sexual violence cases, such as a school’s independent responsibility under Title IX to investigate (apart from any separate criminal investigation by local police) and address sexual violence.

¹ The Department has determined that this document 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 www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507_good_guidance.pdf. The Office for Civil Rights (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 guidance 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, or write to the following address: Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202.

² 20 U.S.C. § 1681 *et seq.*

³ Throughout this document the term “schools” refers to recipients of federal financial assistance that operate educational programs or activities. For Title IX purposes, at the elementary and secondary school level, the recipient generally is the school district; and at the postsecondary level, the recipient is the individual institution of higher education. An educational institution that is controlled by a religious organization is exempt from Title IX to the extent that the law’s requirements conflict with the organization’s religious tenets. 20 U.S.C. § 1681(a)(3); 34 C.F.R. § 106.12(a). For application of this provision to a specific institution, please contact the appropriate OCR regional office.

⁴ Available at <http://www.ed.gov/ocr/letters/colleague-201104.html>.

⁵ Although this document and the DCL focus on sexual violence, the legal principles generally also apply to other forms of sexual harassment.

- Provides guidance and examples about key Title IX requirements and how they relate to sexual violence, such as the requirements to publish a policy against sex discrimination, designate a Title IX coordinator, and adopt and publish grievance procedures.
- Discusses proactive efforts schools can take to prevent sexual violence.
- Discusses the interplay between Title IX, the Family Educational Rights and Privacy Act (“FERPA”),⁶ and the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”)⁷ as it relates to a complainant’s right to know the outcome of his or her complaint, including relevant sanctions imposed on the perpetrator.
- Provides examples of remedies and enforcement strategies that schools and OCR may use to respond to sexual violence.

The DCL supplements OCR’s *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, issued in 2001 (*2001 Guidance*).⁸ The *2001 Guidance* discusses in detail the Title IX requirements related to sexual harassment of students by school employees, other students, or third parties. The DCL and the *2001 Guidance* remain in full force and we recommend reading these Questions and Answers in conjunction with these documents.

In responding to requests for technical assistance, OCR has determined that elementary and secondary schools and postsecondary institutions would benefit from additional guidance concerning their obligations under Title IX to address sexual violence as a form of sexual harassment. The following questions and answers further clarify the legal requirements and guidance articulated in the DCL and the *2001 Guidance* and include examples of proactive efforts schools can take to prevent sexual violence and remedies schools may use to end such conduct, prevent its recurrence, and address its effects. In order to gain a complete understanding of these legal requirements and recommendations, this document should be read in full.

Authorized by

/s/

Catherine E. Lhamon
Assistant Secretary for Civil Rights

April 29, 2014

⁶ 20 U.S.C. §1232g; 34 C.F.R. Part 99.

⁷ 20 U.S.C. §1092(f).

⁸ Available at <http://www.ed.gov/ocr/docs/shguide.html>.

Notice of Language Assistance Questions and Answers on Title IX and Sexual Violence

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TABLE OF CONTENTS

Notice of Language Assistanceiii

A. A School’s Obligation to Respond to Sexual Violence 1

A-1. What is sexual violence? 1

A-2. How does Title IX apply to student-on-student sexual violence? 1

A-3. How does OCR determine if a hostile environment has been created? 1

A-4. When does OCR consider a school to have notice of student-on-student sexual violence? 2

A-5. What are a school’s basic responsibilities to address student-on-student sexual violence? 2

A-6. Does Title IX cover employee-on-student sexual violence, such as sexual abuse of children? 3

B. Students Protected by Title IX 5

B-1. Does Title IX protect all students from sexual violence?..... 5

B-2. How should a school handle sexual violence complaints in which the complainant and the alleged perpetrator are members of the same sex?..... 5

B-3. What issues may arise with respect to students with disabilities who experience sexual violence? 6

B-4. What issues arise with respect to international students and undocumented students who experience sexual violence? 7

B-5. How should a school respond to sexual violence when the alleged perpetrator is not affiliated with the school? 9

C. Title IX Procedural Requirements 9

C-1. What procedures must a school have in place to prevent sexual violence and resolve complaints? 9

C-2. What information must be included in a school’s notice of nondiscrimination? 10

C-3. What are a Title IX coordinator’s responsibilities? 10

C-4. Are there any employees who should not serve as the Title IX coordinator? 11

C-5. Under Title IX, what elements should be included in a school’s procedures for responding to complaints of sexual violence?..... 12

C-6. Is a school required to use separate grievance procedures for sexual violence complaints? 14

D. Responsible Employees and Reporting	14
D-1. Which school employees are obligated to report incidents of possible sexual violence to school officials?	14
D-2. Who is a “responsible employee”?.....	15
D-3. What information is a responsible employee obligated to report about an incident of possible student-on-student sexual violence?	16
D-4. What should a responsible employee tell a student who discloses an incident of sexual violence?	16
D-5. If a student informs a resident assistant/advisor (RA) that he or she was subjected to sexual violence by a fellow student, is the RA obligated under Title IX to report the incident to school officials?	17
E. Confidentiality and a School’s Obligation to Respond to Sexual Violence	18
E-1. How should a school respond to a student’s request that his or her name not be disclosed to the alleged perpetrator or that no investigation or disciplinary action be pursued to address the alleged sexual violence?	18
E-2. What factors should a school consider in weighing a student’s request for confidentiality?	21
E-3. What are the reporting responsibilities of school employees who provide or support the provision of counseling, advocacy, health, mental health, or sexual assault-related services to students who have experienced sexual violence?	22
E-4. Is a school required to investigate information regarding sexual violence incidents shared by survivors during public awareness events, such as “Take Back the Night”?	24
F. Investigations and Hearings	24
F-1. What elements should a school’s Title IX investigation include?.....	24
F-2. What are the key differences between a school’s Title IX investigation into allegations of sexual violence and a criminal investigation?.....	27
F-3. How should a school proceed when campus or local law enforcement agencies are conducting a criminal investigation while the school is conducting a parallel Title IX investigation?.....	28
F-4. Is a school required to process complaints of alleged sexual violence that occurred off campus?.....	29
F-5. Must a school allow or require the parties to be present during an entire hearing?.....	30

F-6. May every witness at the hearing, including the parties, be cross-examined?	31
F-7. May the complainant’s sexual history be introduced at hearings?	31
F-8. What stages of the investigation are included in the 60-day timeframe referenced in the DCL as the length for a typical investigation?	31
G. Interim Measures	32
G-1. Is a school required to take any interim measures before the completion of its investigation?.....	32
G-2. How should a school determine what interim measures to take?	33
G-3. If a school provides all students with access to counseling on a fee basis, does that suffice for providing counseling as an interim measure?.....	33
H. Remedies and Notice of Outcome	34
H-1. What remedies should a school consider in a case of student-on-student sexual violence?	34
H-2. If, after an investigation, a school finds the alleged perpetrator responsible and determines that, as part of the remedies for the complainant, it must separate the complainant and perpetrator, how should the school accomplish this if both students share the same major and there are limited course options?	36
H-3. What information must be provided to the complainant in the notice of the outcome?	36
I. Appeals	37
I-1. What are the requirements for an appeals process?	37
I-2. Must an appeal be available to a complainant who receives a favorable finding but does not believe a sanction that directly relates to him or her was sufficient?	38
J. Title IX Training, Education and Prevention	38
J-1. What type of training on Title IX and sexual violence should a school provide to its employees?	38
J-2. How should a school train responsible employees to report incidents of possible sexual harassment or sexual violence?	39
J-3. What type of training should a school provide to employees who are involved in implementing the school’s grievance procedures?.....	40
J-4. What type of training on sexual violence should a school provide to its students?.....	41

K. Retaliation	42
K-1. Does Title IX protect against retaliation?	42
L. First Amendment	43
L-1. How should a school handle its obligation to respond to sexual harassment and sexual violence while still respecting free-speech rights guaranteed by the Constitution?.....	43
M. The Clery Act and the Violence Against Women Reauthorization Act of 2013.....	44
M-1. How does the Clery Act affect the Title IX obligations of institutions of higher education that participate in the federal student financial aid programs?	44
M-2. Were a school’s obligations under Title IX and the DCL altered in any way by the Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, including Section 304 of that Act, which amends the Clery Act?.....	44
N. Further Federal Guidance.....	45
N-1. Whom should I contact if I have additional questions about the DCL or OCR’s other Title IX guidance?	45
N-2. Are there other resources available to assist a school in complying with Title IX and preventing and responding to sexual violence?	45

A. A School's Obligation to Respond to Sexual Violence

A-1. What is sexual violence?

Answer: Sexual violence, as that term is used in this document and prior OCR guidance, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

A-2. How does Title IX apply to student-on-student sexual violence?

Answer: Under Title IX, federally funded schools must ensure that students of all ages are not denied or limited in their ability to participate in or benefit from the school's educational programs or activities on the basis of sex. A school violates a student's rights under Title IX regarding student-on-student sexual violence when the following conditions are met: (1) the alleged conduct is sufficiently serious to limit or deny a student's ability to participate in or benefit from the school's educational program, *i.e.* creates a hostile environment; and (2) the school, upon notice, fails to take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.⁹

A-3. How does OCR determine if a hostile environment has been created?

Answer: As discussed more fully in OCR's *2001 Guidance*, OCR considers a variety of related factors to determine if a hostile environment has been created; and also considers the conduct in question from both a subjective and an objective perspective. Specifically, OCR's standards require that the conduct be evaluated from the perspective of a reasonable person in the alleged victim's position, considering all the circumstances. 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 conduct is physical. Indeed, a single or isolated incident of sexual violence may create a hostile environment.

⁹ 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 Educ.*, 526 U.S. 629, 643 (1999).

A-4. When does OCR consider a school to have notice of student-on-student sexual violence?

Answer: OCR deems a school to have notice of student-on-student sexual violence if a responsible employee knew, or in the exercise of reasonable care should have known, about the sexual violence. See question D-2 regarding who is a responsible employee.

A school can receive notice of sexual violence in many different ways. Some examples of notice include: a student may have filed a grievance with or otherwise informed the school's Title IX coordinator; a student, parent, friend, or other individual may have reported an incident to a teacher, principal, campus law enforcement, staff in the office of student affairs, or other responsible employee; or a teacher or dean may have witnessed the sexual violence.

The school may also receive notice about sexual violence in an indirect manner, from sources such as a member of the local community, social networking sites, or the media. In some situations, if the school knows of incidents of sexual violence, the exercise of reasonable care should trigger an investigation that would lead to the discovery of additional incidents. For example, if school officials receive a credible report that a student has perpetrated several acts of sexual violence against different students, that pattern of conduct should trigger an inquiry as to whether other students have been subjected to sexual violence by that student. In other cases, the pervasiveness of the sexual violence may be widespread, openly practiced, or well-known among students or employees. In those cases, OCR may conclude that the school should have known of the hostile environment. In other words, if the school would have found out about the sexual violence had it made a proper inquiry, knowledge of the sexual violence will be imputed to the school even if the school failed to make an inquiry. A school's failure to take prompt and effective corrective action in such cases (as described in questions G-1 to G-3 and H-1 to H-3) would violate Title IX even if the student did not use the school's grievance procedures or otherwise inform the school of the sexual violence.

A-5. What are a school's basic responsibilities to address student-on-student sexual violence?

Answer: When a school knows or reasonably should know of possible sexual violence, it must take immediate and appropriate steps to investigate or otherwise determine what occurred (subject to the confidentiality provisions discussed in Section E). If an investigation reveals that sexual violence created a hostile environment, the school must then take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its

effects. But a school should not wait to take steps to protect its students until students have already been deprived of educational opportunities.

Title IX requires a school to protect the complainant and ensure his or her safety as necessary, including taking interim steps before the final outcome of any investigation.¹⁰ The school should take these steps promptly once it has notice of a sexual violence allegation and should provide the complainant with periodic updates on the status of the investigation. If the school determines that the sexual violence occurred, the school must continue to take these steps to protect the complainant and ensure his or her safety, as necessary. The school should also ensure that the complainant is aware of any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and the right to report a crime to campus or local law enforcement. For additional information on interim measures, see questions G-1 to G-3.

If a school delays responding to allegations of sexual violence or responds inappropriately, the school's own inaction may subject the student to a hostile environment. If it does, the school will also be required to remedy the effects of the sexual violence that could reasonably have been prevented had the school responded promptly and appropriately. For example, if a school's ignoring of a student's complaints of sexual assault by a fellow student results in the complaining student having to remain in classes with the other student for several weeks and the complaining student's grades suffer because he or she was unable to concentrate in these classes, the school may need to permit the complaining student to retake the classes without an academic or financial penalty (in addition to any other remedies) in order to address the effects of the sexual violence.

A-6. Does Title IX cover employee-on-student sexual violence, such as sexual abuse of children?

Answer: Yes. Although this document and the DCL focus on student-on-student sexual violence, Title IX also protects students from other forms of sexual harassment (including sexual violence and sexual abuse), such as sexual harassment carried out by school employees. Sexual harassment by school employees can include unwelcome sexual advances; requests for sexual favors; and other verbal, nonverbal, or physical conduct of a sexual nature, including but not limited to sexual activity. Title IX's prohibition against

¹⁰ Throughout this document, unless otherwise noted, the term "complainant" refers to the student who allegedly experienced the sexual violence.

sexual harassment generally does not extend to legitimate nonsexual touching or other nonsexual conduct. But in some circumstances, nonsexual conduct may take on sexual connotations and rise to the level of sexual harassment. For example, a teacher repeatedly hugging and putting his or her arms around students under inappropriate circumstances could create a hostile environment. Early signs of inappropriate behavior with a child can be the key to identifying and preventing sexual abuse by school personnel.

A school's Title IX obligations regarding sexual harassment by employees can, in some instances, be greater than those described in this document and the DCL. Recipients should refer to OCR's *2001 Guidance* for further information about Title IX obligations regarding harassment of students by school employees. In addition, many state and local laws have mandatory reporting requirements for schools working with minors. Recipients should be careful to satisfy their state and local legal obligations in addition to their Title IX obligations, including training to ensure that school employees are aware of their obligations under such state and local laws and the consequences for failing to satisfy those obligations.

With respect to sexual activity in particular, OCR will always view as unwelcome and nonconsensual sexual activity between an adult school employee and an elementary school student or any student below the legal age of consent in his or her state. In cases involving a student who meets the legal age of consent in his or her state, there will still be a strong presumption that sexual activity between an adult school employee and a student is unwelcome and nonconsensual. When a school is on notice that a school employee has sexually harassed a student, it is responsible for taking prompt and effective steps reasonably calculated to end the sexual harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects. Indeed, even if a school was not on notice, the school is nonetheless responsible for remedying any effects of the sexual harassment on the student, as well as for ending the sexual harassment and preventing its recurrence, when the employee engaged in the sexual activity in the context of the employee's provision of aid, benefits, or services to students (*e.g.*, teaching, counseling, supervising, advising, or transporting students).

A school should take steps to protect its students from sexual abuse by its employees. It is therefore imperative for a school to develop policies prohibiting inappropriate conduct by school personnel and procedures for identifying and responding to such conduct. For example, this could include implementing codes of conduct, which might address what is commonly known as grooming – a desensitization strategy common in adult educator sexual misconduct. Such policies and procedures can ensure that students, parents, and

school personnel have clear guidelines on what are appropriate and inappropriate interactions between adults and students in a school setting or in school-sponsored activities. Additionally, a school should provide training for administrators, teachers, staff, parents, and age-appropriate classroom information for students to ensure that everyone understands what types of conduct are prohibited and knows how to respond when problems arise.¹¹

B. Students Protected by Title IX

B-1. Does Title IX protect all students from sexual violence?

Answer: Yes. Title IX protects all students at recipient institutions from sex discrimination, including sexual violence. Any student can experience sexual violence: from elementary to professional school students; male and female students; straight, gay, lesbian, bisexual and transgender students; part-time and full-time students; students with and without disabilities; and students of different races and national origins.

B-2. How should a school handle sexual violence complaints in which the complainant and the alleged perpetrator are members of the same sex?

Answer: A school's obligation to respond appropriately to sexual violence complaints is the same irrespective of the sex or sexes of the parties involved. Title IX protects all students from sexual violence, regardless of the sex of the alleged perpetrator or complainant, including when they are members of the same sex. A school must investigate and resolve allegations of sexual violence involving parties of the same sex using the same procedures and standards that it uses in all complaints involving sexual violence.

Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and OCR accepts such complaints for investigation. Similarly, the actual or perceived sexual orientation or gender identity of the parties does not change a school's obligations. Indeed, lesbian, gay, bisexual, and transgender (LGBT) youth report high rates of sexual harassment and sexual violence. A school should investigate and resolve allegations of sexual violence regarding LGBT students using the same procedures and standards that it

¹¹ For additional informational on training please see the Department of Education's Resource and Emergency Management for Schools Technical Assistance Center – Adult Sexual Misconduct in Schools: Prevention and Management Training, available at http://rems.ed.gov/Docs/ASM_Marketing_Flyer.pdf.

uses in all complaints involving sexual violence. The fact that incidents of sexual violence may be accompanied by anti-gay comments or be partly based on a student's actual or perceived sexual orientation does not relieve a school of its obligation under Title IX to investigate and remedy those instances of sexual violence.

If a school's policies related to sexual violence include examples of particular types of conduct that violate the school's prohibition on sexual violence, the school should consider including examples of same-sex conduct. In addition, a school should ensure that staff are capable of providing culturally competent counseling to all complainants. Thus, a school should ensure that its counselors and other staff who are responsible for receiving and responding to complaints of sexual violence, including investigators and hearing board members, receive appropriate training about working with LGBT and gender-nonconforming students and same-sex sexual violence. See questions J-1 to J-4 for additional information regarding training.

Gay-straight alliances and similar student-initiated groups can also play an important role in creating safer school environments for LGBT students. On June 14, 2011, the Department issued guidance about the rights of student-initiated groups in public secondary schools under the Equal Access Act. That guidance is available at <http://www2.ed.gov/policy/elsec/guid/secletter/110607.html>.

B-3. What issues may arise with respect to students with disabilities who experience sexual violence?

Answer: When students with disabilities experience sexual violence, federal civil rights laws other than Title IX may also be relevant to a school's responsibility to investigate and address such incidents.¹² Certain students require additional assistance and support. For example, students with intellectual disabilities may need additional help in learning about sexual violence, including a school's sexual violence education and prevention programs, what constitutes sexual violence and how students can report incidents of sexual

¹² OCR enforces two civil rights laws that prohibit disability discrimination. Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits disability discrimination by public or private entities that receive federal financial assistance, and Title II of the American with Disabilities Act of 1990 (Title II) prohibits disability discrimination by all state and local public entities, regardless of whether they receive federal funding. See 29 U.S.C. § 794 and 34 C.F.R. part 104; 42 U.S.C. § 12131 *et seq.* and 28 C.F.R. part 35. OCR and the U.S. Department of Justice (DOJ) share the responsibility of enforcing Title II in the educational context. The Department of Education's Office of Special Education Programs in the Office of Special Education and Rehabilitative Services administers Part B of the Individuals with Disabilities Education Act (IDEA). 20 U.S.C. 1400 *et seq.* and 34 C.F.R. part 300. IDEA provides financial assistance to states, and through them to local educational agencies, to assist in providing special education and related services to eligible children with disabilities ages three through twenty-one, inclusive.

violence. In addition, students with disabilities who experience sexual violence may require additional services and supports, including psychological services and counseling services. Postsecondary students who need these additional services and supports can seek assistance from the institution's disability resource office.

A student who has not been previously determined to have a disability may, as a result of experiencing sexual violence, develop a mental health-related disability that could cause the student to need special education and related services. At the elementary and secondary education level, this may trigger a school's child find obligations under IDEA and the evaluation and placement requirements under Section 504, which together require a school to evaluate a student suspected of having a disability to determine if he or she has a disability that requires special education or related aids and services.¹³

A school must also ensure that any school reporting forms, information, or training about sexual violence be provided in a manner that is accessible to students and employees with disabilities, for example, by providing electronically-accessible versions of paper forms to individuals with print disabilities, or by providing a sign language interpreter to a deaf individual attending a training. See question J-4 for more detailed information on student training.

B-4. What issues arise with respect to international students and undocumented students who experience sexual violence?

Answer: Title IX protects all students at recipient institutions in the United States regardless of national origin, immigration status, or citizenship status.¹⁴ A school should ensure that all students regardless of their immigration status, including undocumented students and international students, are aware of their rights under Title IX. A school must also ensure that any school reporting forms, information, or training about sexual violence be provided in a manner accessible to students who are English language learners. OCR recommends that a school coordinate with its international office and its undocumented student program coordinator, if applicable, to help communicate information about Title IX in languages that are accessible to these groups of students. OCR also encourages schools to provide foreign national complainants with information about the U nonimmigrant status and the T nonimmigrant status. The U nonimmigrant status is set

¹³ See 34 C.F.R. §§ 300.8; 300.111; 300.201; 300.300-300.311 (IDEA); 34 C.F.R. §§ 104.3(j) and 104.35 (Section 504). Schools must comply with applicable consent requirements with respect to evaluations. See 34 C.F.R. § 300.300.

¹⁴ OCR enforces Title VI of the Civil Rights Act of 1964, which prohibits discrimination by recipients of federal financial assistance on the basis of race, color, or national origin. 42 U.S.C. § 2000d.

aside for victims of certain crimes who have suffered substantial mental or physical abuse as a result of the crime and are helpful to law enforcement agency in the investigation or prosecution of the qualifying criminal activity.¹⁵ The T nonimmigrant status is available for victims of severe forms of human trafficking who generally comply with a law enforcement agency in the investigation or prosecution of the human trafficking and who would suffer extreme hardship involving unusual and severe harm if they were removed from the United States.¹⁶

A school should be mindful that unique issues may arise when a foreign student on a student visa experiences sexual violence. For example, certain student visas require the student to maintain a full-time course load (generally at least 12 academic credit hours per term), but a student may need to take a reduced course load while recovering from the immediate effects of the sexual violence. OCR recommends that a school take steps to ensure that international students on student visas understand that they must typically seek prior approval of the designated school official (DSO) for student visas to drop below a full-time course load. A school may also want to encourage its employees involved in handling sexual violence complaints and counseling students who have experienced sexual violence to approach the DSO on the student's behalf if the student wishes to drop below a full-time course load. OCR recommends that a school take steps to ensure that its employees who work with international students, including the school's DSO, are trained on the school's sexual violence policies and that employees involved in handling sexual violence complaints and counseling students who have experienced sexual violence are aware of the special issues that international students may encounter. See questions J-1 to J-4 for additional information regarding training.

A school should also be aware that threatening students with deportation or invoking a student's immigration status in an attempt to intimidate or deter a student from filing a Title IX complaint would violate Title IX's protections against retaliation. For more information on retaliation see question K-1.

¹⁵ For more information on the U nonimmigrant status, see <http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/questions-answers-victims-criminal-activity-u-nonimmigrant-status>.

¹⁶ For more information on the T nonimmigrant status, see <http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status>.

B-5. How should a school respond to sexual violence when the alleged perpetrator is not affiliated with the school?

Answer: The appropriate response will differ depending on the level of control the school has over the alleged perpetrator. For example, if an athlete or band member from a visiting school sexually assaults a student at the home school, the home school may not be able to discipline or take other direct action against the visiting athlete or band member. However (and subject to the confidentiality provisions discussed in Section E), it should conduct an inquiry into what occurred and should report the incident to the visiting school and encourage the visiting school to take appropriate action to prevent further sexual violence. The home school should also notify the student of any right to file a complaint with the alleged perpetrator’s school or local law enforcement. The home school may also decide not to invite the visiting school back to its campus.

Even though a school’s ability to take direct action against a particular perpetrator may be limited, the school must still take steps to provide appropriate remedies for the complainant and, where appropriate, the broader school population. This may include providing support services for the complainant, and issuing new policy statements making it clear that the school does not tolerate sexual violence and will respond to any reports about such incidents. For additional information on interim measures see questions G-1 to G-3.

C. Title IX Procedural Requirements

Overview

C-1. What procedures must a school have in place to prevent sexual violence and resolve complaints?

Answer: The Title IX regulations outline three key procedural requirements. Each school must:

(1) disseminate a notice of nondiscrimination (see question C-2);¹⁷

(2) designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX (see questions C-3 to C-4);¹⁸ and

¹⁷ 34 C.F.R. § 106.9.

¹⁸ *Id.* § 106.8(a).

(3) adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee sex discrimination complaints (see questions C-5 to C-6).¹⁹

These requirements apply to all forms of sex discrimination and are particularly important for preventing and effectively responding to sexual violence.

Procedural requirements under other federal laws may also apply to complaints of sexual violence, including the requirements of the Clery Act.²⁰ For additional information about the procedural requirements in the Clery Act, please see <http://www2.ed.gov/admins/lead/safety/campus.html>.

Notice of Nondiscrimination

C-2. What information must be included in a school's notice of nondiscrimination?

Answer: The notice of nondiscrimination must state that the school does not discriminate on the basis of sex in its education programs and activities, and that it is required by Title IX not to discriminate in such a manner. The notice must state that questions regarding Title IX may be referred to the school's Title IX coordinator or to OCR. The school must notify all of its students and employees of the name or title, office address, telephone number, and email address of the school's designated Title IX coordinator.²¹

Title IX Coordinator

C-3. What are a Title IX coordinator's responsibilities?

Answer: A Title IX coordinator's core responsibilities include overseeing the school's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. This means that the Title IX coordinator must have knowledge of the requirements of Title IX, of the school's own policies and procedures on sex discrimination, and of all complaints raising Title IX issues throughout the school. To accomplish this, subject to the exemption for school counseling employees discussed in question E-3, the Title IX coordinator must be informed of all

¹⁹ *Id.* § 106.8(b).

²⁰ All postsecondary institutions participating in the Higher Education Act's Title IV student financial assistance programs must comply with the Clery Act.

²¹ For more information on notices of nondiscrimination, please see OCR's Notice of Nondiscrimination (August 2010), available at <http://www.ed.gov/ocr/docs/nondisc.pdf>.

reports and complaints raising Title IX issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The school should ensure that the Title IX coordinator is given the training, authority, and visibility necessary to fulfill these responsibilities.

Because the Title IX coordinator must have knowledge of all Title IX reports and complaints at the school, this individual (when properly trained) is generally in the best position to evaluate a student's request for confidentiality in the context of the school's responsibility to provide a safe and nondiscriminatory environment for all students. A school may determine, however, that another individual should perform this role. For additional information on confidentiality requests, see questions E-1 to E-4. If a school relies in part on its disciplinary procedures to meet its Title IX obligations, the Title IX coordinator should review the disciplinary procedures to ensure that the procedures comply with the prompt and equitable requirements of Title IX as discussed in question C-5.

In addition to these core responsibilities, a school may decide to give its Title IX coordinator additional responsibilities, such as: providing training to students, faculty, and staff on Title IX issues; conducting Title IX investigations, including investigating facts relevant to a complaint, and determining appropriate sanctions against the perpetrator and remedies for the complainant; determining appropriate interim measures for a complainant upon learning of a report or complaint of sexual violence; and ensuring that appropriate policies and procedures are in place for working with local law enforcement and coordinating services with local victim advocacy organizations and service providers, including rape crisis centers. A school must ensure that its Title IX coordinator is appropriately trained in all areas over which he or she has responsibility. The Title IX coordinator or designee should also be available to meet with students as needed.

If a school designates more than one Title IX coordinator, the school's notice of nondiscrimination and Title IX grievance procedures should describe each coordinator's responsibilities, and one coordinator should be designated as having ultimate oversight responsibility.

C-4. Are there any employees who should not serve as the Title IX coordinator?

Answer: Title IX does not categorically preclude particular employees from serving as Title IX coordinators. However, Title IX coordinators should not have other job responsibilities that may create a conflict of interest. Because some complaints may raise issues as to whether or how well the school has met its Title IX obligations, designating

the same employee to serve both as the Title IX coordinator and the general counsel (which could include representing the school in legal claims alleging Title IX violations) poses a serious risk of a conflict of interest. Other employees whose job responsibilities may conflict with a Title IX coordinator's responsibilities include Directors of Athletics, Deans of Students, and any employee who serves on the judicial/hearing board or to whom an appeal might be made. Designating a full-time Title IX coordinator will minimize the risk of a conflict of interest.

Grievance Procedures

C-5. Under Title IX, what elements should be included in a school's procedures for responding to complaints of sexual violence?

Answer: Title IX requires that a school adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints of sex discrimination, including sexual violence. In evaluating whether a school's grievance procedures satisfy this requirement, OCR will review all aspects of a school's policies and practices, including the following elements that are critical to achieve compliance with Title IX:

- (1) notice to students, parents of elementary and secondary students, and employees of the grievance procedures, including where complaints may be filed;
- (2) application of the grievance procedures to complaints filed by students or on their behalf alleging sexual violence carried out by employees, other students, or third parties;
- (3) provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence;
- (4) designated and reasonably prompt time frames for the major stages of the complaint process (see question F-8);
- (5) written notice to the complainant and alleged perpetrator of the outcome of the complaint (see question H-3); and
- (6) assurance that the school will take steps to prevent recurrence of any sexual violence and remedy discriminatory effects on the complainant and others, if appropriate.

To ensure that students and employees have a clear understanding of what constitutes sexual violence, 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:

- (1) a statement of the school's jurisdiction over Title IX complaints;
- (2) adequate definitions of sexual harassment (which includes sexual violence) and an explanation as to when such conduct creates a hostile environment;
- (3) reporting policies and protocols, including provisions for confidential reporting;
- (4) identification of the employee or employees responsible for evaluating requests for confidentiality;
- (5) notice that Title IX prohibits retaliation;
- (6) notice of a student's right to file a criminal complaint and a Title IX complaint simultaneously;
- (7) notice of available interim measures that may be taken to protect the student in the educational setting;
- (8) the evidentiary standard that must be used (preponderance of the evidence) (*i.e.*, more likely than not that sexual violence occurred) in resolving a complaint;
- (9) notice of potential remedies for students;
- (10) notice of potential sanctions against perpetrators; and
- (11) sources of counseling, advocacy, and support.

For more information on interim measures, see questions G-1 to G-3.

The rights established under Title IX must be interpreted consistently with any federally guaranteed due process rights. Procedures that ensure the Title IX rights of the complainant, while at the same time according any federally guaranteed due process to both parties involved, will lead to sound and supportable decisions. Of course, a school should ensure that steps to accord any due process rights do not restrict or unnecessarily delay the protections provided by Title IX to the complainant.

A school's procedures and practices will vary in detail, specificity, and components, reflecting differences in the age of its students, school size and administrative structure, state or local legal requirements (*e.g.*, mandatory reporting requirements for schools working with minors), and what it has learned from past experiences.

C-6. Is a school required to use separate grievance procedures for sexual violence complaints?

Answer: No. Under Title IX, a school may use student disciplinary procedures, general Title IX grievance procedures, sexual harassment procedures, or separate procedures to resolve sexual violence complaints. However, any procedures used for sexual violence complaints, including disciplinary procedures, must meet the Title IX requirement of affording a complainant a prompt and equitable resolution (as discussed in question C-5), including applying the preponderance of the evidence standard of review. As discussed in question C-3, the Title IX coordinator should review any process used to resolve complaints of sexual violence to ensure it complies with requirements for prompt and equitable resolution of these complaints. When using disciplinary procedures, which are often focused on the alleged perpetrator and can take considerable time, a school should be mindful of its obligation to provide interim measures to protect the complainant in the educational setting. For more information on timeframes and interim measures, see questions F-8 and G-1 to G-3.

D. Responsible Employees and Reporting²²

D-1. Which school employees are obligated to report incidents of possible sexual violence to school officials?

Answer: Under Title IX, whether an individual is obligated to report incidents of alleged sexual violence generally depends on whether the individual is a responsible employee of the school. A responsible employee must report incidents of sexual violence to the Title IX coordinator or other appropriate school designee, subject to the exemption for school counseling employees discussed in question E-3. This is because, as discussed in question A-4, a school is obligated to address sexual violence about which a responsible employee knew or should have known. As explained in question C-3, the Title IX coordinator must be informed of all reports and complaints raising Title IX issues, even if the report or

²² This document addresses only Title IX's reporting requirements. It does not address requirements under the Clery Act or other federal, state, or local laws, or an individual school's code of conduct.

complaint was initially filed with another individual or office, subject to the exemption for school counseling employees discussed in question E-3.

D-2. Who is a “responsible employee”?

Answer: According to OCR’s *2001 Guidance*, a responsible employee includes any employee: who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty.²³

A school must make clear to all of its employees and students which staff members are responsible employees so that students can make informed decisions about whether to disclose information to those employees. A school must also inform all employees of their own reporting responsibilities and the importance of informing complainants of: the reporting obligations of responsible employees; complainants’ option to request confidentiality and available confidential advocacy, counseling, or other support services; and complainants’ right to file a Title IX complaint with the school and to report a crime to campus or local law enforcement.

Whether an employee is a responsible employee will vary depending on factors such as the age and education level of the student, the type of position held by the employee, and consideration of both formal and informal school practices and procedures. For example, while it may be reasonable for an elementary school student to believe that a custodial staff member or cafeteria worker has the authority or responsibility to address student misconduct, it is less reasonable for a college student to believe that a custodial staff member or dining hall employee has this same authority.

As noted in response to question A-4, when a responsible employee knows or reasonably should know of possible sexual violence, OCR deems a school to have notice of the sexual violence. The school must take immediate and appropriate steps to investigate or otherwise determine what occurred (subject to the confidentiality provisions discussed in Section E), and, if the school determines that sexual violence created a hostile environment, the school must then take appropriate steps to address the situation. The

²³ The Supreme Court held that a school will only be liable for money damages in a private lawsuit where there is actual notice to a school official with the authority to address the alleged discrimination and take corrective action. *Gebser v. Lago Vista Ind. Sch. Dist.*, 524 U.S. 274, 290 (1998), and *Davis*, 524 U.S. at 642. The concept of a “responsible employee” under OCR’s guidance for administrative enforcement of Title IX is broader.

school has this obligation regardless of whether the student, student’s parent, or a third party files a formal complaint. For additional information on a school’s responsibilities to address student-on-student sexual violence, see question A-5. For additional information on training for school employees, see questions J-1 to J-3.

D-3. What information is a responsible employee obligated to report about an incident of possible student-on-student sexual violence?

Answer: Subject to the exemption for school counseling employees discussed in question E-3, a responsible employee must report to the school’s Title IX coordinator, or other appropriate school designee, all relevant details about the alleged sexual violence that the student or another person has shared and that the school will need to determine what occurred and to resolve the situation. This includes the names of the alleged perpetrator (if known), the student who experienced the alleged sexual violence, other students involved in the alleged sexual violence, as well as relevant facts, including the date, time, and location. A school must make clear to its responsible employees to whom they should report an incident of alleged sexual violence.

To ensure compliance with these reporting obligations, it is important for a school to train its responsible employees on Title IX and the school’s sexual violence policies and procedures. For more information on appropriate training for school employees, see question J-1 to J-3.

D-4. What should a responsible employee tell a student who discloses an incident of sexual violence?

Answer: Before a student reveals information that he or she may wish to keep confidential, a responsible employee should make every effort to ensure that the student understands: (i) the employee’s obligation to report the names of the alleged perpetrator and student involved in the alleged sexual violence, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX coordinator or other appropriate school officials, (ii) the student’s option to request that the school maintain his or her confidentiality, which the school (*e.g.*, Title IX coordinator) will consider, and (iii) the student’s ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault-related services (*e.g.*, sexual assault resource centers, campus health centers, pastoral counselors, and campus mental health centers). As discussed in questions E-1 and E-2, if the student requests confidentiality, the Title IX coordinator or other appropriate school designee responsible for evaluating requests for confidentiality should make every effort to respect this request

and should evaluate the request in the context of the school's responsibility to provide a safe and nondiscriminatory environment for all students.

D-5. If a student informs a resident assistant/advisor (RA) that he or she was subjected to sexual violence by a fellow student, is the RA obligated under Title IX to report the incident to school officials?

Answer: As discussed in questions D-1 and D-2, for Title IX purposes, whether an individual is obligated under Title IX to report alleged sexual violence to the school's Title IX coordinator or other appropriate school designee generally depends on whether the individual is a responsible employee.

The duties and responsibilities of RAs vary among schools, and, therefore, a school should consider its own policies and procedures to determine whether its RAs are responsible employees who must report incidents of sexual violence to the Title IX coordinator or other appropriate school designee.²⁴ When making this determination, a school should consider if its RAs have the general authority to take action to redress misconduct or the duty to report misconduct to appropriate school officials, as well as whether students could reasonably believe that RAs have this authority or duty. A school should also consider whether it has determined and clearly informed students that RAs are generally available for confidential discussions and do not have the authority or responsibility to take action to redress any misconduct or to report any misconduct to the Title IX coordinator or other appropriate school officials. A school should pay particular attention to its RAs' obligations to report other student violations of school policy (*e.g.*, drug and alcohol violations or physical assault). If an RA is required to report other misconduct that violates school policy, then the RA would be considered a responsible employee obligated to report incidents of sexual violence that violate school policy.

If an RA is a responsible employee, the RA should make every effort to ensure that *before* the student reveals information that he or she may wish to keep confidential, the student understands the RA's reporting obligation and the student's option to request that the school maintain confidentiality. It is therefore important that schools widely disseminate policies and provide regular training clearly identifying the places where students can seek confidential support services so that students are aware of this information. The RA

²⁴ Postsecondary institutions should be aware that, regardless of whether an RA is a responsible employee under Title IX, RAs are considered "campus security authorities" under the Clery Act. A school's responsibilities in regard to crimes reported to campus security authorities are discussed in the Department's regulations on the Clery Act at 34 C.F.R. § 668.46.

should also explain to the student (again, before the student reveals information that he or she may wish to keep confidential) that, although the RA must report the names of the alleged perpetrator (if known), the student who experienced the alleged sexual violence, other students involved in the alleged sexual violence, as well as relevant facts, including the date, time, and location to the Title IX coordinator or other appropriate school designee, the school will protect the student's confidentiality to the greatest extent possible. Prior to providing information about the incident to the Title IX coordinator or other appropriate school designee, the RA should consult with the student about how to protect his or her safety and the details of what will be shared with the Title IX coordinator. The RA should explain to the student that reporting this information to the Title IX coordinator or other appropriate school designee does not necessarily mean that a formal complaint or investigation under the school's Title IX grievance procedure must be initiated if the student requests confidentiality. As discussed in questions E-1 and E-2, if the student requests confidentiality, the Title IX coordinator or other appropriate school designee responsible for evaluating requests for confidentiality should make every effort to respect this request and should evaluate the request in the context of the school's responsibility to provide a safe and nondiscriminatory environment for all students.

Regardless of whether a reporting obligation exists, all RAs should inform students of their right to file a Title IX complaint with the school and report a crime to campus or local law enforcement. If a student discloses sexual violence to an RA who is a responsible employee, the school will be deemed to have notice of the sexual violence even if the student does not file a Title IX complaint. Additionally, all RAs should provide students with information regarding on-campus resources, including victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance. RAs should also be familiar with local rape crisis centers or other off-campus resources and provide this information to students.

E. Confidentiality and a School's Obligation to Respond to Sexual Violence

E-1. How should a school respond to a student's request that his or her name not be disclosed to the alleged perpetrator or that no investigation or disciplinary action be pursued to address the alleged sexual violence?

Answer: Students, or parents of minor students, reporting incidents of sexual violence sometimes ask that the students' names not be disclosed to the alleged perpetrators or that no investigation or disciplinary action be pursued to address the alleged sexual violence. OCR strongly supports a student's interest in confidentiality in cases involving sexual violence. There are situations in which a school must override a student's request

for confidentiality in order to meet its Title IX obligations; however, these instances will be limited and the information should only be shared with individuals who are responsible for handling the school's response to incidents of sexual violence. Given the sensitive nature of reports of sexual violence, a school should ensure that the information is maintained in a secure manner. A school should be aware that disregarding requests for confidentiality can have a chilling effect and discourage other students from reporting sexual violence. In the case of minors, state mandatory reporting laws may require disclosure, but can generally be followed without disclosing information to school personnel who are not responsible for handling the school's response to incidents of sexual violence.²⁵

Even if a student does not specifically ask for confidentiality, to the extent possible, a school should only disclose information regarding alleged incidents of sexual violence to individuals who are responsible for handling the school's response. To improve trust in the process for investigating sexual violence complaints, a school should notify students of the information that will be disclosed, to whom it will be disclosed, and why. Regardless of whether a student complainant requests confidentiality, a school must take steps to protect the complainant as necessary, including taking interim measures before the final outcome of an investigation. For additional information on interim measures see questions G-1 to G-3.

For Title IX purposes, if a student requests that his or her name not be revealed to the alleged perpetrator or asks that the school not investigate or seek action against the alleged perpetrator, the school should inform the student that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. The school should also explain that Title IX includes protections against retaliation, and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs. This includes retaliatory actions taken by the school and school officials. When a school knows or reasonably should know of possible retaliation by other students or third parties, including threats, intimidation, coercion, or discrimination (including harassment), it must take immediate

²⁵ The school should be aware of the alleged student perpetrator's right under the Family Educational Rights and Privacy Act ("FERPA") to request to inspect and review information about the allegations if the information directly relates to the alleged student perpetrator and the information is maintained by the school as an education record. In such a case, the school must either redact the complainant's name and all identifying information before allowing the alleged perpetrator to inspect and review the sections of the complaint that relate to him or her, or must inform the alleged perpetrator of the specific information in the complaint that are about the alleged perpetrator. See 34 C.F.R. § 99.12(a) The school should also make complainants aware of this right and explain how it might affect the school's ability to maintain complete confidentiality.

and appropriate steps to investigate or otherwise determine what occurred. Title IX requires the school to protect the complainant and ensure his or her safety as necessary. See question K-1 regarding retaliation.

If the student still requests that his or her name not be disclosed to the alleged perpetrator or that the school not investigate or seek action against the alleged perpetrator, the school will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, including the student who reported the sexual violence. As discussed in question C-3, the Title IX coordinator is generally in the best position to evaluate confidentiality requests. Because schools vary widely in size and administrative structure, OCR recognizes that a school may reasonably determine that an employee other than the Title IX coordinator, such as a sexual assault response coordinator, dean, or other school official, is better suited to evaluate such requests. Addressing the needs of a student reporting sexual violence while determining an appropriate institutional response requires expertise and attention, and a school should ensure that it assigns these responsibilities to employees with the capability and training to fulfill them. For example, if a school has a sexual assault response coordinator, that person should be consulted in evaluating requests for confidentiality. The school should identify in its Title IX policies and procedures the employee or employees responsible for making such determinations.

If the school determines that it can respect the student's request not to disclose his or her identity to the alleged perpetrator, it should take all reasonable steps to respond to the complaint consistent with the request. Although a student's request to have his or her name withheld may limit the school's ability to respond fully to an individual allegation of sexual violence, other means may be available to address the sexual violence. There are steps a school can take to limit the effects of the alleged sexual violence and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the student complainant. Examples include providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; changing and publicizing the school's policies on sexual violence; and conducting climate surveys regarding sexual violence. In instances affecting many students, an alleged perpetrator can be put on notice of allegations of harassing behavior and be counseled appropriately without revealing, even indirectly, the identity of the student complainant. A school must also take immediate action as necessary to protect the student while keeping the identity of the student confidential. These actions may include providing support services to the student and changing living arrangements or course schedules, assignments, or tests.

E-2. What factors should a school consider in weighing a student’s request for confidentiality?

Answer: When weighing a student’s request for confidentiality that could preclude a meaningful investigation or potential discipline of the alleged perpetrator, a school should consider a range of factors.

These factors include circumstances that suggest there is an increased risk of the alleged perpetrator committing additional acts of sexual violence or other violence (e.g., whether there have been other sexual violence complaints about the same alleged perpetrator, whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence, whether the alleged perpetrator threatened further sexual violence or other violence against the student or others, and whether the sexual violence was committed by multiple perpetrators). These factors also include circumstances that suggest there is an increased risk of future acts of sexual violence under similar circumstances (e.g., whether the student’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group). Other factors that should be considered in assessing a student’s request for confidentiality include whether the sexual violence was perpetrated with a weapon; the age of the student subjected to the sexual violence; and whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

A school should take requests for confidentiality seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including the student who reported the sexual violence. For example, if the school has credible information that the alleged perpetrator has committed one or more prior rapes, the balance of factors would compel the school to investigate the allegation of sexual violence, and if appropriate, pursue disciplinary action in a manner that may require disclosure of the student’s identity to the alleged perpetrator. If the school determines that it must disclose a student’s identity to an alleged perpetrator, it should inform the student prior to making this disclosure. In these cases, it is also especially important for schools to take whatever interim measures are necessary to protect the student and ensure the safety of other students. If a school has a sexual assault response coordinator, that person should be consulted in identifying safety risks and interim measures that are necessary to protect the student. In the event the student requests that the school inform the perpetrator that the student asked the school not to investigate or seek discipline, the school should honor this request and inform the alleged perpetrator that the school made the decision to go forward. For additional information on interim measures see questions G-1 to G-3. Any school officials responsible for

discussing safety and confidentiality with students should be trained on the effects of trauma and the appropriate methods to communicate with students subjected to sexual violence. See questions J-1 to J-3.

On the other hand, if, for example, the school has no credible information about prior sexual violence committed by the alleged perpetrator and the alleged sexual violence was not perpetrated with a weapon or accompanied by threats to repeat the sexual violence against the complainant or others or part of a larger pattern at a given location or by a particular group, the balance of factors would likely compel the school to respect the student's request for confidentiality. In this case the school should still take all reasonable steps to respond to the complaint consistent with the student's confidentiality request and determine whether interim measures are appropriate or necessary. Schools should be mindful that traumatic events such as sexual violence can result in delayed decisionmaking by a student who has experienced sexual violence. Hence, a student who initially requests confidentiality might later request that a full investigation be conducted.

E-3. What are the reporting responsibilities of school employees who provide or support the provision of counseling, advocacy, health, mental health, or sexual assault-related services to students who have experienced sexual violence?

Answer: OCR does not require campus mental-health counselors, pastoral counselors, social workers, psychologists, health center employees, or any other person with a professional license requiring confidentiality, or who is supervised by such a person, to report, without the student's consent, incidents of sexual violence to the school in a way that identifies the student. Although these employees may have responsibilities that would otherwise make them responsible employees for Title IX purposes, OCR recognizes the importance of protecting the counselor-client relationship, which often requires confidentiality to ensure that students will seek the help they need.

Professional counselors and pastoral counselors whose official responsibilities include providing mental-health counseling to members of the school community are not required by Title IX to report *any* information regarding an incident of alleged sexual violence to the Title IX coordinator or other appropriate school designee.²⁶

²⁶ The exemption from reporting obligations for pastoral and professional counselors under Title IX is consistent with the Clery Act. For additional information on reporting obligations under the Clery Act, see Office of Postsecondary Education, *Handbook for Campus Safety and Security Reporting* (2011), available at <http://www2.ed.gov/admins/lead/safety/handbook.pdf>. Similar to the Clery Act, for Title IX purposes, a pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious

OCR recognizes that some people who provide assistance to students who experience sexual violence are not professional or pastoral counselors. They include all individuals who work or volunteer in on-campus sexual assault centers, victim advocacy offices, women’s centers, or health centers (“non-professional counselors or advocates”), including front desk staff and students. OCR wants students to feel free to seek their assistance and therefore interprets Title IX to give schools the latitude not to require these individuals to report incidents of sexual violence in a way that identifies the student without the student’s consent.²⁷ These non-professional counselors or advocates are valuable sources of support for students, and OCR strongly encourages schools to designate these individuals as confidential sources.

Pastoral and professional counselors and non-professional counselors or advocates should be instructed to inform students of their right to file a Title IX complaint with the school and a separate complaint with campus or local law enforcement. In addition to informing students about campus resources for counseling, medical, and academic support, these persons should also indicate that they are available to assist students in filing such complaints. They should also explain that Title IX includes protections against retaliation, and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs. This includes retaliatory actions taken by the school and school officials. When a school knows or reasonably should know of possible retaliation by other students or third parties, including threats, intimidation, coercion, or discrimination (including harassment), it must take immediate and appropriate steps to investigate or otherwise determine what occurred. Title IX requires the school to protect the complainant and ensure his or her safety as necessary.

In order to identify patterns or systemic problems related to sexual violence, a school should collect aggregate data about sexual violence incidents from non-professional counselors or advocates in their on-campus sexual assault centers, women’s centers, or

order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. A professional counselor is a person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the school, but are under contract to provide counseling at the school. This includes individuals who are not yet licensed or certified as a counselor, but are acting in that role under the supervision of an individual who is licensed or certified. An example is a Ph.D. counselor-trainee acting under the supervision of a professional counselor at the school.

²⁷ Postsecondary institutions should be aware that an individual who is counseling students, but who does not meet the Clery Act definition of a pastoral or professional counselor, is not exempt from being a campus security authority if he or she otherwise has significant responsibility for student and campus activities. See fn. 24.

health centers. Such individuals should report only general information about incidents of sexual violence such as the nature, date, time, and general location of the incident and should take care to avoid reporting personally identifiable information about a student. Non-professional counselors and advocates should consult with students regarding what information needs to be withheld to protect their identity.

E-4. Is a school required to investigate information regarding sexual violence incidents shared by survivors during public awareness events, such as “Take Back the Night”?

Answer: No. OCR wants students to feel free to participate in preventive education programs and access resources for survivors. Therefore, public awareness events such as “Take Back the Night” or other forums at which students disclose experiences with sexual violence are not considered notice to the school for the purpose of triggering an individual investigation unless the survivor initiates a complaint. The school should instead respond to these disclosures by reviewing sexual assault policies, creating campus-wide educational programs, and conducting climate surveys to learn more about the prevalence of sexual violence at the school. Although Title IX does not require the school to investigate particular incidents discussed at such events, the school should ensure that survivors are aware of any available resources, including counseling, health, and mental health services. To ensure that the entire school community understands their Title IX rights related to sexual violence, the school should also provide information at these events on Title IX and how to file a Title IX complaint with the school, as well as options for reporting an incident of sexual violence to campus or local law enforcement.

F. Investigations and Hearings

Overview

F-1. What elements should a school’s Title IX investigation include?

Answer: The specific steps in a school’s Title IX investigation will vary depending on the nature of the allegation, the age of the student or students involved, the size and administrative structure of the school, state or local legal requirements (including mandatory reporting requirements for schools working with minors), and what it has learned from past experiences.

For the purposes of this document the term “investigation” refers to the process the school uses to resolve sexual violence complaints. This includes the fact-finding investigation and any hearing and decision-making process the school uses to determine: (1) whether or not the conduct occurred; and, (2) if the conduct occurred, what actions

the school will take to end the sexual violence, eliminate the hostile environment, and prevent its recurrence, which may include imposing sanctions on the perpetrator and providing remedies for the complainant and broader student population.

In all cases, a school's Title IX investigation must be adequate, reliable, impartial, and prompt and include the opportunity for both parties to present witnesses and other evidence. The investigation may include a hearing to determine whether the conduct occurred, but Title IX does not necessarily require a hearing.²⁸ Furthermore, neither Title IX nor the DCL specifies who should conduct the investigation. It could be the Title IX coordinator, provided there are no conflicts of interest, but it does not have to be. All persons involved in conducting a school's Title IX investigations must have training or experience in handling complaints of sexual violence and in the school's grievance procedures. For additional information on training, see question J-3.

When investigating an incident of alleged sexual violence for Title IX purposes, to the extent possible, a school should coordinate with any other ongoing school or criminal investigations of the incident and establish appropriate fact-finding roles for each investigator. A school should also consider whether information can be shared among the investigators so that complainants are not unnecessarily required to give multiple statements about a traumatic event. If the investigation includes forensic evidence, it may be helpful for a school to consult with local or campus law enforcement or a forensic expert to ensure that the evidence is correctly interpreted by school officials. For additional information on working with campus or local law enforcement see question F-3.

If a school uses its student disciplinary procedures to meet its Title IX obligation to resolve complaints of sexual violence promptly and equitably, it should recognize that imposing sanctions against the perpetrator, without additional remedies, likely will not be sufficient to eliminate the hostile environment and prevent recurrence as required by Title IX. If a school typically processes complaints of sexual violence through its disciplinary process and that process, including any investigation and hearing, meets the Title IX requirements discussed above and enables the school to end the sexual violence, eliminate the hostile environment, and prevent its recurrence, then the school may use that process to satisfy its Title IX obligations and does not need to conduct a separate Title IX investigation. As discussed in question C-3, the Title IX coordinator should review the disciplinary process

²⁸ This answer addresses only Title IX's requirements for investigations. It does not address legal rights or requirements under the U.S. Constitution, the Clery Act, or other federal, state, or local laws.

to ensure that it: (1) complies with the prompt and equitable requirements of Title IX; (2) allows for appropriate interim measures to be taken to protect the complainant during the process; and (3) provides for remedies to the complainant and school community where appropriate. For more information about interim measures, see questions G-1 to G-3, and about remedies, see questions H-1 and H-2.

The investigation may include, but is not limited to, conducting interviews of the complainant, the alleged perpetrator, and any witnesses; reviewing law enforcement investigation documents, if applicable; reviewing student and personnel files; and gathering and examining other relevant documents or evidence. While a school has flexibility in how it structures the investigative process, for Title IX purposes, a school must give the complainant any rights that it gives to the alleged perpetrator. A balanced and fair process that provides the same opportunities to both parties will lead to sound and supportable decisions.²⁹ Specifically:

- Throughout the investigation, the parties must have an equal opportunity to present relevant witnesses and other evidence.
- The school must use a preponderance-of-the-evidence (*i.e.*, more likely than not) standard in any Title IX proceedings, including any fact-finding and hearings.
- If the school permits one party to have lawyers or other advisors at any stage of the proceedings, it must do so equally for both parties. Any school-imposed restrictions on the ability of lawyers or other advisors to speak or otherwise participate in the proceedings must also apply equally.
- If the school permits one party to submit third-party expert testimony, it must do so equally for both parties.
- If the school provides for an appeal, it must do so equally for both parties.
- Both parties must be notified, in writing, of the outcome of both the complaint and any appeal (see question H-3).

²⁹ As explained in question C-5, the parties may have certain due process rights under the U.S. Constitution.

Intersection with Criminal Investigations

F-2. What are the key differences between a school's Title IX investigation into allegations of sexual violence and a criminal investigation?

Answer: A criminal investigation is intended to determine whether an individual violated criminal law; and, if at the conclusion of the investigation, the individual is tried and found guilty, the individual may be imprisoned or subject to criminal penalties. The U.S. Constitution affords criminal defendants who face the risk of incarceration numerous protections, including, but not limited to, the right to counsel, the right to a speedy trial, the right to a jury trial, the right against self-incrimination, and the right to confrontation. In addition, government officials responsible for criminal investigations (including police and prosecutors) normally have discretion as to which complaints from the public they will investigate.

By contrast, a Title IX investigation will never result in incarceration of an individual and, therefore, the same procedural protections and legal standards are not required. Further, while a criminal investigation is initiated at the discretion of law enforcement authorities, a Title IX investigation is not discretionary; a school has a duty under Title IX to resolve complaints promptly and equitably and to provide a safe and nondiscriminatory environment for all students, free from sexual harassment and sexual violence. Because the standards for pursuing and completing criminal investigations are different from those used for Title IX investigations, the termination of a criminal investigation without an arrest or conviction does not affect the school's Title IX obligations.

Of course, criminal investigations conducted by local or campus law enforcement may be useful for fact gathering if the criminal investigation occurs within the recommended timeframe for Title IX investigations; but, even if a criminal investigation is ongoing, a school must still conduct its own Title IX investigation.

A school should notify complainants of the right to file a criminal complaint and should not dissuade a complainant from doing so either during or after the school's internal Title IX investigation. Title IX does not require a school to report alleged incidents of sexual violence to law enforcement, but a school may have reporting obligations under state, local, or other federal laws.

F-3. How should a school proceed when campus or local law enforcement agencies are conducting a criminal investigation while the school is conducting a parallel Title IX investigation?

Answer: A school should not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own Title IX investigation. Although a school may need to delay temporarily the fact-finding portion of a Title IX investigation while the police are gathering evidence, it is important for a school to understand that during this brief delay in the Title IX investigation, it must take interim measures to protect the complainant in the educational setting. The school should also continue to update the parties on the status of the investigation and inform the parties when the school resumes its Title IX investigation. For additional information on interim measures see questions G-1 to G-3.

If a school delays the fact-finding portion of a Title IX investigation, the school must promptly resume and complete its fact-finding for the Title IX investigation once it learns that the police department has completed its evidence gathering stage of the criminal investigation. The school should not delay its investigation until the ultimate outcome of the criminal investigation or the filing of any charges. OCR recommends that a school work with its campus police, local law enforcement, and local prosecutor's office to learn when the evidence gathering stage of the criminal investigation is complete. A school may also want to enter into a memorandum of understanding (MOU) or other agreement with these agencies regarding the protocols and procedures for referring allegations of sexual violence, sharing information, and conducting contemporaneous investigations. Any MOU or other agreement must allow the school to meet its Title IX obligation to resolve complaints promptly and equitably, and must comply with the Family Educational Rights and Privacy Act ("FERPA") and other applicable privacy laws.

The DCL states that in one instance a 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. OCR understands that this example may not be representative and that the law enforcement agency's process often takes more than ten days. OCR recognizes that the length of time for evidence gathering by criminal investigators will vary depending on the specific circumstances of each case.

Off-Campus Conduct

F-4. Is a school required to process complaints of alleged sexual violence that occurred off campus?

Answer: Yes. Under Title IX, a school must process all complaints of sexual violence, regardless of where the conduct occurred, to determine whether the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity.

A school must determine whether the alleged off-campus sexual violence occurred in the context of an education program or activity of the school; if so, the school must treat the complaint in the same manner that it treats complaints regarding on-campus conduct. In other words, if a school determines that the alleged misconduct took place in the context of an education program or activity of the school, the fact that the alleged misconduct took place off campus does not relieve the school of its obligation to investigate the complaint as it would investigate a complaint of sexual violence that occurred on campus.

Whether the alleged misconduct occurred in this context may not always be apparent from the complaint, so a school may need to gather additional information in order to make such a determination. Off-campus education programs and activities are clearly covered and include, but are not limited to: activities that take place at houses of fraternities or sororities recognized by the school; school-sponsored field trips, including athletic team travel; and events for school clubs that occur off campus (*e.g.*, a debate team trip to another school or to a weekend competition).

Even if the misconduct did not occur in the context of an education program or activity, a school must consider the effects of the off-campus misconduct when evaluating whether there is a hostile environment on campus or in an off-campus education program or activity because students often experience the continuing effects of off-campus sexual violence while at school or in an off-campus education program or activity. The school cannot address the continuing effects of the off-campus sexual violence at school or in an off-campus education program or activity unless it processes the complaint and gathers appropriate additional information in accordance with its established procedures.

Once a school is on notice of off-campus sexual violence against a student, it must assess whether there are any continuing effects on campus or in an off-campus education program or activity that are creating or contributing to a hostile environment and, if so, address that hostile environment in the same manner in which it would address a hostile environment created by on-campus misconduct. The mere presence on campus or in an

off-campus education program or activity of the alleged perpetrator of off-campus sexual violence can have continuing effects that create a hostile environment. A school should also take steps to protect a student who alleges off-campus sexual violence from further harassment by the alleged perpetrator or his or her friends, and a school may have to take steps to protect other students from possible assault by the alleged perpetrator. In other words, the school should protect the school community in the same way it would had the sexual violence occurred on campus. Even if there are no continuing effects of the off-campus sexual violence experienced by the student on campus or in an off-campus education program or activity, the school still should handle these incidents as it would handle other off-campus incidents of misconduct or violence and consistent with any other applicable laws. For example, if a school, under its code of conduct, exercises jurisdiction over physical altercations between students that occur off campus outside of an education program or activity, it should also exercise jurisdiction over incidents of student-on-student sexual violence that occur off campus outside of an education program or activity.

Hearings³⁰

F-5. Must a school allow or require the parties to be present during an entire hearing?

Answer: If a school uses a hearing process to determine responsibility for acts of sexual violence, OCR does not require that the school allow a complainant to be present for the entire hearing; it is up to each school to make this determination. But if the school allows one party to be present for the entirety of a hearing, it must do so equally for both parties. At the same time, when requested, a school should make arrangements so that the complainant and the alleged perpetrator do not have to be present in the same room at the same time. These two objectives may be achieved by using closed circuit television or other means. Because a school has a Title IX obligation to investigate possible sexual violence, if a hearing is part of the school's Title IX investigation process, the school must not require a complainant to be present at the hearing as a prerequisite to proceed with the hearing.

³⁰ As noted in question F-1, the investigation may include a hearing to determine whether the conduct occurred, but Title IX does not necessarily require a hearing. Although Title IX does not dictate the membership of a hearing board, OCR discourages schools from allowing students to serve on hearing boards in cases involving allegations of sexual violence.

F-6. May every witness at the hearing, including the parties, be cross-examined?

Answer: OCR does not require that a school allow cross-examination of witnesses, including the parties, if they testify at the hearing. But if the school allows one party to cross-examine witnesses, it must do so equally for both parties.

OCR strongly discourages a school from allowing the parties to personally question or cross-examine each other during a hearing on alleged sexual violence. Allowing an alleged perpetrator to question a complainant directly may be traumatic or intimidating, and may perpetuate a hostile environment. A school may choose, instead, to allow the parties to submit questions to a trained third party (*e.g.*, the hearing panel) to ask the questions on their behalf. OCR recommends that the third party screen the questions submitted by the parties and only ask those it deems appropriate and relevant to the case.

F-7. May the complainant’s sexual history be introduced at hearings?

Answer: Questioning about the complainant’s sexual history with anyone other than the alleged perpetrator should not be permitted. Further, a school should recognize that the mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of sexual violence. The school should also ensure that hearings are conducted in a manner that does not inflict additional trauma on the complainant.

Timeframes

F-8. What stages of the investigation are included in the 60-day timeframe referenced in the DCL as the length for a typical investigation?

Answer: As noted in the DCL, the 60-calendar day timeframe for investigations is based on OCR’s experience in typical cases. The 60-calendar day timeframe refers to the entire investigation process, which includes conducting the fact-finding investigation, holding a hearing or engaging in another decision-making process to determine whether the alleged sexual violence occurred and created a hostile environment, and determining what actions the school will take to eliminate the hostile environment and prevent its recurrence, including imposing sanctions against the perpetrator and providing remedies for the complainant and school community, as appropriate. Although this timeframe does not include appeals, a school should be aware that an unduly long appeals process may impact whether the school’s response was prompt and equitable as required by Title IX.

OCR does not require a school to complete investigations within 60 days; rather OCR evaluates on a case-by-case basis whether the resolution of sexual violence complaints is prompt and equitable. Whether OCR considers an investigation to be prompt as required by Title IX will vary depending on the complexity of the investigation and the severity and extent of the alleged conduct. OCR recognizes that the investigation process may take longer if there is a parallel criminal investigation or if it occurs partially during school breaks. A school may need to stop an investigation during school breaks or between school years, although a school should make every effort to try to conduct an investigation during these breaks unless so doing would sacrifice witness availability or otherwise compromise the process.

Because timeframes for investigations vary and a school may need to depart from the timeframes designated in its grievance procedures, both parties should be given periodic status updates throughout the process.

G. Interim Measures

G-1. Is a school required to take any interim measures before the completion of its investigation?

Answer: Title IX requires a school to take steps to ensure equal access to its education programs and activities and protect the complainant as necessary, including taking interim measures before the final outcome of an investigation. The school should take these steps promptly once it has notice of a sexual violence allegation and should provide the complainant with periodic updates on the status of the investigation. The school should notify the complainant of his or her options to avoid contact with the alleged perpetrator and allow the complainant to change academic and extracurricular activities or his or her living, transportation, dining, and working situation as appropriate. The school should also ensure that the complainant is aware of his or her Title IX rights and any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and the right to report a crime to campus or local law enforcement. If a school does not offer these services on campus, it should enter into an MOU with a local victim services provider if possible.

Even when a school has determined that it can respect a complainant's request for confidentiality and therefore may not be able to respond fully to an allegation of sexual violence and initiate formal action against an alleged perpetrator, the school must take immediate action to protect the complainant while keeping the identity of the complainant confidential. These actions may include: providing support services to the

complainant; changing living arrangements or course schedules, assignments, or tests; and providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred.

G-2. How should a school determine what interim measures to take?

Answer: The specific interim measures implemented and the process for implementing those measures will vary depending on the facts of each case. A school should consider a number of factors in determining what interim measures to take, including, for example, the specific need expressed by the complainant; the age of the students involved; the severity or pervasiveness of the allegations; any continuing effects on the complainant; whether the complainant and alleged perpetrator share the same residence hall, dining hall, class, transportation, or job location; and whether other judicial measures have been taken to protect the complainant (*e.g.*, civil protection orders).

In general, when taking interim measures, schools should minimize the burden on the complainant. For example, if the complainant and alleged perpetrator share the same class or residence hall, the school should not, as a matter of course, remove the complainant from the class or housing while allowing the alleged perpetrator to remain without carefully considering the facts of the case.

G-3. If a school provides all students with access to counseling on a fee basis, does that suffice for providing counseling as an interim measure?

Answer: No. Interim measures are determined by a school on a case-by-case basis. If a school determines that it needs to offer counseling to the complainant as part of its Title IX obligation to take steps to protect the complainant while the investigation is ongoing, it must not require the complainant to pay for this service.

H. Remedies and Notice of Outcome³¹

H-1. What remedies should a school consider in a case of student-on-student sexual violence?

Answer: Effective remedial action may include disciplinary action against the perpetrator, providing counseling for the perpetrator, remedies for the complainant and others, as well as changes to the school's overall services or policies. All services needed to remedy the hostile environment should be offered to the complainant. These remedies are separate from, and in addition to, any interim measure that may have been provided prior to the conclusion of the school's investigation. In any instance in which the complainant did not take advantage of a specific service (*e.g.*, counseling) when offered as an interim measure, the complainant should still be offered, and is still entitled to, appropriate final remedies that may include services the complainant declined as an interim measure. A refusal at the interim stage does not mean the refused service or set of services should not be offered as a remedy.

If a school uses its student disciplinary procedures to meet its Title IX obligation to resolve complaints of sexual violence promptly and equitably, it should recognize that imposing sanctions against the perpetrator, without more, likely will not be sufficient to satisfy its Title IX obligation to eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects. Additional remedies for the complainant and the school community may be necessary. If the school's student disciplinary procedure does not include a process for determining and implementing these remedies for the complainant and school community, the school will need to use another process for this purpose.

Depending on the specific nature of the problem, remedies for the complainant may include, but are not limited to:

- Providing an effective escort to ensure that the complainant can move safely between classes and activities;

³¹ As explained in question A-5, if a school delays responding to allegations of sexual violence or responds inappropriately, the school's own inaction may subject the student to be subjected to a hostile environment. In this case, in addition to the remedies discussed in this section, the school will also be required to remedy the effects of the sexual violence that could reasonably have been prevented had the school responded promptly and appropriately.

- Ensuring the complainant and perpetrator do not share classes or extracurricular activities;
- Moving the perpetrator or complainant (if the complainant requests to be moved) to a different residence hall or, in the case of an elementary or secondary school student, to another school within the district;
- Providing comprehensive, holistic victim services including medical, counseling and academic support services, such as tutoring;
- Arranging for the complainant to have extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty; and
- Reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the sexual violence and the misconduct that may have resulted in the complainant being disciplined.³²

Remedies for the broader student population may include, but are not limited to:

- Designating an individual from the school's counseling center who is specifically trained in providing trauma-informed comprehensive services to victims of sexual violence to be on call to assist students whenever needed;
- Training or retraining school employees on the school's responsibilities to address allegations of sexual violence and how to conduct Title IX investigations;
- Developing materials on sexual violence, which should be distributed to all students;
- Conducting bystander intervention and sexual violence prevention programs with students;
- Issuing policy statements or taking other steps that clearly communicate that the school does not tolerate sexual violence and will respond to any incidents and to any student who reports such incidents;

³² For example, if the complainant was disciplined for skipping a class in which the perpetrator was enrolled, the school should review the incident to determine if the complainant skipped class to avoid contact with the perpetrator.

- Conducting, in conjunction with student leaders, a campus climate check to assess the effectiveness of efforts to ensure that the school is free from sexual violence, and using that information to inform future proactive steps that the school will take;
- Targeted training for a group of students if, for example, the sexual violence created a hostile environment in a residence hall, fraternity or sorority, or on an athletic team; and
- Developing a protocol for working with local law enforcement as discussed in question F-3.

When a school is unable to conduct a full investigation into a particular incident (*i.e.*, when it received a general report of sexual violence without any personally identifying information), it should consider remedies for the broader student population in response.

H-2. If, after an investigation, a school finds the alleged perpetrator responsible and determines that, as part of the remedies for the complainant, it must separate the complainant and perpetrator, how should the school accomplish this if both students share the same major and there are limited course options?

Answer: If there are limited sections of required courses offered at a school and both the complainant and perpetrator are required to take those classes, the school may need to make alternate arrangements in a manner that minimizes the burden on the complainant. For example, the school may allow the complainant to take the regular sections of the courses while arranging for the perpetrator to take the same courses online or through independent study.

H-3. What information must be provided to the complainant in the notice of the outcome?

Answer: Title IX requires both parties to be notified, in writing, about the outcome of both the complaint and any appeal. OCR recommends that a school provide written notice of the outcome to the complainant and the alleged perpetrator concurrently.

For Title IX purposes, a school must inform the complainant as to whether or not it found that the alleged conduct occurred, any individual remedies offered or provided to the complainant or any sanctions imposed on the perpetrator that directly relate to the complainant, and other steps the school has taken to eliminate the hostile environment, if the school finds one to exist, and prevent recurrence. The perpetrator should not be notified of the individual remedies offered or provided to the complainant.

Sanctions that directly relate to the complainant (but that may also relate to eliminating the hostile environment and preventing recurrence) include, but are not limited to, requiring that the perpetrator stay away from the complainant until both parties graduate, prohibiting the perpetrator from attending school for a period of time, or transferring the perpetrator to another residence hall, other classes, or another school. Additional steps the school has taken to eliminate the hostile environment may include counseling and academic support services for the complainant and other affected students. Additional steps the school has taken to prevent recurrence may include sexual violence training for faculty and staff, revisions to the school's policies on sexual violence, and campus climate surveys. Further discussion of appropriate remedies is included in question H-1.

In addition to the Title IX requirements described above, the Clery Act requires, and FERPA permits, postsecondary institutions to inform the complainant of the institution's final determination and any disciplinary sanctions imposed on the perpetrator in sexual violence cases (as opposed to all harassment and misconduct covered by Title IX) not just those sanctions that directly relate to the complainant.³³

I. Appeals

I-1. What are the requirements for an appeals process?

Answer: While Title IX does not require that a school provide an appeals process, OCR does recommend that the school do so where procedural error or previously unavailable relevant evidence could significantly impact the outcome of a case or where a sanction is substantially disproportionate to the findings. If a school chooses to provide for an appeal of the findings or remedy or both, it must do so equally for both parties. The specific design of the appeals process is up to the school, as long as the entire grievance process, including any appeals, provides prompt and equitable resolutions of sexual violence complaints, and the school takes steps to protect the complainant in the educational setting during the process. Any individual or body handling appeals should be trained in the dynamics of and trauma associated with sexual violence.

If a school chooses to offer an appeals process it has flexibility to determine the type of review it will apply to appeals, but the type of review the school applies must be the same regardless of which party files the appeal.

³³ 20 U.S.C. § 1092(f) and 20 U.S.C. § 1232g(b)(6)(A).

I-2. Must an appeal be available to a complainant who receives a favorable finding but does not believe a sanction that directly relates to him or her was sufficient?

Answer: The appeals process must be equal for both parties. For example, if a school allows a perpetrator to appeal a suspension on the grounds that it is too severe, the school must also allow a complainant to appeal a suspension on the grounds that it was not severe enough. See question H-3 for more information on what must be provided to the complainant in the notice of the outcome.

J. Title IX Training, Education and Prevention³⁴

J-1. What type of training on Title IX and sexual violence should a school provide to its employees?

Answer: A school needs to ensure that responsible employees with the authority to address sexual violence know how to respond appropriately to reports of sexual violence, that other responsible employees know that they are obligated to report sexual violence to appropriate school officials, and that all other employees understand how to respond to reports of sexual violence. A school should ensure that professional counselors, pastoral counselors, and non-professional counselors or advocates also understand the extent to which they may keep a report confidential. A school should provide training to all employees likely to witness or receive reports of sexual violence, including teachers, professors, school law enforcement unit employees, school administrators, school counselors, general counsels, athletic coaches, health personnel, and resident advisors. Training for employees should include practical information about how to prevent and identify sexual violence, including same-sex sexual violence; the behaviors that may lead to and result in sexual violence; the attitudes of bystanders that may allow conduct to continue; the potential for revictimization by responders and its effect on students; appropriate methods for responding to a student who may have experienced sexual violence, including the use of nonjudgmental language; the impact of trauma on victims; and, as applicable, the person(s) to whom such misconduct must be reported. The training should also explain responsible employees' reporting obligation, including what should be included in a report and any consequences for the failure to report and the procedure for responding to students' requests for confidentiality, as well as provide the contact

³⁴ As explained earlier, although this document focuses on sexual violence, the legal principles apply to other forms of sexual harassment. Schools should ensure that any training they provide on Title IX and sexual violence also covers other forms of sexual harassment. Postsecondary institutions should also be aware of training requirements imposed under the Clery Act.

information for the school's Title IX coordinator. A school also should train responsible employees to inform students of: the reporting obligations of responsible employees; students' option to request confidentiality and available confidential advocacy, counseling, or other support services; and their right to file a Title IX complaint with the school and to report a crime to campus or local law enforcement. For additional information on the reporting obligations of responsible employees and others see questions D-1 to D-5.

There is no minimum number of hours required for Title IX and sexual violence training at every school, but this training should be provided on a regular basis. Each school should determine based on its particular circumstances how such training should be conducted, who has the relevant expertise required to conduct the training, and who should receive the training to ensure that the training adequately prepares employees, particularly responsible employees, to fulfill their duties under Title IX. A school should also have methods for verifying that the training was effective.

J-2. How should a school train responsible employees to report incidents of possible sexual harassment or sexual violence?

Answer: Title IX requires a school to take prompt and effective steps reasonably calculated to end sexual harassment and sexual violence that creates a hostile environment (*i.e.*, conduct that is sufficiently serious as to limit or deny a student's ability to participate in or benefit from the school's educational program and activity). But a school should not wait to take steps to protect its students until students have already been deprived of educational opportunities.

OCR therefore recommends that a school train responsible employees to report to the Title IX coordinator or other appropriate school official any incidents of sexual harassment or sexual violence that may violate the school's code of conduct or may create or contribute to the creation of a hostile environment. The school can then take steps to investigate and prevent any harassment or violence from recurring or escalating, as appropriate. For example, the school may separate the complainant and alleged perpetrator or conduct sexual harassment and sexual violence training for the school's students and employees. Responsible employees should understand that they do not need to determine whether the alleged sexual harassment or sexual violence actually occurred or that a hostile environment has been created before reporting an incident to the school's Title IX coordinator. Because the Title IX coordinator should have in-depth knowledge of Title IX and Title IX complaints at the school, he or she is likely to be in a better position than are other employees to evaluate whether an incident of sexual

harassment or sexual violence creates a hostile environment and how the school should respond. There may also be situations in which individual incidents of sexual harassment do not, by themselves, create a hostile environment; however when considered together, those incidents may create a hostile environment.

J-3. What type of training should a school provide to employees who are involved in implementing the school’s grievance procedures?

Answer: All persons involved in implementing a school’s grievance procedures (*e.g.*, Title IX coordinators, others who receive complaints, investigators, and adjudicators) must have training or experience in handling sexual violence complaints, and in the operation of the school’s grievance procedures. The training should include information on working with and interviewing persons subjected to sexual violence; information on particular types of conduct that would constitute sexual violence, including same-sex sexual violence; the proper standard of review for sexual violence complaints (preponderance of the evidence); information on consent and the role drugs or alcohol can play in the ability to consent; the importance of accountability for individuals found to have committed sexual violence; the need for remedial actions for the perpetrator, complainant, and school community; how to determine credibility; how to evaluate evidence and weigh it in an impartial manner; how to conduct investigations; confidentiality; the effects of trauma, including neurobiological change; and cultural awareness training regarding how sexual violence may impact students differently depending on their cultural backgrounds.

In rare circumstances, employees involved in implementing a school’s grievance procedures may be able to demonstrate that prior training and experience has provided them with competency in the areas covered in the school’s training. For example, the combination of effective prior training and experience investigating complaints of sexual violence, together with training on the school’s current grievance procedures may be sufficient preparation for an employee to resolve Title IX complaints consistent with the school’s grievance procedures. In-depth knowledge regarding Title IX and sexual violence is particularly helpful. Because laws and school policies and procedures may change, the only way to ensure that all employees involved in implementing the school’s grievance procedures have the requisite training or experience is for the school to provide regular training to all individuals involved in implementing the school’s Title IX grievance procedures even if such individuals also have prior relevant experience.

J-4. What type of training on sexual violence should a school provide to its students?

Answer: To ensure that students understand their rights under Title IX, a school should provide age-appropriate training to its students regarding Title IX and sexual violence. At the elementary and secondary school level, schools should consider whether sexual violence training should also be offered to parents, particularly training on the school's process for handling complaints of sexual violence. Training may be provided separately or as part of the school's broader training on sex discrimination and sexual harassment. However, sexual violence is a unique topic that should not be assumed to be covered adequately in other educational programming or training provided to students. The school may want to include this training in its orientation programs for new students; training for student athletes and members of student organizations; and back-to-school nights. A school should consider educational methods that are most likely to help students retain information when designing its training, including repeating the training at regular intervals. OCR recommends that, at a minimum, the following topics (as appropriate) be covered in this training:

- Title IX and what constitutes sexual violence, including same-sex sexual violence, under the school's policies;
- the school's definition of consent applicable to sexual conduct, including examples;
- how the school analyzes whether conduct was unwelcome under Title IX;
- how the school analyzes whether unwelcome sexual conduct creates a hostile environment;
- reporting options, including formal reporting and confidential disclosure options and any timeframes set by the school for reporting;
- the school's grievance procedures used to process sexual violence complaints;
- disciplinary code provisions relating to sexual violence and the consequences of violating those provisions;
- effects of trauma, including neurobiological changes;
- the role alcohol and drugs often play in sexual violence incidents, including the deliberate use of alcohol and/or other drugs to perpetrate sexual violence;
- strategies and skills for bystanders to intervene to prevent possible sexual violence;
- how to report sexual violence to campus or local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX grievance; and
- Title IX's protections against retaliation.

The training should also encourage students to report incidents of sexual violence. The training should explain that students (and their parents or friends) do not need to determine whether incidents of sexual violence or other sexual harassment created a

hostile environment before reporting the incident. A school also should be aware that persons may be deterred from reporting incidents if, for example, violations of school or campus rules regarding alcohol or drugs were involved. As a result, a school should review its disciplinary policy to ensure it does not have a chilling effect on students' reporting of sexual violence offenses or participating as witnesses. OCR recommends that a school inform students that the school's primary concern is student safety, and that use of alcohol or drugs never makes the survivor at fault for sexual violence.

It is also important for a school to educate students about the persons on campus to whom they can confidentially report incidents of sexual violence. A school's sexual violence education and prevention program should clearly identify the offices or individuals with whom students can speak confidentially and the offices or individuals who can provide resources such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance. It should also identify the school's responsible employees and explain that if students report incidents to responsible employees (except as noted in question E-3) these employees are required to report the incident to the Title IX coordinator or other appropriate official. This reporting includes the names of the alleged perpetrator and student involved in the sexual violence, as well as relevant facts including the date, time, and location, although efforts should be made to comply with requests for confidentiality from the complainant. For more detailed information regarding reporting and responsible employees and confidentiality, see questions D-1 to D-5 and E-1 to E-4.

K. Retaliation

K-1. Does Title IX protect against retaliation?

Answer: Yes. The Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. This means that if an individual brings concerns about possible civil rights problems to a school's attention, including publicly opposing sexual violence or filing a sexual violence complaint with the school or any State or Federal agency, it is unlawful for the school to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she testified, or participated in any manner, in an OCR or school's investigation or proceeding. Therefore, if a student, parent, teacher, coach, or other individual complains formally or informally about sexual violence or participates in an OCR or school's investigation or proceedings related to sexual violence, the school is prohibited from retaliating (including intimidating, threatening, coercing, or in any way

discriminating against the individual) because of the individual’s complaint or participation.

A school should take steps to prevent retaliation against a student who filed a complaint either on his or her own behalf or on behalf of another student, or against those who provided information as witnesses.

Schools should be aware that complaints of sexual violence may be followed by retaliation against the complainant or witnesses by the alleged perpetrator or his or her associates. When a school knows or reasonably should know of possible retaliation by other students or third parties, it must take immediate and appropriate steps to investigate or otherwise determine what occurred. Title IX requires the school to protect the complainant and witnesses and ensure their safety as necessary. At a minimum, this includes making sure that the complainant and his or her parents, if the complainant is in elementary or secondary school, and witnesses know how to report retaliation by school officials, other students, or third parties by making follow-up inquiries to see if there have been any new incidents or acts of retaliation, and by responding promptly and appropriately to address continuing or new problems. A school should also tell complainants and witnesses that Title IX prohibits retaliation, and that school officials will not only take steps to prevent retaliation, but will also take strong responsive action if it occurs.

L. First Amendment

L-1. How should a school handle its obligation to respond to sexual harassment and sexual violence while still respecting free-speech rights guaranteed by the Constitution?

Answer: The DCL on sexual violence did not expressly address First Amendment issues because it focuses on unlawful physical sexual violence, which is not speech or expression protected by the First Amendment.

However, OCR’s previous guidance on the First Amendment, including the 2001 Guidance, OCR’s July 28, 2003, Dear Colleague Letter on the First Amendment,³⁵ and OCR’s October 26, 2010, Dear Colleague Letter on harassment and bullying,³⁶ remain fully in effect. OCR has made it clear that the laws and regulations it enforces protect students from prohibited discrimination and do not restrict the exercise of any expressive activities or speech protected under the U.S. Constitution. Therefore, when a school works to prevent

³⁵ Available at <http://www.ed.gov/ocr/firstamend.html>.

³⁶ Available at <http://www.ed.gov/ocr/letters/colleague-201010.html>.

and redress discrimination, it must respect the free-speech rights of students, faculty, and other speakers.

Title IX protects students from sex discrimination; it does not regulate the content of speech. OCR recognizes that the offensiveness of a particular expression as perceived by some students, standing alone, is not a legally sufficient basis to establish a hostile environment under Title IX. Title IX also does not require, prohibit, or abridge the use of particular textbooks or curricular materials.³⁷

M. The Clery Act and the Violence Against Women Reauthorization Act of 2013

M-1. How does the Clery Act affect the Title IX obligations of institutions of higher education that participate in the federal student financial aid programs?

Answer: Institutions of higher education that participate in the federal student financial aid programs are subject to the requirements of the Clery Act as well as Title IX. The Clery Act requires institutions of higher education to provide current and prospective students and employees, the public, and the Department with crime statistics and information about campus crime prevention programs and policies. The Clery Act requirements apply to many crimes other than those addressed by Title IX. For those areas in which the Clery Act and Title IX both apply, the institution must comply with both laws. For additional information about the Clery Act and its regulations, please see <http://www2.ed.gov/admins/lead/safety/campus.html>.

M-2. Were a school's obligations under Title IX and the DCL altered in any way by the Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, including Section 304 of that Act, which amends the Clery Act?

Answer: No. The Violence Against Women Reauthorization Act has no effect on a school's obligations under Title IX or the DCL. The Violence Against Women Reauthorization Act amended the Violence Against Women Act and the Clery Act, which are separate statutes. Nothing in Section 304 or any other part of the Violence Against Women Reauthorization Act relieves a school of its obligation to comply with the requirements of Title IX, including those set forth in these Questions and Answers, the 2011 DCL, and the *2001 Guidance*. For additional information about the Department's negotiated rulemaking related to the Violence Against Women Reauthorization Act please see <http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/vawa.html>.

³⁷ 34 C.F.R. § 106.42.

N. Further Federal Guidance

N-1. Whom should I contact if I have additional questions about the DCL or OCR's other Title IX guidance?

Answer: Anyone who has questions regarding this guidance, or Title IX should contact the OCR regional office that serves his or her state. Contact information for OCR regional offices can be found on OCR's webpage at <https://wdcrobcop01.ed.gov/CFAPPS/OCR/contactus.cfm>. If you wish to file a complaint of discrimination with OCR, you may use the online complaint form available at <http://www.ed.gov/ocr/complaintintro.html> or send a letter to the OCR enforcement office responsible for the state in which the school is located. You may also email general questions to OCR at ocr@ed.gov.

N-2. Are there other resources available to assist a school in complying with Title IX and preventing and responding to sexual violence?

Answer: Yes. OCR's policy guidance on Title IX is available on OCR's webpage at <http://www.ed.gov/ocr/publications.html#TitleIX>. In addition to the April 4, 2011, Dear Colleague Letter, OCR has issued the following resources that further discuss a school's obligation to respond to allegations of sexual harassment and sexual violence:

- Dear Colleague Letter: Harassment and Bullying (October 26, 2010), <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>
- *Sexual Harassment: It's Not Academic* (Revised September 2008), <http://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.pdf>
- *Revised Sexual Harassment Guidance: Harassment of Students by Employees, Other Students, or Third Parties* (January 19, 2001), <http://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

In addition to guidance from OCR, a school may also find resources from the Departments of Education and Justice helpful in preventing and responding to sexual violence:

- Department of Education’s Letter to Chief State School Officers on Teen Dating Violence Awareness and Prevention (February 28, 2013)
<https://www2.ed.gov/policy/gen/guid/secletter/130228.html>
- Department of Education’s National Center on Safe Supportive Learning Environments
<http://safesupportivelearning.ed.gov/>
- Department of Justice, Office on Violence Against Women
<http://www.ovw.usdoj.gov/>

Memorandum

To: Board of Regents Audit and Compliance Committee

From: Tina Marisam, Director, Office of Equal Opportunity and Affirmative Action
Kimberly Hewitt, Office of Equity and Diversity

Date: January 23, 2017

Re: The roles of University offices in responding to reports of student sexual misconduct

This memorandum describes the roles of the University offices that participate in the University's student sexual misconduct investigation and adjudication processes.

1. Office of Equal Opportunity and Affirmative Action (EOAA)

EOAA receives reports of student sexual misconduct. EOAA provides information to complainants¹ about available resources for personal support and investigation. Where a complainant consents to a University investigation, or an investigation is necessary to ensure a safe and nondiscriminatory campus environment, EOAA investigates the sexual misconduct report to determine whether the Student Conduct Code has been violated. EOAA then forwards its written investigative findings to the Office for Student Conduct and Academic Integrity.

2. Office for Student Conduct and Academic Integrity (OSCAI)

OSCAI determines appropriate proposed sanctions in cases where EOAA has found that a student violated the University's Student Conduct Code. In all cases, OSCAI informs both parties in writing about: (1) the outcome of the EOAA investigation; (2) proposed sanctions in cases where EOAA made a policy violation finding; and (3) both parties' ability to request a hearing. OSCAI also provides EOAA's written investigative findings to both parties. In addition, an OSCAI staff member presents sexual misconduct cases before the hearing panel when respondent² students are not represented by an attorney. An OGC attorney will present when an attorney represents a respondent student.

3. Student Sexual Misconduct Subcommittee (SSMS) of the Campus Committee on Student Behavior (CCSB)

¹An individual is referred to as a "complainant" when the University learns that the individual may have experienced sexual misconduct.

²An individual is referred to as a "respondent" when the University learns that the individual is alleged to have engaged in conduct that could constitute sexual misconduct under this policy.

Parties in student sexual misconduct cases who disagree with EOAA's investigative findings and/or OSCAI's proposed sanction can request a hearing before a panel drawn from the SSMS. Panels are comprised of three voting members and a non-voting panel chair. SSMS members must attend twenty hours of training each year related to adjudicating sexual misconduct cases. After hearing the evidence presented at the hearing, the SSMS panel determines whether the respondent student violated the Student Conduct Code and, if so, what sanctions will apply.

4. University Senate Office

The University Senate Office provides support to the SSMS and assists SSMS chairs in managing the hearing process.³

5. Executive Vice President for Academic Affairs and Provost

The Executive Vice President for Academic Affairs and Provost or her designee serves as the appellate officer in appeals of SSMS decisions in sexual misconduct cases. The appellate officer may accept, modify, or reject the decision of the SSMS, or return the matter for further proceedings.

6. The Aurora Center

The Aurora Center provides advocates to assist complainants through the University's investigative and adjudicative processes. The Aurora Center also assists complainants as necessary to obtain housing, academic and other accommodations; make police reports or obtain protective orders; and obtain forensic examinations, among other things.

7. Student Conflict Resolution Services (SCRC)

SCRC provides advocates to assist respondent students through the University's investigative and adjudicative processes.

8. University of Minnesota Police Department (UMPD)

UMPD conducts criminal investigations into sexual misconduct reports. UMPD also refers complainants to EOAA, The Aurora Center and other University resources. In addition, UMPD shares information with EOAA about its sexual misconduct investigations as appropriate and permissible by law.

³ The University Senate Office also provides support to the CCSB, which hears all other student conduct issues, except sexual misconduct. Similarly, the Provost or her designee serves as the appellate officer in appeals of CCSB decisions.



BOARD OF REGENTS DOCKET ITEM SUMMARY

Audit & Compliance

February 9, 2017

AGENDA ITEM: External Auditor’s Review of Completed Audit Work

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

This is a report required by Board policy.

PRESENTERS: Suzanne Paulson, Assistant Controller
Katie Knudtson, Partner, Deloitte & Touche LLP

PURPOSE & KEY POINTS

The purpose of this item is to discuss FY 2016 audit and audit-like services performed by Deloitte since the update in December 2016. Services to be discussed include:

- Uniform Grant Guidance Federal Compliance Audit (single audit).
- Minnesota Office of Higher Education financial aid programs examination.
- Parking and Transportation Services examination.
- Student fees agreed-upon procedures.
- NCAA agreed-upon procedures.
- Regenerative Medicine agreed-upon procedures.

Audit reports are included in the docket with the exception of the student fees agreed-upon procedures report, which is anticipated to be issued in February 2017.

BACKGROUND INFORMATION

The Audit & Compliance Committee oversees external audit engagements on behalf of the Board of Regents. This report is presented in accordance with Board of Regents Policy: *Board Operations and Agenda Guidelines*.



University of Minnesota
Presentation to the Audit &
Compliance Committee of the
Board of Regents

February 9, 2017

Summary of other 2016 audit and audit-like services

The other services provided to the University of Minnesota by Deloitte & Touche LLP in 2016 included both audit and audit-like services.

A summary of the other audit services performed includes:

Service	Audit Requirement	Objective	Assurance Provided?
Federal Compliance Audit	Office of Management and Budget	Ensure compliance with federal grant requirements	Yes
OHE Examination	Minnesota Office of Higher Education	Ensure compliance of state financial aid programs	Yes
Parking and Transportation Services Examination	Federal Transit Administration	Ensure compliance with Uniform System of Accounts for revenues and expenses of parking & transportation services	Yes

Detailed information related to each of the other audit services includes:

Uniform Grant Guidance Federal Compliance Audit (Single Audit)

- Audit report on the schedule of expenditures of federal awards for the year ended June 30, 2016, issued in December 2016
- Audit performed in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of *Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*
- Audit required for federal expenditures in excess of \$750,000
 - Total University of Minnesota (the “University”) federal expenditures for the year ended June 30, 2016 were ~\$1.025 billion
 - Identified the following as major federal programs to be tested:

Major Federal Program	2016 Federal Expenditures (in thousands)
Research and Development programs	\$499,400
Student Financial Assistance programs	434,900
USAID Foreign Assistance for Programs Overseas	10,300
Centers for Medicare and Medicaid Services	3,100

- The University continues to qualify as a low-risk auditee
- Unmodified opinions on compliance for all major programs
- No significant deficiencies or material weaknesses in internal control over major programs
- No material instances of noncompliance for major programs
- No findings or questioned costs noted

Minnesota Office of Higher Education Financial Aid Programs examination

- Compliance examination for state grants performed in connection with Federal compliance audit
- Required procedures are outlined in the Financial Aid Programs Audit Guide issuance annually by the state of Minnesota
- Reports on compliance issued for each campus (Twin Cities, Duluth, Crookston, Morris)
- Reports issued in December 2016
- No findings noted

Parking Transportation Services examination

- Examination procedures performed over the University of Minnesota Parking and Transportation Services compliance with requirements of the Federal Transit Administration for information submitted to the National Transit Database
- Procedures covered activity for the period from July 1, 2015 to June 30, 2016
- Report issued in October 2016
- No findings noted

A summary of audit-like procedures includes:

Service	Compliance Requirement	Objective	Assurance Provided?
Student Fees agreed-upon procedures	Office of Student Affairs and Fees Committee	Promote fiscal responsibility of student organizations * no external requirement for these procedures	No
NCAA agreed-upon procedures	NCAA Bylaws	Assess compliance with NCAA bylaws established for Division I athletics related to revenue and expenses	No
Regenerative Medicine agreed-upon procedures	Minnesota state legislation	Assess compliance with state laws related to award expenditures for the Mayo Partnership in Regenerative Medicine	No

Detailed information related to each of the compliance services includes:

Student fees agreed-upon procedures

- Procedures performed for 35 student organizations (9 full-scope and 26 limited-scope) with respect to the financial affairs and accounting records of the student organizations
- Funding for the student organizations comes through student tuition fees and is managed by the Fees Committee (independent of the University)
- Procedures are established by the Office of Student Affairs with input from the Fees Committee
 - Two levels of procedures (full and limited)
 - Level of procedure dependent upon level of funding the student organization received
 - Full-scope procedures include detailed selections of revenue and expense transactions
- Findings noted and communicated to management of the student organizations and the Fees Committee:
 - Lack of underlying account reconciliations
 - Lack of consistency of supporting documentation
- Reports issued in February 2017

NCAA agreed-upon procedures

- Procedures performed for the University of Minnesota Athletic Department's compliance with NCAA bylaws
- Procedures are established by the NCAA for Division I athletics and include procedures over:
 - Revenues
 - Expenses
 - Capital assets
 - Debt
 - Affiliated organizations (Booster Clubs)
 - Internal controls
- Report issued in December 2016
- Findings noted and communicated to management include:
 - Equivalency value testing:
 - Due to a change in MN State Grant for one women's basketball player, the incorrect value was in the numerator for the equivalency value
 - One men's track student's loan fees were incorrectly factored into the equivalency value

Neither of these exceptions resulted in an NCAA violation

- Coaches salary testing: One coach received \$1,413 more in compensation than outlined within their contract.

Regenerative Medicine agreed-upon procedures

- Procedures performed for the University's compliance with Minnesota state laws for the Mayo Partnership in Regenerative Medicine
- Procedures performed over award expenditures for the period from July 1, 2014 to June 30, 2016
- Report issued in December 2016
- No findings noted



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University of Minnesota

Schedule of Expenditures of Federal Awards and
Schedule of Findings and Questioned Costs
for the Year Ended June 30, 2016, and
Independent Auditors' Reports

UNIVERSITY OF MINNESOTA

TABLE OF CONTENTS

	Page
INDEPENDENT AUDITORS' REPORT ON COMPLIANCE FOR EACH MAJOR FEDERAL PROGRAM; REPORT ON INTERNAL CONTROL OVER COMPLIANCE; AND REPORT ON SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS REQUIRED BY THE UNIFORM GUIDANCE	1-3
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS FOR THE YEAR ENDED JUNE 30, 2016	4-29
NOTES TO THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS FOR THE YEAR ENDED JUNE 30, 2016	30-31
SCHEDULE OF FINDINGS AND QUESTIONED COSTS FOR THE YEAR ENDED JUNE 30, 2016	32-33

INDEPENDENT AUDITORS' REPORT ON COMPLIANCE FOR EACH MAJOR FEDERAL PROGRAM; REPORT ON INTERNAL CONTROL OVER COMPLIANCE; AND REPORT ON SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS REQUIRED BY THE UNIFORM GUIDANCE

Board of Regents
University of Minnesota
Minneapolis, Minnesota

Report on Compliance for Each Major Federal Program

We have audited the University of Minnesota's (the "University") compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on each of the University's major federal programs for the year ended June 30, 2016. The University's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of the University's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the University's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the University's compliance.

Opinion on Each Major Federal Program

In our opinion, the University complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2016.

Report on Internal Control over Compliance

Management of the University is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the University's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the University's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

We have audited the consolidated financial statements of the University as of and for the year ended June 30, 2016, and have issued our report thereon dated December 5, 2016, which contained an unmodified opinion on those consolidated financial statements. Our audit was conducted for the purpose of forming an opinion on the consolidated financial statements as a whole. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is

not a required part of the consolidated financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the consolidated financial statements. The information has been subjected to the auditing procedures applied in the audit of the consolidated financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the consolidated financial statements or to the consolidated financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the consolidated financial statements as a whole.

Deloitte & Touche LLP

December 5, 2016

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
CLUSTERS				
RESEARCH AND DEVELOPMENT CLUSTER				
Agency for International Development				
Passthrough:				
CIMMYT Int'l Maize & Wheat Improvement	No Award Number	98		\$ 129,349
Michigan State University	RC102095BHEARD	98		85,273
Michigan State University	RC105463 UMinn	98		60,305
United States Pharmacopeial Convention	FAA-15-013 AMD#1	98		30,524
University of California, Davis	201400223-13 Amendment 1	98		21,831
Department of Agriculture				
Direct		10		1,442,088
Passthrough:				
Eltopia Communications, LLC	No Award Number	10		22,250
Leech Lake Band of Ojibwe	2015-NIFA-UMD	10		21,250
MN Department of Agriculture	A-83114 13255	10		45,166
MN Department of Agriculture	No Award Number	10		17,915
National Honey Board	No Award Number	10		15,938
NVE Corporation	PO-29608	10		9,150
University of Wisconsin-Madison	529K115	10		20,104
University of Wisconsin-Madison	576K251	10		9,555
US Civilian Research & Development Fdn	DAA2-15-61258-1	10		26,617
Department of Agriculture, Agricultural Marketing Service				
Direct		10		57,942
Passthrough:				
MN Department of Agriculture	103730 18071	10		13,720
MN Department of Agriculture	54790 / 3000005958	10		14,682
MN Department of Agriculture	57316 3(5)6698 amendment	10		1,937
MN Department of Agriculture	71850	10		49,271
MN Department of Agriculture	86196	10		34,593
MN Department of Agriculture	86199 / 13976	10		51,993
MN Department of Agriculture	86202	10		40,715
MN Department of Agriculture	86203 / 13978	10		45,290
MN Department of Agriculture	86765 14142	10		45,942
Department of Agriculture, Agricultural Research Service				
Direct		10		2,780,310
Department of Agriculture, Animal and Plant Health Inspection Service				
Direct		10		375,065
Passthrough:				
West Texas A&M University	15-9200-0409-06-15-15 / 15-9200-0409-CA	10		28,708
Department of Agriculture, Economic Research Service				
Direct		10		53,581
Department of Agriculture, Foreign Agricultural Service				
Direct		10		8,372
Department of Agriculture, Forest Service				
Direct		10		160,709
Passthrough:				
Virginia Tech	422139-19114	10		427
Department of Agriculture, National Institute of Food and Agriculture				
Direct		10		17,072,855
Passthrough:				
Colorado State University	G-57057-1	10		70,209
Cornell University	64094-9750 Amend 4	10		297,656
Cornell University	64188-9740 Amend 5	10		11,354
Cornell University	72159-10314 / 2014-67015-22040	10		48,862
Iowa State University	416-17-01C	10		505,170

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
Iowa State University	416-40-25A	10		\$ 95,239
Iowa State University	416-40-63G	10		152,412
Iowa State University	416-41-07A	10		52,545
Iowa State University	416-41-39A	10		134,077
Kansas State University	S16024	10		8,228
Kentucky State University	No Award Number	10		6,500
Michigan State University	RC100056UM Amend 4	10		19,238
Michigan State University	RC101676UM Amend 5	10		52,987
Michigan State University	RC103168UMN	10		68,100
Michigan State University	RC103522UMN	10		69,990
Michigan State University	RC104283B Amd 2 and 3	10		58,211
Michigan State University	RC104285H Amd 2	10		164,758
Michigan State University	RC104622D	10		55,700
North Carolina State University	2011-0056-02	10		29,679
North Central Risk Mgmt Education Center	25-6324-0150-015/2015-49200-24226	10		6,517
North Dakota State University	FAR0018591-1	10		24,906
North Dakota State University	FAR0025836	10		6,988
North Dakota State University	FAR0026101	10		10
Oregon State University	C0486A-A	10		14,962
Purdue University	8000067421-AG	10		28,425
Sun Grant	3TB497	10		41,540
Temple University	PO139259/Sub No240245	10		97,685
The Ohio State University	60045862 / 2015-68004-23131	10		53,342
The University of Arizona	70938 / 2012-68003-19812 prime	10		179,254
The University of Georgia	RC293-636/S000873	10		22,615
University of Illinois at Urbana-Champaign	2014-05981-01	10		19,289
University of Illinois at Urbana-Champaign	2014-07306-05 Amendment 1	10		21,811
University of California, Davis	201015718-16	10		483,740
University of Maryland	2552803 Amendment E	10		116,010
University of Wisconsin-Madison	350K884 Amend 4	10		77,443
University of Wisconsin-Madison	428K094 Amendment 04	10		69,513
University of Wisconsin-Madison	499K236 Amendment 01	10		4,112
University of Wisconsin-Madison	499K240 Amendment 01	10		10,044
University of Wisconsin-Madison	576K645	10		52,525
University of Wisconsin-Madison	613K664	10		8,382
Utah State University	13040101 / 2013-67015-21241	10		49,257
Virginia Polytechnic Inst & State University	422183-19114 / 422262-19114 Amend 6	10		21,439
Washington State University	115808 G002979	10		178,286
Department of Agriculture, Natural Resources Conservation Service				
Direct		10		131,246
Passthrough:				
The Xerces Society, Inc	No Award Number	10		6,514
Department of Agriculture, Rural Business-Cooperative Service				
Passthrough:				
Iowa State University	412-30-15	10		21,210
Iowa State University	412-30-27C	10		40,305
Iowa State University	412-30-31A	10		20,446
Department of Agriculture, The Office of the Chief Economist				
Direct		10		56,285
Department of Commerce				
Passthrough:				
Northeast-Midwest Institute	Subcontract #GSIUMD09-10 Am. #5	11		136,595
Department of Commerce, National Institute of Standards and Technology (NIST)				
Direct		11		296,417
Passthrough:				
University of Massachusetts Lowell	S51700000029488	11		2,957
University of Southern California	67426431	11		16,723
Department of Commerce, National Oceanic and Atmospheric Administration (NOAA)				
Direct		11		203,822
Passthrough:				
Great Lakes Observing System	Project # IOOS/DATA-01	11		68,199

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
Minnesota's Lake Superior Coastal Prog	88814/3000070776	11		\$ 6,009
Minnesota's Lake Superior Coastal Prog	92167/3000074399	11		6,370
Minnesota's Lake Superior Coastal Prog	Contract 105908 / PO 3000089723	11		10,050
MN Department of Natural Resources	14-306A-01 - 88200/3000070063	11		24,460
MN Department of Natural Resources	CoastalAgreem. 13-306-17/3000046326	11		1,238
MN Department of Natural Resources	Contract 195197 / PO 3000088962	11		16,092
University of Michigan	3002475295	11		143,891
University of Michigan	3003216662 amendment 1	11		24,375
Department of Defense				
Direct		12		2,406,371
Passthrough:				
Adventium Labs	1039-UMN MOD3	12		255,438
Biodiversity LLC	W911NF-15-P-0027-S01	12		32,000
Boston Applied Technologies, Inc	PO #2499A	12		2,189
Carnegie Mellon University	1990360-350168 Am. 1	12		32,601
Cherokee Nation Technology Solutions	RFQ 1SSA15021-0044/150057.0044S02-0016	12		185,373
Gaia Medical Institute, LLC	W81XWH-13-C-0225	12		36,627
General Dynamics	14-SC-0104 mod 3	12		6,198
High Performance Tech Inc	14463-PETTT-MINN PO-0007293 TO3, Rel 02	12		20,000
High Performance Tech Inc	14463-PETTT-MINN,TO4,PO#0007293-Release3	12		29,138
High Performance Tech Inc	14463-PETTT-UMN	12		16,921
Honeywell Inc	PO 4205812813	12		11,577
Orbis Biosciences, Inc	No Award Number	12		59,706
Raytheon Company	4201198079	12		23,223
Rockwell Collins, Inc	4504789784 CO 7	12		175,559
Smart Information Flow Tech	FUZZB-UMN-01	12		7,362
Space Dynamics Laboratory	EXACT / CP0039741	12		4,310
Spectral Sciences, Inc	3406-001-47	12		50,000
Technology Service Corporation	TSC-1076-40066 Mod 2	12		17,907
Tissue Testing Technologies, LLC	H151-014-0042/W81XWH-15-C-0173	12		44,739
Department of Defense, Advanced Research Projects Agency				
Direct		12		764,541
Passthrough:				
IBM Corporation	4912038362	12		10,112
University of Illinois at Urbana-Champaign	2012-05660-03 / A0128	12		18,001
Department of Defense, Department of the Air Force, Materiel Command				
Direct		12		2,338,883
Passthrough:				
California Institute of Technology	52-1093214	12		163,792
Carnegie Mellon University	1150119-294738 Amend 6	12		137,785
Rice University	R18711 - Sub#FA9550-15-1-0022	12		310,151
The Ohio State University	PO# RF01358604 Project# 60041477 Mod 5	12		102,526
The Research Foundation of SUNY	1122373-2-70297	12		43,414
University of North Carolina at Charlotte	20100669-03-UMN	12		107,786
University of Pennsylvania	556016	12		217,988
University of Southampton	514541101	12		172,552
University of Washington	UWSC7794 BPO14559 amendment 1	12		480,110
Department of Defense, Department of the Navy, Office of the Chief of Naval Research				
Direct		12		3,172,449
Passthrough:				
Massachusetts Institute of Technology	5710003352	12		137,409
University of California, Berkeley	00008157 Amend 04	12		155,880
University of California, Los Angeles	1015 G QA113/ N00014-12-1-0883	12		20,470
University of Michigan	3002460613	12		159,102
Department of Defense, National Security Agency				
Direct		12		88,271
Passthrough:				
Medtronic Inc	PO 4300600847 HR0011-16C-0014/ PO 430060	12		132,055
Department of Defense, Office of the Secretary of Defense				
Direct		12		1,418,567
Passthrough:				
Massachusetts Institute of Technology	5710003933	12		40,003
Oklahoma State University	AA-5-33690	12		66,118
Department of Defense, U.S. Army Materiel Command				
Direct		12		2,346,171

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
Passthrough:				
3M Co	PO #USMMMR74D6	12		\$ 342,250
BBN Technologies Corp	0W911NF-09-2-0053	12		95,042
Cornell University	66220-9899 Am 8	12		120,971
Intel Corporation	CW1987326	12		45,035
Rice University	R17833 am 8	12		347,033
Department of Defense, U.S. Army Medical Command				
Direct		12		3,587,784
Passthrough:				
3M Co	W81XWH-15-2-0048	12		151,716
Albert Einstein College of Medicine	PO#519026-AE#321127-W81XWH-13-1-0180	12		85,691
Children's Research Institute	Agreement 01-W81XWH-12-1-0417	12		(11,229)
Minneapolis Medical Research Foundation	4-22-2013 FIXIT Mod #1	12		(498)
Minneapolis Medical Research Foundation	Acetabular Fractures	12		1,150
Minneapolis Medical Research Foundation	BIOBURDEN Mod #1	12		10,750
Minneapolis Medical Research Foundation	METRC2 - W81XWH1020091 Mod 4	12		21,329
Minneapolis Medical Research Foundation	RetroDEFECT Task Order	12		1,400
Oregon Health & Science University	1007494_UMN	12		64,051
The University of Alabama at Birmingham	000507860-003	12		117,217
University of Colorado Denver	FY16.794.012 (PO1000602983)	12		168,496
University of Washington	Subaward No. UWSC7394 / BPO7953	12		136,431
University of Washington	UWSC8596	12		35,281
Virginia Commonwealth University	PT108802-SC107144	12		57,246
Department of Education				
Passthrough:				
American Institutes for Research	01241-03175/ED-IES-12-C-004	84		2,892
Department of Education, Institute of Education Sciences				
Direct		84		2,769,235
Passthrough:				
The University of North Carolina at Chapel Hill	5-39254	84		51
The University of Kansas	FY2013-003	84		55,828
University of Delaware	40810	84		20,788
University of Oregon	224520A	84		80,425
Department of Education, Office of Elementary and Secondary Education				
Passthrough:				
Intermediate District #287	S342747, S343084, S343403	84		11,968
Department of Education, Office of Innovation and Improvement				
Direct		84		2,860,294
Department of Education, Office of Postsecondary Education				
Direct		84		528,708
Department of Education, Office of Special Education and Rehabilitative Services				
Direct		84		(302,113)
Passthrough:				
Advanced Medical Electronics Corporation	AME14-NIDRRhancedConv-14/H133S130064	84		20,602
University of Illinois Chicago	90RT5032-02-01	84		65,655
University of Massachusetts Boston	S20150000029528	84		70,000
Department of Energy				
Direct		81		12,883,655
Passthrough:				
Aerosol Dynamics Inc	3334 am 2	81		18,042
California Institute of Technology	52-1095145	81		131,221
Colorado State University	G-22033-1 am 2	81		28,625
Columbia University	G04609/GG009328/G06037	81		31,035
Consortium for Plant Biotechnology Res, Inc	GO12026-304/DE-FG36-02GO12026-008 Amd G	81		37,289
Consortium for Plant Biotechnology Res, Inc	GO12026-319/DE-FG36-02GO12026-008 Amd H	81		34,456
Donald Danforth Plant Science Center	23009-MN	81		111,365
Eaton Corporation	PO# 0011-39255	81		50,492
Midwest Renewable Energy Association	DE-EE0006910	81		55,634
MN Department of Commerce	90130 - UoFm (MNTAP Sub DE6888)- G	81		86,028
MOgene, LC	DE-AR0000457 REMOTE	81		95,597
MSP Corporation	DE-SC0013302	81		44,839
Princeton University	00001701 Mod. 6	81		1,967
Princeton University	S012824-F	81		19,491

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
Rutgers, The State University of New Jersey	5910/PO# S2364740	81		\$ 1,576
South Dakota State University	3TS162	81		3,647
Stanford University	US DOE Subaward 60544213-107908 Amend 2	81		89,981
The Research Foundation of SUNY	11-30 / DE-FE0007190	81		98
The University of Texas at Austin	UTA15-000561	81		126,111
The University of Toledo	N-123308-01 2015-30	81		18,237
University of Texas	UTA12-000915	81		110,666
University of California, Berkeley	DE-SC0001015/00008631	81		269,952
University of California, Irvine	2015-3241	81		56,046
University of Delaware	37791/DE-SC0001004	81		442,163
University of Michigan	3001346400 Amd. 7	81		262,121
University of Notre Dame	209008, 202373 Amd. 8	81		135,237
University of Wisconsin-Madison	635K633	81		151,231
University of Wisconsin-Madison	637K162	81		122,622
Washington State University	118717-G003369	81		49,222
Yale University	C08E10003 / DE-FG02-08ER46482	81		70,298
Department of Energy, National Nuclear Security Administration				
Direct		81		389,158
Department of Energy, Office of Energy Efficiency and Renewable Energy				
Direct		81		576,185
Department of Energy, Office of Science				
Direct		81		3,630,842
Passthrough:				
South Dakota State University	3TS676	81		271,808
Department of Health and Human Services				
Direct		93		207,468
Passthrough:				
Cellerant Therapeutics, Inc	CLT008-03	93		63,565
RAND Corporation	9920150029 amendment 5	93		118,653
RAND Corporation	Subcontract 9920150029	93		113,449
Research Triangle Institute	Task Order 007 Subk 3-312-0212704-52520L	93		4,483
The University of Alabama at Birmingham	000438814 T005 SC001	93		14,500
The University of Alabama at Birmingham	000438814 T03 SC001	93		14,983
University of South Florida	PO #0000223314 Amendment #7	93		114,361
University of Washington	UWSC6241 727119 Am 4	93		131,248
Department of Health and Human Services, Administration for Children and Families				
Direct		93		113,789
Passthrough:				
MN Department of Human Services	GRK% 30794 Am 3	93		1,065
Department of Health and Human Services, Administration for Community Living				
Direct		93		1,686,644
Passthrough:				
MN Board of Aging	333-14-PPHF-097	93		10,368
Vanderbilt University	VUMC 42027 Amend 2 NCE	93		1,451
Department of Health and Human Services, Agency for Healthcare Research and Quality				
Direct		93		1,798,464
Passthrough:				
Cedars-Sinai Medical Center	Subaward 0001198195	93		19,765
Medica Research Institute	UNIMN-0064	93		57,874
Minneapolis Medical Research Foundation	R18HS022065	93		18,397
Purdue University	4102-67281	93		90,295
University of Colorado Denver	PO # 1000550528	93		86,372
University of Michigan	3003309463 am 1	93		4,062
University of Pennsylvania	Subaward 565342 / PO# 3506324	93		7,647
Westat, Inc	8846.08-PO-13	93		4,881
Department of Health and Human Services, Centers for Disease Control and Prevention				
Direct		93		3,549,917
Passthrough:				
Big Brothers Big Sisters-Greater TC	No Award Number	93		5,552
Emory University	T507350	93		11,316
MN Department of Health	101975	93		18,793
MN Department of Health	55946	93		14,115
MN Department of Health	91052	93		3,731
MN Department of Health	No Award Number	93		2,309

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
Simmersion, LLC	SIMmersion LLC	93		\$ 46,863
The National Fragile X Foundation	No Award Number	93		2,189
University of California, Los Angeles	1925 G TA012	93		291,382
University of Pennsylvania	565259 amd 1	93		13,252
Department of Health and Human Services, Centers for Medicare and Medicaid Services				
Passthrough:				
Generations Health Care Initiatives, Inc	Award under MDH 87661	93		8,304
Mayo Clinic Rochester	1C1CMS330964-03-00	93		3,621
Memorial Sloan-Kettering Cancer Center	BD518211A	93		27,643
MN Department of Human Services	64294 Amend 2	93		19,942
MN Department of Human Services	PTL%70316	93		65,495
Department of Health and Human Services, Food and Drug Administration				
Passthrough:				
National Opinion Research Center	7844.MPC.01	93		86,967
National Opinion Research Center	7867.MPC.01	93		119,683
Natl Capital Consortium Ped Device Innovation	PID3000-1895	93		40,937
Natl Inst for Pharm Technology & Educ	NIPTe-U01-MN-2015-001 AMD#1	93		1,029
Natl Inst for Pharm Technology & Educ	NIPTe-U01-MN-2015-002	93		230,743
Natl Inst for Pharm Technology & Educ	NIPTe-U01-MN-2016-001	93		143,688
Natl Inst for Pharm Technology & Educ	NIPTe-U01-MN-2016-002	93		144,808
Oregon Health & Science University	1002563UMINN	93		142
Department of Health and Human Services, Health Resources and Services Administration				
Direct		93		36,396
Passthrough:				
Minneapolis Medical Research Foundation	HSH250201000018C	93		(3,454)
Minneapolis Medical Research Foundation	MMRF#07315	93		25,971
MN Department of Health	No Award Number	93		(24,704)
The Ohio State University	60048176 AM 2	93		17,366
University of Illinois at Chicago	2010-04296-06-04	93		40,156
University of Illinois at Chicago	No Award Number	93		190,250
Department of Health and Human Services, National Institutes of Health				
Direct		93		243,814,060
Passthrough:				
Advanced Medical Electronics Corporation	AME14-GrapheneSensor-15	93		6,390
Advanced Medical Electronics Corporation	AME15-Dementia-14 Grant 2R44AG041667-02A	93		57,404
Advanced Medical Electronics Corporation	AMEC/1R43OD012305-01 prime	93		35,000
Advanced MRI Technologies	1R44NS073417 Amend 4	93		3,935
Adventium Labs	1025-002-001-010	93		214,214
Albert Einstein College of Medicine	310268, Amend 6	93		2,037
Allina Health System	CCTR-10-004 UMN / SUM1HL087394-10	93		53,411
Allina Health System	No Award Number	93		91
Altor Bioscience Corporation	UMN-ALT-803-02-13 MM Trial	93		14,844
American College of Radiology	ACRIN 6698 Institution #4246	93		125
Arizona State University	16-779	93		262,786
Audiology Inc	R33DC011769	93		15,780
Baylor College of Medicine	102087756	93		15,690
Baylor College of Medicine	102171820	93		49,496
Beckman Res Inst of the City of Hope	22390.914991.6688	93		(65)
Beckman Res Inst of the City of Hope	51443.2000555.669301 / PO #3000040290 A1	93		25,784
Benaroya Research Inst at Virginia Mason	Subaward No. FY16ITN105 Amendment 02	93		14,924
Beth Israel Deaconess Medical Center	Subaward No. 01028223 - CORE B	93		449,187
BioStrategies LC	Grant 1R43NS086326-01	93		134,895
Boston College	5100711-5, Amend 1	93		71,151
Boston College	5100716-4-01	93		6,055
Boston College	5101963-1	93		455,360
Boston College	5101972-8	93		17,380
Boston University	BUMC #4500001119 /AG018037-14 amend #5	93		22,321
Brigham and Women's Hospital	Alliance for Clinical Trials In Oncology	93		3,600
Brigham and Women's Hospital	No Award Number	93		3,583
Brigham and Women's Hospital	PS#113296	93		4,000
Brigham and Women's Hospital	Subaward #111014 / U01AG048270	93		6,241
Brown University	00000860	93		117,212
California Pacific Medical Center	28021005-S174 amd 2	93		39,268

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
California Pacific Medical Center	2803209-S099 Amendment 6	93		\$ 39,313
California Pacific Medical Center	2803232-S150 amd 5	93		20,987
Carolinas Healthcare System	1R01DE023375-01A1	93		4,818
Carolinas Healthcare System	1U01DE022939 amend # 5	93		263,995
Case Western Reserve University	DK094157/RESS08318RES509263/RES510016 A1	93		151,328
Case Western Reserve University	RES508612 Amend 3	93		7,368
Case Western Reserve University	RES509455	93		126,017
Case Western Reserve University	RES509466/DP3DK104438	93		15,301
Case Western Reserve University	RES509942 Amend 1/5R01DK097836-03	93		18,481
Children's Hospital Boston	PO# 0000588719 - Amendment 7	93		30,018
Children's Hospital Boston	PO#0000620691 Amendment 3	93		421
Children's Hospital Los Angeles	P2013-0010 Amendment 6	93		209,649
Children's Hospitals & Clinics of MN	No Award Number	93		4,569
Children's Research Institute	CINRG Study Specific Agreement 01 Amend2	93		(3,294)
Children's Research Institute	CINRG Study Specific Agreement 02 Mod 2	93		2,000
Children's Research Institute	CINRG Study Specific Agreement 04 Mod 2	93		(4,835)
Cincinnati Children's Hospital Med Ctr	109363/R24HL105333 Am 4	93		8,306
Cincinnati Children's Hospital Med Ctr	Subaward 134433 Am 1 PO:3100454799	93		575,430
Colorado State University	G-46909-1	93		6,477
Columbia University	1(GG010608-01)	93		10,772
Connecticut Children's Medical Center	Agreement #12-179296-35-01	93		4,037
Cornell University	14040540 AMD #7	93		186,766
Cornell University	16050721-02	93		19,516
Dana-Farber Cancer Institute	1153511	93		318,115
Dartmouth College	1558	93		(10,410)
Dartmouth College	R824	93		61,303
Dartmouth College	Subaward No. 895	93		19,998
Discovery Genomics Inc	Subaward No. 1 pending extension	93		56,357
Dnatrek, LLC	R41ES025070	93		31,698
Duke University	2032595	93		9,636
Duke University	2034722	93		13,450
Duke University	5U19AI056363-10REV 203-2964	93		6,918
Duke University	HHSN-275201000003I Task Order 25/Amend 1	93		5,262
E I du Pont de Nemours and Company	Account # 30-03671-001 Amd 4	93		2,306
Eastern Coop Oncology Group	MB2036BV-00 Amendment #7	93		(909)
Emory University	Subaward T263357/ T540180	93		106,120
Emory University	T452671 Amend 1	93		135,132
Emory University	T475876	93		9,045
Emory University	T484580 AMD No. 9	93		442,091
FHI 360 Disaster Relief Fund	5466	93		6,706
Florida Atlantic University	RJ23 / DSR#11-434(2) / Acct#180283	93		128,832
Florida Atlantic University	RJ44	93		53,759
Florida International University	800001054-02, Amend 5	93		20,882
Fluorescence Innovations, Inc	9/2015	93		195,502
Fox Chase Cancer Center	FCCE15057-05/PO# SQ1305629/PO#201020042	93		31,257
Fox Chase Cancer Center	HHSN26100002 (FCCE 18031-01)	93		49,273
Fred Hutchinson Cancer Research Center	0000806483	93		10,816
Fred Hutchinson Cancer Research Center	0000813861 Project 207806	93		37,528
Fred Hutchinson Cancer Research Center	0000813870 Project 207806	93		5,498
Fred Hutchinson Cancer Research Center	0000845094	93		32,808
Fred Hutchinson Cancer Research Center	0000866612	93		15,585
Fred Hutchinson Cancer Research Center	0000866616	93		2,044
Fred Hutchinson Cancer Research Center	0000868784 (previous # 0000850252)	93		182,389
Fred Hutchinson Cancer Research Center	5R01CA118953-08/212968/828636-211014	93		28,296
Fred Hutchinson Cancer Research Center	subaward 0000753275 / prev #730289	93		9,861
Gynecologic Oncology Group	27469-013	93		(10,825)
Harvard Medical School	Subaward 152382.5087281.1108	93		310,202
Harvard University	116071-5089700	93		139,817
Harvard University	116349-5077672/1R01AG048037	93		228,907
Harvard University	152441.5079288.0003 Amend 3	93		25,828
Harvard University	PO 0000648065 - Amendment 3	93		57,579
Hauptman-Woodward Medical Research Inst	NIHNRP-Sub1	93		2,805
Health Research, Inc	29-02 Am 1	93		93,635
HealthPartners Inst for Educ & Research	45777Subaward X1317500-UMN Amend 1	93		14,762
HealthPartners Inst for Educ & Research	85285270-X1103700	93		58,084

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
HealthPartners Inst for Educ & Research	A/U 85285270 - X0909600	93		\$ 1,412
HealthPartners Inst for Educ & Research	PO 85285270-X1109000 -- Mod 3	93		8,428
HealthPartners Inst for Educ & Research	X1301200UMN amd 1	93		15,605
Imbio, LLC	1R43CA203050-01	93		16,155
Indiana University	IN4689907UMN / PO#1736020	93		46,850
Indiana University	IN4689910UMN / PO 1778614	93		12,228
Indiana University	Subaward IN4689687UMN AM2 PO# 1706586	93		43,355
Iowa State University	430-46-05B Amendment 4	93		48,874
IRIS Media Inc	Project ID 68/ HD066896	93		1,857
Jaeb Center for Health Research	1U10EY020797-01A1 Site 112	93		(245)
Jaeb Center for Health Research	ATS18	93		3,025
Jaeb Center for Health Research	E02	93		1,946
Jaeb Center for Health Research	No Award Number	93		4,972
Jaeb Center for Health Research	PEDIG/PCSOR-C02	93		1,996
Jaeb Center for Health Research	SAS1	93		718
Jaeb Center for Health Research	U10EY14231 Protocol V	93		8,066
Jewish General Hospital	R01-AI054145-03 AM#3	93		(60,654)
Johns Hopkins University	2000834334 Amd 9	93		3,769
Johns Hopkins University	2001110252 / R01EB12547	93		65,158
Johns Hopkins University	2001184189 Amd. 5	93		24,296
Johns Hopkins University	2001660168 (SU01-CA164975-03) amd 3	93		65,712
Johns Hopkins University	2002345502 Amd #1	93		5,269
Johns Hopkins University	2002825182	93		70,901
Johns Hopkins University	2002869214	93		13,950
Johns Hopkins University	2002939809 (previously 2002206440)	93		25,036
Johns Hopkins University	Subaward 2001374023, Amend 6	93		5,041
Johns Hopkins University	Subaward# 2002974827	93		20,324
Joslin Diabetes Center, Inc	1987203-2 Amendment 4	93		249,887
Joslin Diabetes Center, Inc	1987203-8, Amend 5	93		458,571
Joslin Diabetes Center, Inc	Subaward # 1987203-4 Amendment 7	93		489,127
Kaiser Fdn Res Inst	115-9488-01/KR021096, Amend 5	93		106,302
Kaiser Fdn Res Inst	2297-2539 amendment 1	93		42,706
Kaiser Fdn Res Inst	RNG200279	93		31,015
Kaiser Fdn Res Inst	RNG200279-04	93		28,842
Kaiser Permanente	115-9107-02 M1/ KR020815 AMD#5	93		36,479
Kaiser Permanente	RNG200103-AL-Lewis Amd 1	93		105,522
Kansas State University	S15214.01 Mod 1	93		23,184
KU Center for Research, Inc	FY2015-060-M1	93		210,210
La Jolla Inst for Allergy & Immunology	Subaward No 27004-98-391/ 27005-98-391	93		15,932
Lehigh University	1R15GM117560-01	93		2,706
Leidos Biomedical Research, Inc	12XS455/STO4/A02099ST Mod #2	93		580
Leidos Biomedical Research, Inc	13XS134Q10	93		1,238,772
Leidos Biomedical Research, Inc	13XS134Q8	93		524,467
Leidos Biomedical Research, Inc	13XS134T03	93		1,002,911
Leidos Biomedical Research, Inc	13XS134T05	93		498,043
Leidos Biomedical Research, Inc	13XS134T06	93		458,611
Leidos Biomedical Research, Inc	13XS134T07 (Letter Agreement)	93		409,645
Leidos Biomedical Research, Inc	16X054Q1	93		610,496
Leidos Biomedical Research, Inc	16X054Q2	93		723,273
Leidos Biomedical Research, Inc	16X054Q3	93		99,413
Leidos Biomedical Research, Inc	16X054Q4	93		102,966
Leidos Biomedical Research, Inc	29XS128, Order #08, A59101, MOD#15	93		384,462
Leidos Biomedical Research, Inc	Task Order #: 13XS134Q1	93		6,228,463
Los Angeles Biomedical Research Inst	Subaward 20954/PO 16007570-UMN Am 4	93		49,681
Loyola University of Chicago	LU # 206610	93		15,993
Massachusetts General Hospital	Subaward No. 219591 Amend 4	93		34,758
Mayo Clinic Rochester	5P01HL076611-10	93		9,129
Mayo Clinic Rochester	5P50CA116201-09 / PO No. 63774669	93		19,483
Mayo Clinic Rochester	5R01CA164241-05 / PO #64218656	93		22,289
Mayo Clinic Rochester	5R01HL110539-04 / PO #63691532	93		63,130
Mayo Clinic Rochester	5U01DK082843-07 Amend 6	93		50,884
Mayo Clinic Rochester	5UL1TR000135-08/ PO 63320465/63672488	93		287
Mayo Clinic Rochester	63216555	93		(47,624)
Mayo Clinic Rochester	64107267/5R01CA168575-02	93		37,466

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
Mayo Clinic Rochester	64243118	93		\$ 20,297
Mayo Clinic Rochester	64249621 AMD 2	93		33,552
Mayo Clinic Rochester	64600784/ REG-180446-03/ 4R01GM103841-04	93		22,154
Mayo Clinic Rochester	PO #63806572/ 5U54CA153605-05	93		784
Mayo Clinic Rochester	PO#64643220 AMD#4	93		108,156
Mayo Clinic Rochester	PO: 63691533/SDP1DA031340-05	93		23,931
Mayo Clinic Rochester	REG-189273; PO 64488679	93		100,257
Mayo Clinic Rochester	REG-194321/PO64475750	93		4,751
Mayo Clinic Rochester	REG-201232-01 amd 2	93		113,027
Mayo Clinic Rochester	REG-204391 - PO#64239238	93		105,494
Mayo Clinic Rochester	REG-205268	93		32,710
Mayo Clinic Rochester	REG-213109 (Sub), 1R21HL132256-01 (Prime)	93		9,112
Mayo Clinic Rochester	REG-213137 PO#64652809	93		1,915
Mayo Clinic Rochester	REG-213364/PO:64663832	93		1,273
Mayo Clinic Rochester	Subaward REG-177796-03 / PO 64628189	93		7,714
Mayo Clinic Rochester	UMN-202340-01 / PO 64584547	93		189,106
Mayo Clinic Rochester	UOM-180154-05/UOM-180154-06 R01CA154517	93		149,811
Mayo Clinic Rochester	UOM-208331 (PO 64414749)	93		13,022
Medical College of Wisconsin	5R01EY024969-02	93		61,914
Medical University of South Carolina	MUSC09-144 Amd 5	93		29,998
Medical University of South Carolina	MUSC14-055 amd 2	93		10,993
Memorial Sloan-Kettering Cancer Center	BD516125	93		3,772
Memorial Sloan-Kettering Cancer Center	BD518885	93		87,700
Memorial Sloan-Kettering Cancer Center	PO# BD517087	93		27,130
Mercer University	720665	93		2,826
Michigan Public Health Institute	K-30209-116-504200	93		106,068
Michigan State University	RC100161 Amd. 7	93		142,768
Michigan State University	Subaward No. RC100246UMN Amd. 3	93		(1,409)
Microfluidic Innovations, LLC	UMN-1 NCE	93		62,900
Minneapolis Medical Research Foundation	00042-01/5R01AG037551-05 Mod 1	93		11,299
Minneapolis Medical Research Foundation	07149-4	93		29,112
Minneapolis Medical Research Foundation	07292-2	93		177,245
Minneapolis Medical Research Foundation	07327-1 amendment 3	93		147,276
Minneapolis Medical Research Foundation	07362-01	93		1,354
Minneapolis Medical Research Foundation	07373-1 AMD2	93		12,277
Minneapolis Medical Research Foundation	07373-2 amd 2	93		5,714
Minneapolis Medical Research Foundation	07377-1	93		84,200
Minneapolis Medical Research Foundation	07408-1	93		1,913
Minneapolis Medical Research Foundation	07417 / 5UG1DA040316-02	93		72,928
Minneapolis Medical Research Foundation	5R01AG037551-05	93		13,110
Minneapolis Medical Research Foundation	ACCORDION-Eye Mod 6	93		(1,282)
Minneapolis Medical Research Foundation	HHSN268201100027C Mod #11	93		36,334
Minneapolis Medical Research Foundation	MMRF/5R01AG037551-05	93		37,879
MN Chapter, Academy of Pediatrics Fdn	No Award Number	93		(2,097)
Moai Technologies, LLC	1R43AG049548-01A1	93		45,554
Moai Technologies, LLC	1R43LM012085-01	93		20,939
Moai Technologies, LLC	No Award Number	93		7,052
Mount Sinai School of Medicine	0255-8271-4609 amd 1	93		124,386
Mount Sinai School of Medicine	0255-9035-4609 Amend 3	93		49,246
MSP Corporation	Subaward HD072739-Somani	93		10,084
National Jewish Health	20072207/2R01HL089897	93		19,650
National Marrow Donor Program	BMT CTN 0402	93		96,653
National Marrow Donor Program	Protocol Rider #0901	93		20,859
Nationwide Children's Hospital	Sub No. 952614 / PO #WX00265988 Amend #2	93		23,890
Nat'l Development & Research Inst, Inc	PO# 000582 NDRI #626E	93		23,120
Net eSolutions	NETE-Minn-OEP-2015	93		275,849
Neuro Devices, Inc	5R42TR000462-03 Mod 1	93		244,418
Neuro Devices, Inc	R41NS071979 Phase II - Amendment 1	93		320,564
New England Research Institutes	TMH-MARS	93		5,773
New York University	10-01254; Proj #801860, Amend 4	93		(8,707)
New York University	15-A1-00-002912-01	93		12,732
New York University	PO# M160023165/12-01924/ 5R01AI098302-03	93		44,393
New York University	S#10-01073/Site001409	93		815

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
The Children's Hospital of Philadelphia	WorkloadIntensity/FP00013012_SUB361_01	93		\$ (296)
The Emmes Corporation	1765699	93		406,995
The Emmes Corporation	1UC4DK098086-01	93		14,390
The Emmes Corporation	Collaborative Islet Transplant Registry	93		21,982
The George Washington University	15-B03	93		262,295
The George Washington University	15-M16 Am 1	93		79,315
The George Washington University	S-EDS1516-AC49	93		6,045
The George Washington University	S-GRD1516-AC28/U01-DK098246-04/Mod1	93		608,139
The George Washington University	S-GRD1516-AC42	93		1,411,034
The George Washington University	S-MFM1516-JB01	93		13,871
The Henry M Jackson Foundation	812761 / 306880-1.00-63426	93		41,617
The Ohio State University	60045865 Am1	93		20,009
The Ohio State University	60047320	93		18,536
The Ohio State University	Sub No.: 60037145	93		12,732
The State University of New York Buffalo	R780456 amd3	93		18,552
The University of North Carolina at Chapel Hill	5032772, Amend 1	93		41,870
The University of North Carolina at Chapel Hill	5033532	93		164,786
The University of North Carolina at Chapel Hill	5033724 (previously 5-33724) AMD#3	93		54,020
The University of North Carolina at Chapel Hill	5034376	93		12,509
The University of North Carolina at Chapel Hill	5050125/HD055741	93		10,888
The University of North Carolina at Chapel Hill	5050152 (formerly 5-50152)	93		19,946
The University of North Carolina at Chapel Hill	5050191 (formerly 5-50191)	93		17,694
The University of North Carolina at Chapel Hill	5050213 (formerly 5-50213)	93		9,896
The University of North Carolina at Chapel Hill	5101372	93		425,659
The University of North Carolina at Chapel Hill	5102716	93		6,956
The University of North Carolina at Chapel Hill	5103484	93		1,038,581
The University of North Carolina at Chapel Hill	5103811	93		6,396
The University of North Carolina at Chapel Hill	5-31276 Amd. 9	93		5,373
The University of North Carolina at Chapel Hill	5-50148 amd 2	93		29,949
The University of North Carolina at Chapel Hill	Subaward no. 5031529 Amendment 4	93		167,214
The University of Alabama	000412838-041	93		296,298
The University of Alabama	000430850-004	93		232,786
The University of Alabama at Birmingham	000402758-001 Amend No. 9	93		163,237
The University of Alabama at Birmingham	000412838-048	93		181,085
The University of Alabama at Birmingham	000500517-001 Amend 3	93		2,519
The University of Alabama at Birmingham	000501394-001, Amend 2	93		152,521
The University of Alabama at Birmingham	000504515-SP001-001 A06	93		1,327,154
The University of Alabama at Birmingham	000505098-002/7U24MD006970-06 Amend 6	93		231,722
The University of Alabama at Birmingham	HHSN272201100036C/000406279-004	93		24,787
The University of Alabama at Birmingham	UAB#00508050-010	93		1,626
The University of Arizona	225777/R01AA20270	93		11,475
The University of Arizona	266607	93		42,126
The University of Arizona	Y600266 Amd #4 2P01-CA027502-28A2	93		42,459
The University of Iowa	PO #1000806507 Amd 05	93		9,596
The University of Iowa	Req ID No. W000771276 / PO 1001552178	93		62,486
The University of Iowa	Req ID W000678164/PO 1001422088 Amend 7	93		91,801
The University of Iowa	Subaward PO 100111589 Amendment 03	93		2,678
The University of Iowa	Subaward W000732409/PO 1001504352	93		25,820
The University of Iowa	Subaward W000732419 Amendment 4	93		282,130
The University of Iowa	W000524345, PO 1001218148 Amd 10	93		2,303
The University of Iowa	W000783975/PO#1001571251	93		25,386
The University of Kansas	FY2016-063 AMD#1	93		1,212,651
The University of Kentucky Research Fdn	3048112557-16-017	93		36,788
The University of New Mexico	3RY83	93		12,734
The University of Toledo	N-2013-05	93		2,876
The University of Utah	10018282-02 Amd 4	93		5,000
The University of Utah	Subaward 10024523-01 Amendment 3	93		20,706
The University of Vermont	22061SUB50475 Amend 18	93		26,580
The University of Vermont	26501SUB1245 AMD#3	93		3,976
The University of Vermont	SUBS1767 UMN	93		22,479
Tissue Testing Technologies, LLC	No Award Number	93		29,614
Treatment Research Institute	UM027841.5 Amendment 9	93		52,534
Tufts Medical Center	5007383-SERV, Amend 6	93		80,817
Tufts Medical Center	5007630-SERV, Amend 4	93		4,835

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
Tufts University	HH4013/R01DK098606	93		\$ (3,789)
UT Health Science Center Houston	0011496C	93		5,492
University of Memphis	5-40118 / PO 119119 Amendment 3	93		166,018
University of Missouri	101413C00049347-1	93		106,439
University of Missouri	C00037413-1 AMD#3	93		183,713
University of Tennessee Health Science Center	R21A1119796-Minn / FAIN R21A1119796	93		7,142
University of Alaska Fairbanks	UAF 14-0075/PO FP42146 mod 4	93		77,475
University of Alaska Fairbanks	UAF 16-0053 P0499044	93		6,596
University of California, San Diego	PO: 34179874-004	93		45,369
University of California, San Diego	Subaward No 50394948 Amendment 1	93		25,467
University of California, Berkeley	00008979	93		113,725
University of California, Davis	201122073-01 Amendment 4	93		52,643
University of California, Davis	201224310-02	93		72,547
University of California, Davis	201224693-06	93		12,740
University of California, Davis	201400041-01 Amend 1	93		170,331
University of California, Davis	201502775-02	93		14,975
University of California, Irvine	2011-2707	93		14,228
University of California, Irvine	2015-3202 amd 1	93		43,765
University of California, Los Angeles	1460GPA300/4-441407-RE-29387	93		4,219
University of California, Los Angeles	1581 G QA047, Amend 3	93		3,317
University of California, Los Angeles	1713 G SC291	93		46,820
University of California, San Francisco	6755sc / U19AI096109 Amd. 8	93		293,152
University of California, San Francisco	7597sc AMD#2	93		177,073
University of California, San Francisco	8561sc Am1	93		111,411
University of California, San Francisco	Subaward 6026SC, Amend 7	93		1,175
University of California, San Francisco	Subaward 8019sc Amendment 2	93		2,647
University of California, San Francisco	Subaward 8462sc/5U54AI082973-07 Amend 1	93		22,753
University of California, San Francisco	Subcontract # 6347sc Amend 6	93		1,335
University of Chicago	FP056317-C AMD#1	93		110,429
University of Cincinnati	007038-009 / PO#L15-4500082738	93		41,053
University of Cincinnati	009844-002	93		223,473
University of Cincinnati	010085-116764	93		1,205
University of Colorado	FY13.264.001 / Prime 4R01AI096966-04	93		160,816
University of Colorado	Subaward No. FY15.489.001 AMD3	93		133,994
University of Colorado Denver	Subcontract No. FY14.592.001	93		1,752
University of Connecticut	UCHC6-40916321-A1, Amend 1	93		231
University of Connecticut	UCHC6-51155513 Amend 1	93		110,898
University of Florida	00123375 UFDSP00011044	93		155,742
University of Florida	UFDSP00010856	93		64,073
University of Illinois at Chicago	2010-06621 / HHSN-276-2011-00005C prime	93		3,957
University of Kansas Medical Center	QB864382 PO#1000841585	93		75,299
University of Kansas Medical Center	QT864910 AMD#2	93		65,404
University of Louisville	Sub #131349201A	93		19,000
University of Louisville	ULRF 15-1178-01	93		34,813
University of Louisville	ULRF 15-1178-03	93		9,220
University of Louisville	ULRF 15-1180-02 Amd 2	93		21,240
University of Louisville	ULRF 15-1180-03 Amd 2	93		21,843
University of Maryland	Z033301 Amd. F	93		140,719
University of Maryland	Z195701 - Mod: I	93		532,573
University of Massachusetts	14 008049 A04	93		24,075
University of Massachusetts	WA000420101/RFS2015152 AM3	93		75,183
University of Miami	66949L/1R01GM104975-05	93		133,476
University of Miami	66971E Amendment 3	93		17,384
University of Michigan	3002751553, Amend 4	93		583
University of Michigan	3002871551	93		21,411
University of Michigan	3002948034 Amend 3	93		4,144
University of Michigan	3003113674/R01HL094311 Amend 2	93		39,346
University of Michigan	3003647173 Am 1	93		80,245
University of Michigan	3003672844 Am 1	93		33,401
University of Michigan	3003678981/FAIN P50GM103297	93		212,658
University of Michigan	3003765133/3003672205 Amendment 1	93		559,058
University of Michigan	3003917272	93		28,828
University of Michigan	63000894033 Amd. 7	93		151,919
University of Michigan	MASTER-5000002947 Amendment 55	93		416,867
University of Michigan	SUBK00004108-ESETT	93		35,458

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
University of Mississippi Medical Center	66102700414-04UMN	93		\$ 16,368
University of Mississippi Medical Center	66678010913-UM, Amend 4	93		226
University of Nebraska-Lincoln	24-0524-0055-002	93		16,887
University of Nebraska-Lincoln	34-5321-2003-907/Prime 2U54HD061939-07	93		16,189
University of Pennsylvania	556054	93		20,146
University of Pennsylvania	557804 amd 5	93		14,465
University of Pennsylvania	563249 Previously 556786/561286	93		44,803
University of Pennsylvania	567455	93		51,289
University of Pennsylvania	No. 566147 Amendment 1	93		74,398
University of Pittsburgh	0022408 (124765-1)/ (125616-1)	93		3,974
University of Pittsburgh	0022408 (126388-1)	93		14,524
University of Pittsburgh	0029252 (121244-1) (Formerly 708046-1)	93		141
University of Pittsburgh	0029319 (120132-2) Am 4	93		25,764
University of Pittsburgh	0030559 (122181-7)	93		9,576
University of Pittsburgh	0041597(125465-5)	93		26,417
University of Pittsburgh	0050925 (127001-1) Amend 1	93		122,902
University of Pittsburgh	5U54DA031659-05 (Parent)	93		1,142,801
University of Pittsburgh	5U54DA031659-05 (Supplement)	93		8,580,974
University of Pittsburgh	9007661 (124777-1)	93		23,592
University of Pittsburgh	9007661 (126402-1)	93		62,855
University of Pittsburgh	9007672 (124783-1)	93		3,974
University of Pittsburgh	9009831 (124548-1)	93		1,194
University of Pittsburgh	9010232 (126738-1)	93		60,925
University of Pittsburgh	9010570	93		21,492
University of Rochester	416170-G / U01HL096607 Amend 7	93		26,977
University of Rochester	416460-G	93		185,343
University of Rochester	5-28754/415897	93		90,179
University of Rochester	Subaward No. 415747-G	93		111,822
University of South Florida	6119-1276-00-AI 02	93		12,608
University of Southern California	New: 70003340 / Old: 151327	93		47,061
University of Southern California	Subaward 53712500	93		111,969
University of Texas at Houston	Subaward #0011624T/ 4UM1HL087318-10 Am 4	93		14,050
University of Toronto	497411	93		138,847
University of Virginia	GB10094-151265	93		836,097
University of Washington	561507, Modification No. 13	93		7,639
University of Washington	CON000Subaward No. UWSC7773 Amendment #2	93		96,904
University of Washington	Subaward No. 751145 Amendment 3	93		(2,730)
University of Washington	Subaward# 762724	93		39,302
University of Washington	Subcontract UWSC8606 / PO# 9100	93		420,279
University of Washington	UWSC6357 730958 amd #4	93		78,959
University of Washington	UWSC6702/BPO7488	93		116,162
University of Washington	UWSC7004 / BPO#10102 - Amendment 4	93		77,070
University of Washington	UWSC8534/BPO8027	93		8,793
University of Western States	G R01AT006330-UM	93		145,094
University of Wisconsin-Madison	169K116 Amd 4	93		11,476
University of Wisconsin-Madison	280K921/N01-CN-35153, Amend 3	93		(4,126)
University of Wisconsin-Madison	424K023 Amendment 2	93		16,183
University of Wisconsin-Madison	511K873 Amendment 4	93		178,387
University of Wisconsin-Madison	523K062, Amend 3	93		16,240
University of Wisconsin-Madison	552K952	93		15,422
University of Wisconsin-Madison	568K971, Amend 1	93		38,247
University of Wisconsin-Madison	573K425 amd 1	93		68,994
University of Wisconsin-Madison	618K192 AMD 2/PO1-AG020166	93		39,380
University of Wisconsin-Madison	686K420	93		71,528
University of Wisconsin-Madison	Agreement 534K236 Amendment 2	93		35,161
University of Wisconsin-Madison	Subaward 625K903	93		13,175
University of Wisconsin-Madison	subaward no. 339K194	93		105,178
University of Wisconsin-Madison	Subaward# 580K790/636K635 Amend 1	93		34,688
University of Wisconsin-Madison	UW#441K254/N01CN35153	93		(27,972)
UT Health Science Center San Antonio	159762/159758	93		1,758
UT Health Science Center San Antonio	Subaward 158000/157998	93		7
Vanderbilt University	21822-S1 Amendment 5	93		320,929
Vanderbilt University	2230-015244	93		163,793
Vanderbilt University	VUMC 54904 AMD#1	93		80,309
Vanderbilt University	VUMC 55150	93		175,934

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
Ventria Bioscience	1R43DK094531-01A1	93		\$ 22,495
Veterans Medical Research Foundation	08740002-313535	93		9,559
Veterans Medical Research Foundation	09001002-316145	93		29,420
Virginia Commonwealth University	PD303760-SC105738	93		222,705
Virginia Commonwealth University	PD303760-SC105740	93		162,352
Wake Forest University	WFUHS 111188 Admendment 2	93		130,867
Wake Forest University	WFUHS 330181 Amend 9	93		965,082
Washington University in St Louis	PO #2923108X (P30DK092950)	93		6,932
Washington University in St Louis	Subaward No. WU-16-14 Mod 1; PO 2928216A	93		642,555
Washington University in St Louis	Subaward WU-15-403	93		40,155
Washington University in St Louis	WU-14-357/PO 2923582X, Amend 2	93		85
Washington University in St Louis	WU-15-98	93		65,194
Washington University in St Louis	WU-16-157 MOD-1	93		181,258
Wayne State University	WSU11077 A-6	93		13,330
Wayne State University	WSU14134-A1	93		21,041
Westat, Inc	6426-S06	93		15,064
Westat, Inc	8906 - S06 Mod. 8	93		37,862
Wichita State University	SUB W2513	93		4,749
Wright State University	P0037258	93		5,178
Wright State University	PSR07213 Amd. 5	93		5,366
Xeris Pharmaceuticals, Inc	820966	93		19,208
Yale University	C13A11573(A10039)	93		105,961
Department of Health and Human Services, Office of the Secretary				
Direct		93		138,819
Passthrough:				
Cellerant Therapeutics, Inc	CLT008-02 Amd. 3	93		25,607
Department of Homeland Security				
Direct		97		4,646,543
Passthrough:				
Kansas State University	S14169	97		36,036
The University of Arizona	Y503224	97		194
The University of Houston	R-16-0010	97		34,211
University of Washington	UWSC82 BPO#8728 (previously 696098)	97		14,905
Department of Housing and Urban Development, Office of Policy Development and Research				
Direct		14		22,657
Department of Justice				
Direct		16		357,412
Department of Justice, National Institute of Justice				
Direct		16		143,117
Passthrough:				
The University of Iowa	1001313644/W000590504	16		52,072
Department of Justice, Office of Juvenile Justice and Delinquency Prevention				
Passthrough:				
City of Minneapolis	FAIN 53-1/28914A	16		9,672
Department of Justice, Violence Against Women Office				
Direct		16		(618)
Department of State				
Passthrough:				
International Joint Commission	1042-100764 Amendment 4 NCE	19		76,878
International Joint Commission	1042-100766 Amend 2	19		25,954
Department of State, Bureau of Educational and Cultural Affairs				
Passthrough:				
Institute of International Education	S-ECAGD-13-CA-149	19		14,683
Department of the Interior				
Direct		15		68,046
Passthrough:				
MN Pollution Control Agency	LEAK-17134	15		1,732
Pheasants Forever, Inc	2015-04	15		150,149
Western Assoc of Fish & Wildlife Agencies	SG-C-13-03	15		96,428
Department of the Interior, Fish and Wildlife Service				
Direct		15		269,198
Passthrough:				
Central Michigan University	F14AP00412	15		8,865
MN Department of Natural Resources	105660/3000089448	15		112,453

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
MN Department of Natural Resources	3000066617	15		\$ 68,669
MN Department of Natural Resources	Contract No. 48239 / P.O. #3000020626	15		1,662
University of Michigan	Sub#3003604005/Prime#3003.8	15		17,394
Department of the Interior, National Park Service				
Direct		15		252,624
Department of the Interior, U.S. Geological Survey				
Direct		15		772,496
Passthrough:				
America View Incorporated	AV13-MN01 Mod 5	15		41,744
University of California, Santa Barbara	KK1650	15		5,334
University of Massachusetts	12-007036 B 02 Amend 4	15		156,954
University of Massachusetts	14 007887 A 02 Amend 3	15		78,957
University of Wisconsin-Madison	655K546	15		1,388
Department of Transportation				
Direct		20		77,036
Passthrough:				
Applied Research Associates, Inc	s-002436.01.umn mod 1	20		25,261
Institute of Transportation Engineers	DTFH61-13-D-00026 TO 6	20		2,923
MN Department of Transportation	99008 W.O. 24	20		25,164
MN Department of Transportation	MnDOT Contract No 99008 WO No. 114	20		37,626
Savari, Inc	SAV-81814 Amend 1	20		118,546
The National Academies	Contract No. HR 24-36 / P.O. #SUB000012	20		243,670
Department of Transportation, Federal Aviation Administration (FAA)				
Direct		20		79,364
Department of Transportation, Federal Transit Administration (FTA)				
Passthrough:				
MN Metropolitan Council	SG-2016-002	20		5,828
Department of Transportation, Office of the Secretary (OST) Administration Secretariate				
Direct		20		2,116,941
Passthrough:				
Michigan State University	RC103194UMN am 3	20		75,510
Department of Veterans Affairs				
Direct		64		714,050
Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention				
Direct		66		16,611
Passthrough:				
MN Department of Agriculture	84090 Amendment 2	66		94,683
Environmental Protection Agency, Office of Research and Development (ORD)				
Direct		66		400,770
Passthrough:				
Iowa State University	429-40-10C	66		10,793
Yale University	C14P11826(P00361)am 4	66		10,677
Environmental Protection Agency, Office of Solid Waste and Emergency Response				
Direct		66		29,862
Environmental Protection Agency, Office of the Administrator				
Passthrough:				
MN Pollution Control Agency	Contract # 62890 / CR6268	66		2,344
MN Pollution Control Agency	SWIFT 100764 (PO 300014890)	66		52,581
MN Pollution Control Agency	SWIFT#: 73715	66		68,534
Environmental Protection Agency, Office of Water				
Direct		66		452,256
Passthrough:				
Central Michigan University	2011-1086	66		397,114
Central Michigan University	Sub. # F62951	66		60,349
City of Prior Lake	No Award Number	66		263
MN Department of Health	Cont. No. 45706 / PO#3000006867 Am.1	66		8,897
MN Pollution Control Agency	66692/3000010339 co 1	66		109,992
MN Pollution Control Agency	66695/3000010680	66		112,281
MN Pollution Control Agency	70549	66		65,650
MN Pollution Control Agency	Contract No. 36547 co2&3	66		8,172
General Services Administration				
Direct		39		34,512
Medicare Payment Advisory Commission				
Direct		06		3,009

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
National Aeronautics and Space Administration				
Direct		43		\$ 5,203,414
Passthrough:				
Johns Hopkins University	922613 Mod 48	43		2,760,016
Physical Optics Corporation	4952-UM	43		16,666
Physical Optics Corporation	7134-UM	43		825
Rockwell Collins, Inc	PO 4504982612	43		116,167
South Dakota State University	3TG330	43		12,514
Tao of Systems Integration, Inc	2259	43		13,588
The Ohio State University	60027268/RF01220512 Mod. 5	43		6,506
The Ohio State University	60046380	43		970
Universities Space Research Association	SOF 03-0082 Humphreys	43		7,110
Universities Space Research Association	SOF 03-0020 Gehrz-1	43		14,969
Universities Space Research Association	SOF 03-0022 Gehrz-3	43		29,952
Universities Space Research Association	SOF 03-0049 Jones	43		87
Universities Space Research Association	SOF 040117 Jones	43		2,437
Universities Space Research Association	SOF 75-0002 Gehrz-3	43		4,768
Universities Space Research Association	SOF-0015 Gehrz-1	43		3,553
Universities Space Research Association	SOF-0015 Gehrz-1	43		17,735
Universities Space Research Association	SOF-0017	43		9,040
Universities Space Research Association	SOF-0029 - Jones	43		12,927
Universities Space Research Association	SOF-0091	43		4,647
Universities Space Research Association	SOFIA-Woodward	43		3,144
University of California, Berkeley	00007447 / 975268 / BB00071821	43		1,176,183
University of Washington	756245 - UWSC7317	43		22,570
National Aeronautics and Space Administration, Space Telescope Science Institute				
Direct		43		60,119
National Endowment for the Arts				
Direct		45		3,693
National Endowment for the Humanities				
Direct		45		74,666
National Science Foundation				
Direct		47		84,174,814
Passthrough:				
American Physical Society	MOU_APS Dahlberg	47		5,000
Arizona State University	15-559	47		4,476
Arkansas State University	SA15-704-15-1	47		1,178
California Institute of Technology	65R-1094903	47		13,403
California Institute of Technology	7E-1089377 Mod 6	47		84,275
California Institute of Technology	7E-1094407 am 1	47		2,236
Carnegie Institution of Washington	6-10392-01 Amendment 1 NCE	47		106,949
Carnegie Mellon University	1121550-259747	47		221,134
Colorado State University	G-35866-1 / DEB-1413925	47		22,726
Columbia University	2 (GG002760) Am 5	47		20,454
Columbia University	2(GG008898)/PO G04491	47		15,276
Consortium of Univ for the Adv of Hydrologic Sci	No Award Number	47		64,531
Cornell University	44771-7477	47		61,721
Cornell University	61416-10115 Amd. 2	47		69,492
Cornell University	61416-9595 Amend 5	47		84,964
Cornell University	67364-10063	47		86,104
Cornell University	73690-10507	47		173,084
Dakota County Technical College	UM_DCTC	47		106,832
Dakota County Technical College	UM_DCTC PO 56712	47		44,786
Donald Danforth Plant Science Center	23202-MN am 5	47		17,724
Georgia Institute of Technology	RC850-G3	47		34,388
Iowa State University	420-20-968 am03	47		44,954
Iowa State University	420-72-24	47		143,433
Kansas State University	S15204	47		13,146
Koronis Biomedical Technologies Corp	KBT15-NSFCOGLEARNING-03	47		57,189
Mathematical Sciences Research Institute	CON-56666	47		4,830
Michigan State University	RC104177UMINN	47		27,407
Raytheon Company	9500012169	47		56,033
Rutgers, The State University of New Jersey	5099 Modification 2	47		95,000
Salish Kootenai College	24-170-UMTC	47		5,698
Soc for Industrial & Applied Mathematics	SIAM MOU-2015	47		272

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
Texas Tech University	21P397-01	47		\$ 18,165
The Concord Consortium Incorporated	259-01.01 Amd 1	47		89,831
The New York Botanical Garden	NYBG-1206197-12-MIN/EF-1206197	47		41,023
The University of Arizona	125164, Amendment 2	47		115,540
The University of Georgia	RC371-229-4941826	47		195,103
The University of Georgia	RC371-288/S000903	47		19,455
The University of Georgia	RR272-815/S054236	47		3,112
The University of Texas-Pan American	41EMEC022-01	47		16,339
The University of Texas at Austin	UTA11-001083 am 1	47		74,181
The University of Texas at Austin	UTA13-000850	47		8,569
University of Illinois at Urbana-Champaign	2007-01077-57	47		8,591
University of Illinois at Urbana-Champaign	2013-05283-01	47		1,294
University of Texas	26-1003-8262 am 3	47		3,441
University of California, San Diego	29890093 poS9000016 am 4	47		60,696
University of California, Berkeley	00008796 - PO# BB00544131	47		183,284
University of Delaware	35455 Amd. 1	47		20,979
University of Florida	UFDSP00010481	47		29,828
University of Massachusetts Boston	S 2013 20541	47		27,507
University of Michigan	3002828346	47		42,233
University of Michigan	3003844102	47		8,757
University of Notre Dame	PHY-1219444	47		2,931
University of Pennsylvania	555729	47		114,416
University of Pennsylvania	CBET-1449337 - PO# 3398631	47		66,582
University of Texas Rio Grande Valley	1523577 (1)	47		14,386
University of Wisconsin-Madison	194K902	47		(4)
University of Wisconsin-Madison	600K110 Amendment 1	47		192,885
University of Wisconsin-Madison	631K050 PTE Fed#1503408	47		504,075
University of Wisconsin-River Falls	2014-200	47		10,292
Washington State University	118359 G003146	47		98,705
Washington University in St Louis	WU-16-283	47		29
Whitehead Inst for Biomedical Research	14-1699-9902 Amendment 3	47		5,654
Wright State University	No Award Number	47		42,157
Yale University	C15D12047(D02016)	47		4,176
ZBH Enterprises LLC	1549713	47		26,119
National Transportation Safety Board				
Direct		07		<u>15,937</u>
Total Research and Development Cluster				<u>499,433,257</u>
STUDENT FINANCIAL ASSISTANCE CLUSTER				
Department of Education, Office of Federal Student Aid				
Direct		84.007	Federal Supplemental Educational Opportunity Grants	4,214,184
Direct		84.033	Federal Work-Study Program	2,972,368
Direct		84.063	Federal Pell Grant Program	42,181,862
Direct		84.268	Federal Direct Student Loans	381,837,839
Direct		84.379	Teacher Education Assistance for College and Higher Education Grants (TEACH Grants)	158,218
Department of Health and Human Services, Health Resources and Services Administration				
Direct		93.342	Health Professions Student Loans, Including Primary Care Loans/Loans for Disadvantaged Students	<u>3,570,036</u>
Total Student Financial Assistance Cluster				<u>434,934,507</u>
CCDF CLUSTER				
Department of Health and Human Services, Administration for Children and Families				
Direct		93.575	Child Care and Development Block Grant	32,177
Passthrough:				
MN Department of Human Services	65075	93.575	Child Care and Development Block Grant	12,585
MN Department of Human Services	69316	93.575	Child Care and Development Block Grant	92,119
MN Department of Human Services	94070	93.575	Child Care and Development Block Grant	284,765
Total CCDF Cluster				<u>421,646</u>
ECONOMIC DEVELOPMENT CLUSTER				
Department of Commerce, Economic Development Administration				
Direct		11.307	Economic Adjustment Assistance	119,471
Passthrough:				
Arrowhead Regional Dev Commission	sub under 06-69-05895, amend 1	11.307	Economic Adjustment Assistance	<u>40,057</u>
Total Economic Development Cluster				<u>159,528</u>

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
FEDERAL TRANSIT CLUSTER				
Department of Transportation, Federal Transit Administration (FTA)				
Passthrough:				
MN Metropolitan Council	SG-2014-077 / MPO 8592 RPO 199018	20.507	Federal Transit_Formula Grants	\$ 154,618
Total Federal Transit Cluster				<u>154,618</u>
HEALTH CENTER PROGRAM CLUSTER				
Department of Health and Human Services, Health Resources and Services Administration				
Direct		93.224	Consolidated Health Centers (Community Health Centers, Migrant Health Centers, Health Care for the Homeless, and Public Housing Primary Care)	<u>1,866,406</u>
Total Health Center Program Cluster				<u>1,866,406</u>
HIGHWAY PLANNING AND CONSTRUCTION CLUSTER				
Department of Transportation, Federal Highway Administration (FHWA)				
Direct		20.205	Highway Planning and Construction	187,822
Passthrough:				
Mid-Ohio Regional Planning Commission	66501-01	20.205	Highway Planning and Construction	<u>5,271</u>
Total Highway Planning and Construction Cluster				<u>193,093</u>
HIGHWAY SAFETY CLUSTER				
Department of Transportation, National Highway Traffic Safety Administration (NHTSA)				
Passthrough:				
Duluth Police Dept	22331	20.600	State and Community Highway Safety	4,612
Duluth Police Dept	Damion 2015-10037 22741	20.600	State and Community Highway Safety	5,692
MN Department of Public Safety	A-ADMIN15-2015-UMREGENTS-0001	20.600	State and Community Highway Safety	28,620
MN Department of Public Safety	A-ADMIN16-2016-UMREGENTS-00002	20.600	State and Community Highway Safety	<u>55,507</u>
Total Highway Safety Cluster				<u>94,431</u>
HURRICANE SANDY RELIEF CLUSTER				
Department of Health and Human Services				
Passthrough:				
Mount Sinai School of Medicine	0254-5881-4609	93.095	HHS Programs for Disaster Relief Appropriations Act - Non Construction	<u>120,932</u>
Total Hurricane Sandy Relief Cluster				<u>120,932</u>
MEDICAID CLUSTER				
Department of Health and Human Services, Centers for Medicare and Medicaid Services				
Passthrough:				
MN Department of Human Services	PTK%79437	93.778	Medical Assistance Program	<u>828,683</u>
Total Medicaid Cluster				<u>828,683</u>
SNAP CLUSTER				
Department of Agriculture, Food and Nutrition Service				
Passthrough:				
MN Department of Human Services	Contract No. 52735 / P.O. #3000013603	10.561	State Administrative Matching Grants for the Supplemental Nutrition Assistance Program	1
MN Department of Human Services	GRK%101660 / 300040535	10.561	State Administrative Matching Grants for the Supplemental Nutrition Assistance Program	1,411,190
MN Department of Human Services	SWIFT GRK%84310/3000032601	10.561	State Administrative Matching Grants for the Supplemental Nutrition Assistance Program	<u>6,793,331</u>
Total SNAP Cluster				<u>8,204,522</u>
SPECIAL EDUCATION CLUSTER (IDEA)				
Department of Education, Office of Special Education and Rehabilitative Services				
Passthrough:				
MN Department of Education	103568	84.173	Special Education_Preschool Grants	30,029
MN Department of Education	B48237 / UFARS 824 / Am. 3 / 2014-00263	84.173	Special Education_Preschool Grants	122
MN Department of Education	B48238 / UFARS 824 / Grant 2010-00197	84.173	Special Education_Preschool Grants	2,793
MN Department of Education	Grant No. B43118/14480	84.173	Special Education_Preschool Grants	<u>130,379</u>
Total Special Education Cluster (IDEA)				<u>163,323</u>
TANF CLUSTER				
Department of Health and Human Services, Administration for Children and Families				
Passthrough:				
MN Department of Health	65766	93.558	Temporary Assistance for Needy Families	159,584
MN Department of Human Services	GRK%79637	93.558	Temporary Assistance for Needy Families	<u>109,891</u>
Total TANF Cluster				<u>269,475</u>

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
TRIO CLUSTER				
Department of Education, Office of Postsecondary Education				
Direct		84.042	TRIO_Student Support Services	\$ 450,304
Direct		84.047	TRIO_Upward Bound	1,139,907
Direct		84.217	TRIO_McNair Post-Baccalaureate Achievement	282,064
Total TRIO Cluster				<u>1,872,275</u>
Total Clustered Programs				<u>948,716,696</u>
NON CLUSTERED PROGRAMS				
OPERATIONS & MAINTENANCE				
Department of Homeland Security				
Direct		97.CXX	Contract-Department of Homeland Security	<u>1,242,338</u>
Total Operations & Maintenance				<u>1,242,338</u>
PUBLIC SERVICE				
Agency for International Development				
Direct		98.001	USAID Foreign Assistance for Programs Overseas	10,313,972
Passsthrough:				
American Council on Education	HE076-9751-LAC-12-07 AMD# 7 & 8	98.012	USAID Development Partnerships for University Cooperation and Development	90,951
American Refugee Committee International	No Award Number	98.UXX	Unid CFDA-United States Agency for International Development	1
Chemonics International, Inc	AID-611-C-12-00001-UMN	98.CXX	Contract-United States Agency for International Development	48,719
Virginia Tech	451198-19114	98.001	USAID Foreign Assistance for Programs Overseas	5,717
World Learning	503-AID-167-A-14-00002	98.001	USAID Foreign Assistance for Programs Overseas	84,217
Corporation for National and Community Service				
Direct		94.002	Retired and Senior Volunteer Program	60,657
Department of Agriculture				
Direct		10.CXX	Contract-Department of Agriculture	1,256,348
Direct		10.UXX	Unid CFDA-Department of Agriculture	253,329
Passsthrough:				
MN Department of Agriculture	101532 / PO#17604	10.CXX	Contract-Department of Agriculture	4,529
MN Department of Agriculture	86711 / 14125	10.UXX	Unid CFDA-Department of Agriculture	6,578
Department of Agriculture, Agricultural Marketing Service				
Passsthrough:				
MN Department of Agriculture	103829 / 18082	10.170	Specialty Crop Block Grant Program - Farm Bill	17,174
MN Department of Agriculture	71784 3(4)10420	10.170	Specialty Crop Block Grant Program - Farm Bill	35,020
MN Department of Agriculture	71849	10.170	Specialty Crop Block Grant Program - Farm Bill	29,302
MN Department of Agriculture	Grant # 86195 / PO # 13974	10.170	Specialty Crop Block Grant Program - Farm Bill	33,746
Department of Agriculture, Agricultural Research Service				
Direct		10.001	Agricultural Research_Basic and Applied Research	5,490
Passsthrough:				
CIMMYT Int'l Maize & Wheat Improvement	No Award Number	10.001	Agricultural Research_Basic and Applied Research	(5,126)
Department of Agriculture, Animal and Plant Health Inspection Service				
Direct		10.025	Plant and Animal Disease, Pest Control, and Animal Care	525,207
Department of Agriculture, Economic Research Service				
Direct		10.250	Agricultural and Rural Economic Research, Cooperative Agreements and Collaborations	59,668
Passsthrough:				
Minnesota Board of Animal Health	63954	10.250	Agricultural and Rural Economic Research, Cooperative Agreements and Collaborations	19,440
Minnesota Board of Animal Health	94358	10.250	Agricultural and Rural Economic Research, Cooperative Agreements and Collaborations	456,267
Department of Agriculture, Farm Service Agency				
Direct		10.435	State Mediation Grants	328,086
Department of Agriculture, Food and Nutrition Service				
Direct		10.578	WIC Grants To States (WGS)	35,683
Passsthrough:				
MN Department of Education	89907/PO 10484	10.574	Team Nutrition Grants	699
MN Department of Education	94083/16A37	10.582	Fresh Fruit and Vegetable Program	1,350
Department of Agriculture, Food Safety and Inspection Service				
Direct		10.479	Food Safety Cooperative Agreements	236,923
Department of Agriculture, Foreign Agricultural Service				
Direct		10.614	Scientific Cooperation Exchange Program with China	55,113
Direct		10.777	Norman E. Borlaug International Agricultural Science and Technology Fellowship	2,836
Direct		10.960	Technical Agricultural Assistance	78,277
Direct		10.961	Scientific Cooperation and Research	5,596
Direct		10.962	Cochran Fellowship Program-International Training-Foreign Participant	81,871

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
Department of Agriculture, Forest Service				
Passthrough:				
MN Department of Natural Resources	Contract #86881	10.675	Urban and Community Forestry Program	\$ 114,297
MN Department of Natural Resources	Contract 102421 PO #3-88052	10.675	Urban and Community Forestry Program	46,381
Department of Agriculture, National Institute of Food and Agriculture				
Direct		10.215	Sustainable Agriculture Research and Education	15,650
Direct		10.219	Biotechnology Risk Assessment Research	16,466
Direct		10.220	Higher Education - Multicultural Scholars Grant Program	48,943
Direct		10.303	Integrated Programs	35,949
Direct		10.310	Agriculture and Food Research Initiative (AFRI)	856
Direct		10.311	Beginning Farmer and Rancher Development Program	283,033
Direct		10.319	Farm Business Management and Benchmarking Competitive Grants Program	398,806
Direct		10.329	Crop Protection and Pest Management Competitive Grants Program	200,057
Direct		10.500	Cooperative Extension Service	14,067,061
Passthrough:				
Auburn University	15-ACES-379834-UM / 20154877024368	10.200	Grants for Agricultural Research, Special Research Grants	48,957
Kansas State University	S11189	10.500	Cooperative Extension Service	16,365
Kansas State University	S12042 / 2010-48661-21868 prime	10.500	Cooperative Extension Service	90
Kansas State University	S14202 / 2014-68006-21850 prime	10.310	Agriculture and Food Research Initiative (AFRI)	52,652
Kansas State University	S15002	10.500	Cooperative Extension Service	14,931
Kansas State University	S16005	10.500	Cooperative Extension Service	71,421
North Central Risk Mgmt Education Center	25-6324-0150-018/2015-49200-24226	10.500	Cooperative Extension Service	1,965
Pennsylvania State University	5142-UM-USDA-2628 / USDA 2014-48775-2262	10.500	Cooperative Extension Service	83
The University of Arizona	166793/2011-48745-31186	10.500	Cooperative Extension Service	85,499
University of Illinois at Urbana-Champaign	2014-70006-22486	10.329	Crop Protection and Pest Management Competitive Grants Program	19,020
University of Illinois at Urbana-Champaign	2015-00768-07 / FAIR 20144877022587	10.500	Cooperative Extension Service	64,230
University of Illinois at Urbana-Champaign	2015-04483-01/2015-51150-23876	10.303	Integrated Programs	471
University of Delaware	39141	10.500	Cooperative Extension Service	2,055
University of Nebraska-Lincoln	25-6321-0212-006	10.310	Agriculture and Food Research Initiative (AFRI)	129,101
University of Nebraska-Lincoln	25-6324-0119-303	10.500	Cooperative Extension Service	6,617
University of Nebraska-Lincoln	25-6324-0150-013	10.500	Cooperative Extension Service	3,615
University of Wisconsin-Madison	345K284 / 2011-51130-31148 prime	10.303	Integrated Programs	(6)
Department of Agriculture, Natural Resources Conservation Service				
Direct		10.902	Soil and Water Conservation	6,537
Department of Agriculture, Rural Business-Cooperative Service				
Direct		10.868	Rural Energy for America Program	57,973
Department of Agriculture, The Office of the Chief Economist				
Direct		10.291	Agricultural and Food Policy Research Centers	7,968
Department of Commerce, Economic Development Administration				
Direct		11.303	Economic Development_Technical Assistance	99,748
Department of Commerce, National Oceanic and Atmospheric Administration (NOAA)				
Direct		11.417	Sea Grant Support	1,323,857
Direct		11.427	Fisheries Development and Utilization Research and Development Grants and Cooperative Agreements Program	111,451
Passthrough:				
Minnesota's Lake Superior Coastal Prog	CoastalAgrm#13-306-18/3000046334, Mod 1	11.419	Coastal Zone Management Administration Awards	3,468
MN Department of Natural Resources	CoastalAgr. 13-306-14/3000046312 Mod 2	11.419	Coastal Zone Management Administration Awards	14,191
The University of Mississippi	16-08-012 subaccount 350210237D Mod 1	11.417	Sea Grant Support	9,833
University of Illinois at Urbana-Champaign	2010-03074-03 Amend. 2	11.417	Sea Grant Support	8,837
University of Illinois at Urbana-Champaign	2010-03074-08	11.417	Sea Grant Support	23,954
University of Wisconsin-Madison	prime 60045153; 550K421 amend 2	11.417	Sea Grant Support	19,296
Department of Defense				
Direct		12.CXX	Contract-Department of Defense	121,655
Passthrough:				
General Dynamics	08ESM797828	12.CXX	Contract-Department of Defense	25,000
General Dynamics	PO #07ESM758877/Sub DV8IC-SC-14-0008	12.CXX	Contract-Department of Defense	116,049
Department of Defense, Department of the Navy, Office of the Chief of Naval Research				
Direct		12.300	Basic and Applied Scientific Research	349,374
Department of Defense, National Security Agency				
Direct		12.900	Language Grant Program	47,063
Department of Defense, Office of the Secretary of Defense				
Passthrough:				
Institute of International Education	2340-UMN-4-PI-093-PO2	12.550	The Language Flagship Grants to Institutions of Higher Education	414,052
Department of Education				
Passthrough:				
American Institutes for Research	00651-03014.001 / PO12SRT10024 Mod 5	84.UXX	Unid CFDA-Department of Education	24,454

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
MN Department of Education	58144	84.412	Race to the Top Early Learning Challenge	\$ 328,381
MN Department of Education	94083/152	84.412	Race to the Top Early Learning Challenge	2,710
MN Department of Human Services	PTK%105374	84.412	Race to the Top Early Learning Challenge	7,916
Department of Education, Institute of Education Sciences				
Passthrough:				
SRI International	51-001253	84.324	Research in Special Education	41,471
University of Illinois at Urbana-Champaign	2011-06649-01-00	84.324	Research in Special Education	78,518
Department of Education, Office of Elementary and Secondary Education				
Passthrough:				
Arizona Department of Education	16-08-EDSG	84.368	Grants for Enhanced Assessment Instruments	288,480
Council of Chief State School Officers	S368A120002/ #7622	84.368	Grants for Enhanced Assessment Instruments	81,156
MN Department of Education	#2016-00170	84.366	Mathematics and Science Partnerships	137,691
MN Department of Education	104284 / PO 3000012247	84.368	Grants for Enhanced Assessment Instruments	208,926
MN Department of Education	82983/PO9112	84.287	Twenty-First Century Community Learning Centers	227
MN Office of Higher Education	106192 / 3884	84.367	Improving Teacher Quality State Grants	4,792
MN Office of Higher Education	106194 / 3887	84.367	Improving Teacher Quality State Grants	12,189
MN Office of Higher Education	74084	84.367	Improving Teacher Quality State Grants	4,655
MN Office of Higher Education	74087	84.367	Improving Teacher Quality State Grants	1,230
MN Office of Higher Education	88639 / PO 3367	84.367	Improving Teacher Quality State Grants	21,999
MN Office of Higher Education	88794	84.367	Improving Teacher Quality State Grants	65,423
MN Office of Higher Education	Contract No. 106195	84.367	Improving Teacher Quality State Grants	21,074
MN Office of Higher Education	Swift No. 74091 Amend. #1	84.367	Improving Teacher Quality State Grants	3,832
MN Office of Higher Education	Swift No. 74093	84.367	Improving Teacher Quality State Grants	1,109
MN Office of Higher Education	Swift No. 88795	84.367	Improving Teacher Quality State Grants	48,873
National Writing Project	92-MN01-SEED2012 2A	84.367	Improving Teacher Quality State Grants	10,000
Department of Education, Office of Innovation and Improvement				
Passthrough:				
Cloquet Public Schools ISD 94	No Award Number	84.351	Arts in Education	10,669
Saint Paul Public Schools ISD 625	PO No. 0000302733	84.363	School Leadership	47,799
Department of Education, Office of Postsecondary Education				
Direct				
		84.015	National Resource Centers Program for Foreign Language and Area Studies or Foreign Language and International Studies Program and Foreign Language and Area Studies Fellowship Program	919,880
Direct		84.031	Higher Education_Institutional Aid	118,839
Direct		84.200	Graduate Assistance in Areas of National Need	25,252
Direct		84.229	Language Resource Centers	201,221
Passthrough:				
Minnesota State Colleges & Universities	P.O: 34309, 38450, 38449, 40102, 41796	84.031	Higher Education_Institutional Aid	5,373
Department of Education, Office of Special Education and Rehabilitative Services				
Direct				
Direct		84.235	Rehabilitation Services Demonstration and Training Programs	272,205
Direct		84.325	Special Education - Personnel Development to Improve Services and Results for Children with Disabilities	236,716
Direct		84.326	Special Education_Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities	1,104,537
Direct		84.373	Special Education_Technical Assistance on State Data Collection	6,106,398
Passthrough:				
Assoc of Univ Centers on Disabilities	H418T140002	84.418	Promoting Readiness of Minors in Supplemental Security Income	79,157
Florida Gulf Coast University	12041-15-UMN	84.323	Special Education - State Personnel Development	19,512
Florida Gulf Coast University	12041-16-BCSD	84.323	Special Education - State Personnel Development	43,097
MN Department of Education	B52449 (2014-00212) Amd. 7	84.323	Special Education - State Personnel Development	31,514
MN Department of Education	Contract No. B52286/13185/2697	84.181	Special Education-Grants for Infants and Families	34,051
MN Department of Education	No Award Number	84.181	Special Education-Grants for Infants and Families	49,931
Salus University	83401	84.325	Special Education - Personnel Development to Improve Services and Results for Children with Disabilities	205
Vanderbilt University	2920-018447	84.325	Special Education - Personnel Development to Improve Services and Results for Children with Disabilities	39,416
Department of Energy				
Passthrough:				
Institute for Sustainable Communities	No Award Number	81.087	Renewable Energy Research and Development	13,475
Midwest Renewable Energy Association	Subaward under DE-EE0006544	81.117	Energy Efficiency and Renewable Energy Information Dissemination, Outreach, Training and Technical Analysis/Assistance	60,603
MN Department of Commerce	57842 / PO 2791	81.119	State Energy Program Special Projects	89,301
Department of Health and Human Services				
Direct				
Direct		93.CXX	Contract-Department of Health and Human Services	217,897
Direct		93.U02	Unid CFDA-Department of Health and Human Services-Other PHS	182,109
Passthrough:				
Allina Health System	1690234-UMN	93.U02	Unid CFDA-Department of Health and Human Services-Other PHS	11,468
Assoc of Maternal & Child Health Prog	No Award Number	93.U02	Unid CFDA-Department of Health and Human Services-Other PHS	8,668

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
Cellerant Therapeutics, Inc	Protocol No. MT 2008-38	93.CXX	Contract-Department of Health and Human Services	\$ 18,354
Fond du Lac Band of Lk Superior Chippewa	No Award Number	93.UXX	Unid CFDA-Department of Health and Human Services	1,286
Hasset Willis & Company	HSHQDC-13-C-00016-SUB 004 MOD#0004	93.CXX	Contract-Department of Health and Human Services	662,967
The Lewin Group	TLG14003-5176.20 Mod. No. 2	93.CXX	Contract-Department of Health and Human Services	444,527
Department of Health and Human Services, Administration for Children and Families				
Direct		93.592	Family Violence Prevention and Services/Discretionary	506,755
Passsthrough:				
MN Department of Human Services	GRK% 30794 Am 3	93.603	Adoption and Legal Guardianship Incentive Payments	15,207
The Research Foundation of SUNY	54Sub No. 14-30; RF File#113708-18-66158	93.648	Child Welfare Research Training or Demonstration	166,773
Department of Health and Human Services, Administration for Community Living				
Direct		93.631	Developmental Disabilities Projects of National Significance	549,498
Direct		93.632	University Centers for Excellence in Developmental Disabilities Education, Research, and Service	576,669
Passsthrough:				
MN Department of Health	No Award Number	93.761	Evidence-Based Falls Prevention Programs Financed Solely by Prevention and Public Health Funds (PPHF)	22,830
Department of Health and Human Services, Agency for Healthcare Research and Quality				
Direct		93.C03	Contract-Department of Health and Human Services-Agency for Health Care Policy and Research	532,135
Passsthrough:				
Health Research & Educational Trust	HHS290201000025I / 80784	93.C03	Contract-Department of Health and Human Services-Agency for Health Care Policy and Research	56,451
Department of Health and Human Services, Centers for Disease Control and Prevention				
Direct		93.067	Global AIDS	2,933
Direct		93.069	Public Health Emergency Preparedness	129,280
Direct		93.073	Birth Defects and Developmental Disabilities - Prevention and Surveillance	359,655
Direct		93.135	Centers for Research and Demonstration for Health Promotion and Disease Prevention	837,442
Direct		93.C05	Contract-Department of Health and Human Services-Centers for Disease Control	370,203
Direct		93.C06	Contract-Department of Health and Human Services-Centers for Disease Control-NIOSH	16,961
Passsthrough:				
Assoc of Univ Centers on Disabilities	No Award Number	93.073	Birth Defects and Developmental Disabilities - Prevention and Surveillance	1,631
Assoc of Univ Centers on Disabilities	No Award Number	93.292	National Public Health Improvement Initiative	(43)
Big Brothers Big Sisters-Greater TC	No Award Number	93.991	Preventive Health and Health Services Block Grant	20,000
Council of St & Territorial Epidemiologists	CIFOR Guidelines - Hedberg	93.283	Centers for Disease Control and Prevention_Investigations and Technical Assistance	10,227
Fairview Health Services	5U27DD000862-04	93.184	Disabilities Prevention	9,018
MN Department of Health	#70626/PO#3000018499/3000025522	93.283	Centers for Disease Control and Prevention_Investigations and Technical Assistance	5,936
MN Department of Health	81688	93.945	Assistance Programs for Chronic Disease Prevention and Control	47,903
MN Department of Health	98804	93.945	Assistance Programs for Chronic Disease Prevention and Control	37,576
MN Department of Health	Contract # 56464 / P.O.# 3-33754/32692/2	93.283	Centers for Disease Control and Prevention_Investigations and Technical Assistance	98,448
MN Department of Health	No Award Number	93.283	Centers for Disease Control and Prevention_Investigations and Technical Assistance	5,847
MN Department of Health	89502	93.757	State and Local Public Health Actions to Prevent Obesity, Diabetes, Heart Disease and Stroke (PPHF)	71,833
St of MN	Grant #145649	93.283	Centers for Disease Control and Prevention_Investigations and Technical Assistance	19,793
State of Oregon				
Department of Health and Human Services, Centers for Medicare and Medicaid Services				
Direct		93.C07	Contract-Department of Health and Human Services-Centers for Medicare and Medicaid Services	2,251,682
Passsthrough:				
Allina Health System	No Award Number	93.610	Health Care Innovation Awards (HCIA)	24,340
MN Department of Health	104106	93.624	ACA - State Innovation Models: Funding for Model Design and Model Testing Assistance	6,641
MN Department of Health	88433	93.624	ACA - State Innovation Models: Funding for Model Design and Model Testing Assistance	7,703
MN Department of Health	89918/3-29307	93.609	The Affordable Care Act Medicaid Adult Quality Grants	3,000
MN Department of Health	98868	93.624	ACA - State Innovation Models: Funding for Model Design and Model Testing Assistance	26,400
MN Department of Human Services	55729	93.536	The Affordable Care Act Medicaid Incentives for Prevention of Chronic Disease Demonstration Project	(61,711)
MN Department of Human Services	Contract No. 50470 / P.O.# 3000012297	93.791	Money Follows the Person Rebalancing Demonstration	1,017,396
National Opinion Research Center	7672.SHADAC.01	93.C07	Contract-Department of Health and Human Services-Centers for Medicare and Medicaid Services	416,058
National Opinion Research Center	7833.SHADAC.01	93.C07	Contract-Department of Health and Human Services-Centers for Medicare and Medicaid Services	335,048
National Opinion Research Center	Subcontract No. 7409.SHA.01	93.C07	Contract-Department of Health and Human Services-Centers for Medicare and Medicaid Services	144,124
The Lewin Group	TLG14062-5587	93.779	Centers for Medicare and Medicaid Services (CMS) Research, Demonstrations and Evaluations	6,838
Department of Health and Human Services, Food and Drug Administration				
Direct		93.103	Food and Drug Administration_Research	602,124
Department of Health and Human Services, Health Resources and Services Administration				
Direct		93.110	Maternal and Child Health Federal Consolidated Programs	535,943
Direct		93.155	Rural Health Research Centers	262,711
Direct		93.211	Telehealth Programs	231,572
Direct		93.241	State Rural Hospital Flexibility Program	1,343,657
Direct		93.622	Affordable Care Act: Coordinating Center for Interprofessional Education and Collaborative Practice	604,197
Direct		93.969	PPHF Geriatric Education Centers	104,785
Passsthrough:				
Fairview Health Services	H30MC24052/FV2009-201	93.110	Maternal and Child Health Federal Consolidated Programs	10,049
Minneapolis Medical Research Foundation	HSH250201000018C	93.C09	Contract-Department of Health and Human Services-Health Resources and Services Administration	(29,653)
MN Department of Health	87640	93.110	Maternal and Child Health Federal Consolidated Programs	67,135

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
MN Department of Health	PO 3000013795	93.236	Grants to States to Support Oral Health Workforce Activities	\$ 27,500
MN Department of Human Services	Contract No. 47964 / P.O. 3000010630	93.917	HIV Care Formula Grants	152,980
National Opinion Research Center	7696.UNIV_MN.01	93.C09	Contract-Department of Health and Human Services-Health Resources and Services Administration	104,614
University of California, San Francisco	Agreement #8305sc Amendment 2	93.110	Maternal and Child Health Federal Consolidated Programs	244,388
University of Illinois at Chicago	2014-06897-06-00	93.516	Affordable Care Act (ACA) Public Health Training Centers Program	89,276
Department of Health and Human Services, National Institutes of Health				
Direct		93.C11	Contract-Department of Health and Human Services-National Institutes of Health	180,707
Department of Health and Human Services, Office of the Secretary				
Passthrough:				
Nat'l Assoc of Cty & City Health Off	MRC 15-0004	93.008	Medical Reserve Corps Small Grant Program	1
Nat'l Assoc of Cty & City Health Off	MRC 15-004C	93.008	Medical Reserve Corps Small Grant Program	5,032
Nat'l Assoc of Cty & City Health Off	MRC 16-0004	93.008	Medical Reserve Corps Small Grant Program	1,992
Department of Health and Human Services, Substance Abuse and Mental Health Services Administration				
Direct		93.243	Substance Abuse and Mental Health Services_Projects of Regional and National Significance	396,772
Passthrough:				
MN Department of Human Services	105814	93.958	Block Grants for Community Mental Health Services	3,000
Department of Homeland Security				
Direct		97.CXX	Contract-Department of Homeland Security	71,011
Passthrough:				
Kansas State University	s15081.01	97.061	Centers for Homeland Security	38,268
MN Department of Public Safety	109524 PO# 3000040649	97.039	Hazard Mitigation Grant	1,294
MN Dept of Homeland Sec & Emer Mgmt	A-HM-2014-UNIVMN-0002	97.047	Pre-Disaster Mitigation	131,250
MN Dept of Homeland Sec & Emer Mgmt	A-SHSP-2015-UNIVMN-0020	97.067	Homeland Security Grant Program	18,429
Department of Justice				
Direct		16.CXX	Contract-Department of Justice	7,500
Passthrough:				
American Probation & Parole Association	13-LA-085-1974/15-A1-085-1974	16.CXX	Contract-Department of Justice	(534)
RTI Health Solutions	4-321-0215016-52459L	16.CXX	Contract-Department of Justice	10,842
Department of Justice, Office for Victims of Crime				
Passthrough:				
MN Department of Public Safety	A-CVS-2016-CUHCC-00077	16.575	Crime Victim Assistance	106,583
Department of Justice, Office of Juvenile Justice and Delinquency Prevention				
Passthrough:				
National 4-H Council	2014-JU-FX-0025	16.726	Juvenile Mentoring Program	164,477
National 4-H Council	Prime 2015-JU-FX-0015	16.726	Juvenile Mentoring Program	58,092
Department of Justice, Violence Against Women Office				
Direct		16.526	OVW Technical Assistance Initiative	213,589
Department of Labor, Employment Training Administration				
Passthrough:				
Minnesota State Colleges & Universities	PO # 106866	17.282	Trade Adjustment Assistance Community College and Career Training (TAACCTT) Grants	72,155
Department of Labor, Office of Disability Employment Policy				
Passthrough:				
Institute for Educational Leadership	OD-23804-12-75-4-11	17.720	Disability Employment Policy Development	113,116
Department of State				
Passthrough:				
Eurasia Foundation	W15-1015	19.UXX	Unid CFDA-Department of State	17,821
Institute of International Education	3067 UMN_Enhancement 10.1.15	19.CXX	Contract-Department of State	12,178
Institute of International Education	S-ECAGD-14-CA-1037	19.CXX	Contract-Department of State	2,242
Department of State, Bureau of East Asian and Pacific Affairs				
Direct		19.124	East Asia and Pacific Grants Program	12,470
Department of State, Bureau of Educational and Cultural Affairs				
Passthrough:				
American Alliance of Museums	S-ECAGD-13-CA-116 (SS)	19.415	Professional and Cultural Exchange Programs - Citizen Exchanges	12,881
American Councils for International Educ	SECAGD-14-CA-1078-UMN-200386	19.415	Professional and Cultural Exchange Programs - Citizen Exchanges	52,431
American Councils for International Educ	S-ECAGD-15-CA-1045-UMN-200387	19.415	Professional and Cultural Exchange Programs - Citizen Exchanges	180,918
Institute of International Education	No Award Number	19.010	Academic Exchange Programs - Hubert H. Humphrey Fellowship Program	258,631
Institute of International Education	S-ECAGD-15-CA-1017	19.010	Academic Exchange Programs - Hubert H. Humphrey Fellowship Program	310,736
International Research & Exchange Board	FY15-YALI-UMN-02	19.009	Academic Exchange Programs - Undergraduate Programs	103,230
International Research & Exchange Board	FY16-YALI-PM-UMN-03	19.009	Academic Exchange Programs - Undergraduate Programs	35,134
Department of State, Under Secretary for Public Diplomacy and Public Affairs				
Direct		19.040	Public Diplomacy Programs	65,413
Department of the Interior				
Direct		15.CXX	Contract-Department of the Interior	105,771
Department of the Interior, Bureau of Land Management				
Direct		15.231	Fish, Wildlife and Plant Conservation Resource Management	32,776

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
Department of the Interior, National Park Service Direct		15.945	Cooperative Research and Training Programs Resources of the National Park System	\$ 14,045
Department of the Interior, U.S. Geological Survey Passthrough: University of Illinois at Urbana-Champaign	2015-06806-03, grant code AC867	15.805	Assistance to State Water Resources Research Institutes	9,714
Department of the Treasury Direct		21.CXX	Contract-Department of the Treasury	13,657
Department of the Treasury, Internal Revenue Service (IRS) Direct		21.008	Low Income Taxpayer Clinics	82,645
Department of Transportation Passthrough: KLS Engineering, LLC	T5001-2014-01	20.UXX	Unid CFDA-Department of Transportation	17,992
MN Department of Transportation	99008 W.O. 161 Amendment 1	20.CXX	Contract-Department of Transportation	19,690
MN Department of Transportation	99008 W.O. 212	20.CXX	Contract-Department of Transportation	118,984
Department of Transportation, Federal Highway Administration (FHWA) Direct		20.215	Highway Training and Education	4,798
Passthrough: MN Department of Transportation	1000360 Amendment 1	20.215	Highway Training and Education	19,961
MN Department of Transportation	1002844	20.215	Highway Training and Education	944
MN Department of Transportation	1003192	20.215	Highway Training and Education	1,738
Transportation Research Board	HR 17-64	20.200	Highway Research and Development Program	16,825
Department of Transportation, Federal Transit Administration (FTA) Passthrough: MN Metropolitan Council	SG-2015-008	20.505	Metropolitan Transportation Planning and State and Non-Metropolitan Planning and Research	15,000
Department of Veterans Affairs Direct		64.UXX	Unid CFDA-Department of Veterans Affairs	204,456
Environmental Protection Agency, Office of Research and Development (ORD) Passthrough: Migrant Clinicians Network, Inc	JON001	66.510	Surveys, Studies, Investigations and Special Purpose Grants within the Office of Research and Development	3,000
Environmental Protection Agency, Office of Water Direct		66.469	Great Lakes Program	174,768
Passthrough: MN Pollution Control Agency	103675/PO 3000015229	66.460	Nonpoint Source Implementation Grants	30,662
MN Pollution Control Agency	104868 / PO 15678	66.460	Nonpoint Source Implementation Grants	4,296
MN Pollution Control Agency	66360 / PO3000008336	66.460	Nonpoint Source Implementation Grants	48,758
MN Pollution Control Agency	Grant No. 38905/C9-97593511-0	66.460	Nonpoint Source Implementation Grants	(486)
University of Illinois at Urbana-Champaign	2012-06075-03 A0131 Amend 02	66.469	Great Lakes Program	11,200
Institute of Museum and Library Services Direct		45.301	Museums for America	105,667
Direct		45.312	National Leadership Grants	125,015
Passthrough: MN Department of Education	94295 / PO 3-11134	45.310	Grants to States	75,695
MN Department of Education	94296 / PO 11138	45.310	Grants to States	1,119,220
MN Department of Education	97436 / 3000011554 / LS-00-15-0024-15	45.U01	Unid CFDA-Institute of Museum and Library Services	86,000
Library of Congress Passthrough: Illinois State University	11510-04-890009477, RSP #A08-0002-S009	42.001	Books for the Blind and Physically Handicapped	15,387
Medicaid and CHIP Payment and Access Commission Direct		05.CXX	Contract-Medicaid and CHIP Payment and Access Commission (MACPAC)	115,837
National Aeronautics and Space Administration Direct		43.008	Education	13,362
Direct		43.UXX	Unid CFDA-National Aeronautics and Space Administration	424,443
Passthrough: Wyle Laboratories, Inc	T800303	43.CXX	Contract-National Aeronautics and Space Administration	5,000
National Endowment for the Arts Direct		45.024	Promotion of the Arts_Grants to Organizations and Individuals	52,807
Passthrough: Arts Midwest	00015612	45.025	Promotion of the Arts_Partnership Agreements	2,250
MN State Arts Board	28692	45.U02	Unid CFDA-National Endowment for the Arts	15,000
National Endowment for the Humanities Direct		45.149	Promotion of the Humanities_Division of Preservation and Access	59,739
Direct		45.164	Promotion of the Humanities_Public Programs	40,540
Direct		45.169	Promotion of the Humanities_Office of Digital Humanities	131,726
Passthrough: Digital Public Library of America, Inc	NEH_001_2013	45.169	Promotion of the Humanities_Office of Digital Humanities	12,842

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
Peace Corps				
Direct		45.C05	Contract-Peace Corps	\$ 22,406
Small Business Administration				
Passthrough:				
MN Dept of Employment & Economic Dev	#SC73003 Amend 7 SBDC-16-0002-S-FY16	59.037	Small Business Development Centers	302,612
MN Dept of Employment & Economic Dev	MN Grant No: STAT-14-0002-S-FY15 Am 1	59.037	Small Business Development Centers	48,776
MN Dept of Employment & Economic Dev	SC#73018 Amend 5 SBDC-16-0009-S-FY16	59.037	Small Business Development Centers	190,556
Total Public Service				<u>64,657,537</u>
INSTRUCTION				
Department of Agriculture, Foreign Agricultural Service				
Direct		10.962	Cochran Fellowship Program-International Training-Foreign Participant	29,364
Department of Agriculture, National Institute of Food and Agriculture				
Direct		10.202	Cooperative Forestry Research	110,453
Direct		10.203	Payments to Agricultural Experiment Stations Under the Hatch Act	570,835
Direct		10.210	Higher Education Graduate Fellowships Grant Program	108,639
Direct		10.215	Sustainable Agriculture Research and Education	23,417
Direct		10.217	Higher Education - Institution Challenge Grants Program	8,830
Passthrough:				
Iowa State University	416-40-93P / 2012-38500-19550	10.200	Grants for Agricultural Research, Special Research Grants	2,847
Iowa State University	416-41-21D	10.310	Agriculture and Food Research Initiative (AFRI)	102,672
University of Illinois at Urbana-Champaign	2014-07306-14	10.329	Crop Protection and Pest Management Competitive Grants Program	864
Department of Defense, National Security Agency				
Direct		12.900	Language Grant Program	41,395
Department of Defense, Office of the Secretary of Defense				
Passthrough:				
Institute of International Education	2340-UMN-4-CHN-083-PO1	12.550	The Language Flagship Grants to Institutions of Higher Education	371,973
Department of Education, Office of Elementary and Secondary Education				
Passthrough:				
MN Office of Higher Education	74086	84.367	Improving Teacher Quality State Grants	781
MN Office of Higher Education	88638	84.367	Improving Teacher Quality State Grants	42,906
MN Office of Higher Education	88796 PO 3371	84.367	Improving Teacher Quality State Grants	46,984
MN Office of Higher Education	SWIFT 106191/3883	84.367	Improving Teacher Quality State Grants	6,752
MN Office of Higher Education	SWIFT E6001	84.367	Improving Teacher Quality State Grants	16,082
National Writing Project	92-MN01-SEED2012 AMD 03	84.367	Improving Teacher Quality State Grants	2,816
Department of Education, Office of Postsecondary Education				
Direct		84.229	Language Resource Centers	5,446
Department of Education, Office of Special Education and Rehabilitative Services				
Direct		84.325	Special Education - Personnel Development to Improve Services and Results for Children with Disabilities	276,180
Department of Health and Human Services, Administration for Children and Families				
Passthrough:				
MN Department of Human Services	GRK%80888	93.658	Foster Care_Title IV-E	1,682,777
MN Department of Human Services	Swift# GRK%80883 SFY15PO 3000030409	93.658	Foster Care_Title IV-E	455,423
Department of Health and Human Services, Agency for Healthcare Research and Quality				
Direct		93.225	National Research Service Awards_Health Services Research Training	477,404
Direct		93.226	Research on Healthcare Costs, Quality and Outcomes	202,150
Department of Health and Human Services, Centers for Disease Control and Prevention				
Direct		93.262	Occupational Safety and Health Program	1,745,356
Department of Health and Human Services, Health Resources and Services Administration				
Direct		93.059	Training in General, Pediatric, and Public Health Dentistry	265,313
Direct		93.110	Maternal and Child Health Federal Consolidated Programs	1,025,288
Direct		93.124	Nurse Anesthetist Traineeships	15,684
Direct		93.186	National Research Service Award in Primary Care Medicine	233,205
Direct		93.247	Advanced Nursing Education Grant Program	319,532
Direct		93.732	Mental and Behavioral Health Education and Training Grants	22,382
Direct		93.822	Health Careers Opportunity Program	384,771
Direct		93.884	Grants for Primary Care Training and Enhancement	326,823
Direct		93.964	Prevention and Public Health Fund (PPHF) Public Health Traineeships	9
Department of Health and Human Services, Substance Abuse and Mental Health Services Administration				
Direct		93.243	Substance Abuse and Mental Health Services_Projects of Regional and National Significance	372,445
Passthrough:				
MN Department of Human Services	GRK% 29816	93.958	Block Grants for Community Mental Health Services	19,319
Department of Homeland Security				
Direct		97.061	Centers for Homeland Security	120,995

(Continued)

UNIVERSITY OF MINNESOTA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Cluster, Agency, Subagency, Pass-through Entity	Pass-Through Award #	CFDA#	CFDA Program Title	Federal Expenditures
Department of Veterans Affairs				
Direct		64.UXX	Unid CFDA-Department of Veterans Affairs	\$ 482,329
Environmental Protection Agency, Office of Research and Development (ORD)				
Direct		66.511	Office of Research and Development Consolidated Research/Training/Fellowships	195,922
Direct		66.514	Science To Achieve Results (STAR) Fellowship Program	1,771
National Aeronautics and Space Administration				
Direct		43.012	Space Technology	48,179
National Endowment for the Humanities				
Direct		45.163	Promotion of the Humanities_Professional Development	865
Vietnam Education Foundation				
Direct		85.U09	Unid CFDA-Vietnam Education Foundation	<u>33,808</u>
				<u>10,200,986</u>
Total Instruction				
				<u>76,100,861</u>
Total Non Clustered Programs				
TOTAL FEDERAL EXPENDITURES				<u>\$ 1,024,817,557</u>

See accompanying notes to the schedule of expenditures of federal awards

(Concluded)

UNIVERSITY OF MINNESOTA

NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS FOR THE YEAR ENDED JUNE 30, 2016

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The accompanying schedule of expenditures of federal awards (the "Schedule") includes the federal grant activity of the University of Minnesota (the "University") for the year ended June 30, 2016, and is prepared on the cash basis of accounting. The information presented in the Schedule is presented in accordance with the requirements of Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. Therefore, some amounts presented in the Schedule may differ from amounts presented in, or used in, the preparation of the University's consolidated financial statements.

The University passes through certain funds to subgrantee organizations. Expenditures incurred by the subgrantees and reimbursed by the University are presented in the Schedule but not in the consolidated financial statements of the University. The University is also the subrecipient of federal funds, which have been subject to testing and are reported expenditures included as pass-throughs in the Schedule.

2. FACILITIES AND ADMINISTRATIVE RATES

The University utilized facilities and administrative rates that have been negotiated with and approved by its cognizant agency, the U.S. Department of Health and Human Services, and are effective for the period July 1, 2015 through June 30, 2019.

The rates agreement effective July 1, 2015 stipulates that the F&A rates remained unchanged from FY2015 to FY2016. In FY2017, the Hormel Institute rate will increase from 52.5% to 55.0%. Also, the Organized Research rate will remain at 52.0% for FY2017 and will increase to 53.0% in FY2018 and 54.0% in FY2019.

3. CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NUMBERS

Some of the program, grants and/or other awards included in the Schedule are contracts, which do not report CFDA numbers. The expenditure amounts related to these programs, grants, and/or other awards have been reported, generally, at an agency level.

4. FEDERAL PERKINS LOAN PROGRAM

Amounts reported in the Schedule for the Federal Perkins Loan Program represent administrative and collection costs. Outstanding loans as of June 30, 2016, under the Federal Perkins Loan Program were \$260,431,072. New Federal Perkins Loans of \$6,258,457 were advanced to students during the year ended June 30, 2016.

5. NEGATIVE EXPENDITURES

Within the Schedule there are negative amounts which represent a credit or adjustment, net the expenditures incurred.

6. RECONCILIATION OF FEDERAL AWARDS TO THE CONSOLIDATED FINANCIAL STATEMENTS

The following schedule is a reconciliation of total expenditures as shown on the Schedule to the operating expenses reported on the consolidated statement of revenues, expenses and changes in net position for the year ended June 30, 2016, which is included as part of the University's consolidated financial statements.

Schedule of expenditures of federal awards		\$ 1,024,817,557
Federal loan program amounts provided by Student Finance Office not directly included on the consolidated financial statements (Federal Direct Loan Advances-CFDA 84.268, Federal Work Study-CFDA 84.033, Pell Grant Program-CFDA 84.063, SEOG-CFDA 84.007, TEACH-CFDA 84.379 & Health Professions Student Loans-CFDA 93.342)	\$ (434,934,507)	
Expenditures of federal program dollars included in consolidated operating expenses	50,251,228	
Less expenditures not included on the consolidated statement of revenues, expenses, and changes in net assets (equipment, buildings, and structures)	(117,504,639)	
Difference of prior-year overdrafts added back and current-year overdrafts subtracted out	1,209,204	
Adjustments for expenditures of federal program dollars included in consolidated operating expenses and/or expenditures of non-federal program dollars included in consolidated operating expenses	104,739	
Less cash to accrual basis adjusting journal entries (year-end close)	(29,059,414)	
Less federal pass-through grants not on the consolidated statement of revenues, expenses, and change in net position	<u>(112,675,657)</u>	
Subtotal Single Audit expense adjustments in sponsored federal funds in general ledger		(642,609,046)
Expenditures of non-federal dollars included in consolidated operating expenses		3,113,821,900
Internal Sales included in consolidated operating expenses		(223,312,085)
Depreciation included in consolidated operating expenses		212,968,520
Non-depreciation and internal sales accrual basis adjusting journal entries (year-end close)		<u>(158,304,213)</u>
Total operating expenses as shown on the consolidated statement of revenues, expenses and changes in net position for the year ended June 30, 2016		<u>\$ 3,327,382,633</u>

UNIVERSITY OF MINNESOTA

SCHEDULE OF FINDINGS AND QUESTIONED COSTS FOR THE YEAR ENDED JUNE 30, 2016

SECTION I—SUMMARY OF AUDITORS' RESULTS

Financial Statements

- A. Type of auditors' report issued: Unmodified
- B. Internal control over financial reporting:
- Material weakness(es) identified? yes no
 - Significant deficiency(ies) identified? yes none reported
- C. Noncompliance material to financial statements noted? yes no

Federal Awards

- D. Internal control over major programs:
- Material weakness(es) identified? yes no
 - Significant deficiency(ies) identified? yes none reported
- E. Type of auditors' report issued on compliance for major programs: Unmodified
- F. Any audit findings disclosed that are required to be reported in accordance with 2 CFR 200.516(a)? yes no
- G. Identification of major programs:

CFDA Number	Name of Federal Program or Cluster
Various	Research and Development Cluster*
Various	Student Financial Assistance Cluster*
98.001	USAID Foreign Assistance for Programs Overseas
93.C07	Contract-Department of Health and Human Services- Centers for Medicare and Medicaid Services

- H. Dollar threshold used to distinguish between Type A programs: \$3,074,453 for Type A Programs
- I. Auditee qualified as low-risk auditee? yes no

SECTION II—SUMMARY SCHEDULE OF PRIOR YEAR AUDIT FINDINGS

None noted.

REPORT PACKAGE COVER PAGE

The purpose of this report cover is to identify each
Minnesota Office of Higher Education
Financial Aid Program covered by this report package

UNIVERSITY OF MINNESOTA

MINNEAPOLIS, MN

COMPLIANCE ATTESTATION EXAMINATION
OF MINNESOTA OFFICE OF HIGHER EDUCATION FINANCIAL AID PROGRAMS

UNIVERSITY OF MINNESOTA –TWIN CITIES
UNIVERSITY OF MINNESOTA –ROCHESTER

- * Minnesota State Grant Program
- * Student Educational Loan Fund
- * Non-AFDC Child Care Grant Program
- * Minnesota State Work Study Program
- * Minnesota Indian Scholarship Program
 - * Minnesota GI Bill Program
- * Minnesota-North Dakota Reciprocity Program
- * Minnesota-South Dakota Reciprocity Program
- * Minnesota-Wisconsin Reciprocity Program
 - *Manitoba Reciprocity Program
 - *Minnesota Dream Act

FOR THE STATE FISCAL YEAR ENDED JUNE 30, 2016

DELOITTE & TOUCHE LLP
Certified Public Accountants

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FIRM'S NAME: Deloitte & Touche, LLP
ADDRESS 50 South Sixth Street, Suite 2800
Minneapolis, MN 55402

TEL. NO. +1 612 397-4000
FAX. NO. +1 612 397 4450

Minnesota Office of Higher Education Programs Examined:

- *Minnesota State Grant Program
- *Student Educational Loan Fund
- *Non-AFDC Child Care Grant Program
- *Minnesota State Work Study Program
- *Minnesota Indian Scholarship Program
- *Minnesota GI Bill Program
- *Minnesota-North Dakota Reciprocity Program
- *Minnesota-South Dakota Reciprocity Program
- *Minnesota-Wisconsin Reciprocity Program
- *Manitoba Reciprocity Program
- *Minnesota Dream Act

Other campuses/locations considered as part of this entity and covered or excluded by this examination are:

- *University of Minnesota–Twin Cities
- *University of Minnesota–Rochester

Institution's Primary Accrediting Organization: North Central Association of Schools and Colleges

Other Accrediting Organizations: Additional accrediting organizations available upon request

Records for the accounting and administration of the Minnesota Office of Higher Education Financial Aid Programs are located at (provide location): University of Minnesota – Twin Cities

INDEPENDENT AUDITOR'S REPORT ON MANAGEMENT'S ASSERTIONS ON COMPLIANCE WITH SPECIFIED REQUIREMENTS APPLICABLE TO THE MINNESOTA OFFICE OF HIGHER EDUCATION FINANCIAL AID PROGRAMS

We have examined management's assertions included in its representation letter dated December 6, 2016, that the University of Minnesota – Twin Cities (the "Twin Cities Campus") complied with Minnesota Statutes, rules and procedures governing its participation in the Minnesota Office of Higher Education (OHE) Financial Aid Programs during the year ended June 30, 2016. As discussed in that representation letter, management is responsible for the Twin Cities Campus' compliance with those requirements. Our responsibility is to express an opinion on management's assertions about the Twin Cities Campus' compliance based on our examination.

Our examination was made in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States; standards established by the American Institute of Certified Public Accountants; the Audit (Attestation) Guide, *Audits/Attestation Engagements of Federal Student Financial Assistance Programs*, issued by the U.S. Department of Education; Office of the Inspector General and the Minnesota Office of Higher Education Audit and Program Review Guide for Fiscal Year 2015-16 and accordingly, included examining, on a test basis using sample sizes prescribed by the OHE, evidence about the Twin Cities Campus' compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on the Twin Cities Campus' compliance with specified requirements.

In our opinion, management's assertions that the Twin Cities Campus complied with the aforementioned requirements for the year ended June 30, 2016, are fairly stated, in all material respects.

This report is intended primarily for the information of the institution and the OHE. However, this report is a matter of public record and its distribution is not limited.

Deloitte & Touche LLP

December 6, 2016

Auditor's Comments
on the Resolution of Prior Audit Findings,
Recommendations and Questioned Costs

No findings, recommendations, or questioned costs were disclosed in the 2015 OHE auditor's report.

UNIVERSITY OF MINNESOTA - TWIN CITIES

SCHEDULE OF FINDINGS AND QUESTIONED COSTS

YEAR ENDED JUNE 30, 2016

Program	Population	Sample	Instances of Material Noncompliance*	Questioned Costs
Minnesota State Grant Program	7,048**	38**	0	0
Student Educational Loan Fund	1,018	45	0	0
Non-AFDC Child Care Grant Program	30	22	0	0
Minnesota State Work Study Program	1,875	45	0	0
Minnesota Indian Scholarship Program	31	23	0	0
Minnesota GI Bill Program	72	26	0	0
Minnesota-North Dakota Reciprocity Program	357	5	0	0
Minnesota-South Dakota Reciprocity Program	442	5	0	0
Minnesota-Wisconsin Reciprocity Program	4,096	5	0	0
Manitoba Reciprocity Program	17	5	0	0
Minnesota Dream Act	44	33	0	0

* Material noncompliance is defined as any error greater than \$10,000 and all instances when a state statute or other law was found to have been violated.

** The Twin Cities campus is responsible for all functions of the Minnesota State Grant for the Twin Cities, Rochester, Morris and Crookston campuses. The Twin Cities campus does the set-up/programming/equations, runs the batch packaging process, and posts awards for Crookston, Morris, and Twin Cities/Rochester students. Rochester operates under the Twin Cities campus for all financial aid purposes. Therefore, we looked at all 3 campuses in total for our examination purposes, however, the population and sample noted herein represents just the Twin Cities population and selected sample.

No examination findings or questioned costs were identified.

REPORT PACKAGE COVER PAGE

The purpose of this report cover is to identify each
Minnesota Office of Higher Education
Financial Aid Program covered by this report package

UNIVERSITY OF MINNESOTA

MINNEAPOLIS, MN

COMPLIANCE ATTESTATION EXAMINATION
OF MINNESOTA OFFICE OF HIGHER EDUCATION FINANCIAL AID PROGRAMS

UNIVERSITY OF MINNESOTA – DULUTH

- * Minnesota State Grant Program
- * Student Educational Loan Fund
- * Non-AFDC Child Care Grant Program
- * Public Safety Officer's Survivor Grant Program
- * Minnesota State Work Study Program
- * Minnesota Indian Scholarship Program
 - * Minnesota GI Bill Program
- * Minnesota-North Dakota Reciprocity Program
- * Minnesota-South Dakota Reciprocity Program
- * Minnesota-Wisconsin Reciprocity Program
 - *Manitoba Reciprocity Program
 - *Minnesota Dream Act

FOR THE STATE FISCAL YEAR ENDED JUNE 30, 2016

DELOITTE & TOUCHE LLP
Certified Public Accountants

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Minnesota Office of Higher Education Programs Examined:

- *Minnesota State Grant Program
- *Student Educational Loan Fund
- *Non-AFDC Child Care Grant Program
- *Public Safety Officer's Survivor Grant Program
- *Minnesota State Work Study Program
- *Minnesota Indian Scholarship Program
- *Minnesota GI Bill Program
- *Minnesota-North Dakota Reciprocity Program
- *Minnesota-South Dakota Reciprocity Program
- *Minnesota-Wisconsin Reciprocity Program
- *Manitoba Reciprocity Program
- *Minnesota Dream Act

Other campuses/locations considered as part of this entity and covered or excluded by this examination are:

- *University of Minnesota–Duluth

Institution's Primary Accrediting Organization: North Central Association of Schools and Colleges

Other Accrediting Organizations: Additional accrediting organizations available upon request

Records for the accounting and administration of the Minnesota Office of Higher Education Financial Aid Programs are located at (provide location): University of Minnesota – Duluth

INDEPENDENT AUDITOR'S REPORT ON MANAGEMENT'S ASSERTIONS ON COMPLIANCE WITH SPECIFIED REQUIREMENTS APPLICABLE TO THE MINNESOTA OFFICE OF HIGHER EDUCATION FINANCIAL AID PROGRAMS

We have examined management's assertions included in its representation letter dated December 6, 2016, that the University of Minnesota – Duluth (the "Duluth Campus") complied with Minnesota Statutes, rules and procedures governing its participation in the Minnesota Office of Higher Education (OHE) Financial Aid Programs during the year ended June 30, 2016. As discussed in that representation letter, management is responsible for the Duluth Campus' compliance with those requirements. Our responsibility is to express an opinion on management's assertions about the Duluth Campus' compliance based on our examination.

Our examination was made in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States; standards established by the American Institute of Certified Public Accountants; the Audit (Attestation) Guide, *Audits/Attestation Engagements of Federal Student Financial Assistance Programs*, issued by the U.S. Department of Education; Office of the Inspector General and the Minnesota Office of Higher Education Audit and Program Review Guide for Fiscal Year 2015-16 and accordingly, included examining, on a test basis using sample sizes prescribed by the OHE, evidence about the Duluth Campus' compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on the Duluth Campus' compliance with specified requirements.

In our opinion, management's assertions that the Duluth Campus complied with the aforementioned requirements for the year ended June 30, 2016, are fairly stated, in all material respects.

This report is intended primarily for the information of the institution and the OHE. However, this report is a matter of public record and its distribution is not limited.

Deloitte & Touche LLP

December 6, 2016

Auditor's Comments
On The Resolution of Prior Audit Findings,
Recommendations and Questioned Costs

The University has taken corrective action on the finding in the prior Minnesota Office of Higher Education audit report, dated January 25, 2016, for the year ended June 30, 2015.

FINDING 1 A student received Minnesota GI Bill grant funds after the University had not received the application by the last day of attendance of that term.

REQUIREMENT 1A The University must reverse the incorrect payment of Minnesota GI Bill grant funds.

REQUIREMENT 1B The University must add fields to their internal processing worksheet for the Minnesota GI Bill that lists the term ending dates for the individual semesters next to the field listing the Minnesota GI Bill application date.

STATUS The University reversed the incorrect payment of Minnesota GI Bill grant funds on January 13, 2016, and issued a refund request to the business office to reimburse the Office of Higher Education for those funds. Additionally, fields have been added to the University's internal processing worksheet for the Minnesota GI Bill that will list the term ending dates for the individual semesters, which will ensure that the processor is aware if an application was dated after the end of a semester and no award will be made.

UNIVERSITY OF MINNESOTA - DULUTH

SCHEDULE OF FINDINGS AND QUESTIONED COSTS

YEAR ENDED JUNE 30, 2016

Program	Population	Sample	Instances of Material Noncompliance*	Questioned Costs
Minnesota State Grant Program	2,643	45	0	0
Student Educational Loan Fund	263	46	0	0
Non-AFDC Child Care Grant Program	2	2	0	0
Public Safety Officer's Survivor Grant Program	1	1	0	0
Minnesota State Work Study Program	348	44	0	0
Minnesota Indian Scholarship Program	36	20	0	0
Minnesota GI Bill Program	16	12	0	0
Minnesota-North Dakota Reciprocity Program	81	5	0	0
Minnesota-South Dakota Reciprocity Program	18	5	0	0
Minnesota-Wisconsin Reciprocity Program	821	5	0	0
Manitoba Reciprocity Program	1	1	0	0
Minnesota Dream Act	-	0	0	0

* Material noncompliance is defined as any error greater than \$10,000 and all instances when a state statute or other law was found to have been violated.

No examination findings or questioned costs were identified.

REPORT PACKAGE COVER PAGE

The purpose of this report cover is to identify each
Minnesota Office of Higher Education
Financial Aid Program covered by this report package

UNIVERSITY OF MINNESOTA

MINNEAPOLIS, MN

COMPLIANCE ATTESTATION EXAMINATION
OF MINNESOTA OFFICE OF HIGHER EDUCATION FINANCIAL AID PROGRAMS

UNIVERSITY OF MINNESOTA– MORRIS

- * Minnesota State Grant Program
- * Student Educational Loan Fund
- * Non-AFDC Child Care Grant Program
- * Minnesota State Work Study Program
- * Minnesota Indian Scholarship Program
 - * Minnesota GI Bill Program
- * Minnesota-North Dakota Reciprocity Program
- * Minnesota-South Dakota Reciprocity Program
- * Minnesota-Wisconsin Reciprocity Program
 - *Minnesota Dream Act

FOR THE STATE FISCAL YEAR ENDED JUNE 30, 2016

DELOITTE & TOUCHE LLP
Certified Public Accountants

AUDITOR INFORMATION SHEET

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Minnesota Office of Higher Education Programs Examined:

- *Minnesota State Grant Program
- *Student Educational Loan Fund
- *Non-AFDC Child Care Grant Program
- *Minnesota State Work Study Program
- *Minnesota Indian Scholarship Program
- *Minnesota GI Bill Program
- *Minnesota-North Dakota Reciprocity Program
- *Minnesota-South Dakota Reciprocity Program
- *Minnesota-Wisconsin Reciprocity Program
- *Minnesota Dream Act

Other campuses/locations considered as part of this entity and covered or excluded by this examination are:

- *University of Minnesota-Morris

Institution's Primary Accrediting Organization: North Central Association of Schools and Colleges

Other Accrediting Organizations: Additional accrediting organizations available upon request

Records for the accounting and administration of the Minnesota Office of Higher Education Financial Aid Programs are located at (provide location): University of Minnesota – Morris

INDEPENDENT AUDITOR'S REPORT ON MANAGEMENT'S ASSERTIONS ON COMPLIANCE WITH SPECIFIED REQUIREMENTS APPLICABLE TO THE MINNESOTA OFFICE OF HIGHER EDUCATION FINANCIAL AID PROGRAMS

We have examined management's assertions included in its representation letter dated December 6, 2016, that the University of Minnesota – Morris (the "Morris Campus") complied with Minnesota Statutes, rules and procedures governing its participation in the Minnesota Office of Higher Education (OHE) Financial Aid Programs during the year ended June 30, 2016. As discussed in that representation letter, management is responsible for the Morris Campus' compliance with those requirements. Our responsibility is to express an opinion on management's assertions about the Morris Campus' compliance based on our examination.

Our examination was made in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States; standards established by the American Institute of Certified Public Accountants; the Audit (Attestation) Guide, *Audits/Attestation Engagements of Federal Student Financial Assistance Programs*, issued by the U.S. Department of Education; Office of the Inspector General and the Minnesota Office of Higher Education Audit and Program Review Guide for Fiscal Year 2015-16 and accordingly, included examining, on a test basis using sample sizes prescribed by the OHE, evidence about the Morris Campus' compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on the Morris Campus' compliance with specified requirements.

In our opinion, management's assertions that the Morris Campus complied with the aforementioned requirements for the year ended June 30, 2016, are fairly stated, in all material respects.

This report is intended primarily for the information of the institution and the OHE. However, this report is a matter of public record and its distribution is not limited.

Deloitte & Touche LLP

December 6, 2016

Auditor's Comments
on the Resolution of Prior Audit Findings,
Recommendations and Questioned Costs

No findings, recommendations, or questioned costs were disclosed in the 2015 OHE auditor's report.

UNIVERSITY OF MINNESOTA - MORRIS

**SCHEDULE OF FINDINGS AND QUESTIONED COSTS
YEAR ENDED JUNE 30, 2016**

Program	Population	Sample	Instances of Material Noncompliance*	Questioned Costs
Minnesota State Grant Program	604**	4**	0	0
Student Educational Loan Fund	42	21	0	0
Non-AFDC Child Care Grant Program	2	2	0	0
Minnesota State Work Study Program	96	48	0	0
Minnesota Indian Scholarship Program	2	2	0	0
Minnesota GI Bill Program	1	1	0	0
Minnesota-North Dakota Reciprocity Program	7	5	0	0
Minnesota-South Dakota Reciprocity Program	10	5	0	0
Minnesota-Wisconsin Reciprocity Program	4	4	0	0
Minnesota Dream Act	1	1	0	0

* Material noncompliance is defined as any error greater than \$10,000 and all instances when a state statute or other law was found to have been violated.

** The Twin Cities campus is responsible for all functions of the Minnesota State Grant for the Twin Cities, Rochester, Morris and Crookston campuses. The Twin Cities campus does the set-up/programming/equations, runs the batch packaging process, and posts awards for Crookston, Morris, and Twin Cities/Rochester students. Rochester operates under the Twin Cities campus for all financial aid purposes. Therefore, we looked at all 3 campuses in total for our examination purposes, however, the population and sample noted herein represents just the Morris population and selected sample.

No examination findings or questioned costs were identified.

REPORT PACKAGE COVER PAGE

The purpose of this report cover is to identify each
Minnesota Office of Higher Education
Financial Aid Program covered by this report package

UNIVERSITY OF MINNESOTA

MINNEAPOLIS, MN

COMPLIANCE ATTESTATION EXAMINATION
OF MINNESOTA OFFICE OF HIGHER EDUCATION FINANCIAL AID PROGRAMS

UNIVERSITY OF MINNESOTA – CROOKSTON

- * Minnesota State Grant Program
- * Student Educational Loan Fund
- * Non-AFDC Child Care Grant Program
- * Minnesota State Work Study Program
- * Minnesota Indian Scholarship Program
 - * Minnesota GI Bill Program
- * Minnesota-North Dakota Reciprocity Program
- * Minnesota-South Dakota Reciprocity Program
- * Minnesota-Wisconsin Reciprocity Program
 - *Minnesota Dream Act

FOR THE STATE FISCAL YEAR ENDED JUNE 30, 2016

DELOITTE & TOUCHE LLP
Certified Public Accountants

AUDITOR INFORMATION SHEET

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Minnesota Office of Higher Education Programs Examined:

- *Minnesota State Grant Program
- *Student Educational Loan Fund
- *Non-AFDC Child Care Grant Program
- *Minnesota State Work Study Program
- *Minnesota Indian Scholarship Program
- *Minnesota GI Bill Program
- *Minnesota-North Dakota Reciprocity Program
- *Minnesota-South Dakota Reciprocity Program
- *Minnesota-Wisconsin Reciprocity Program
- *Minnesota Dream Act

Other campuses/locations considered as part of this entity and covered or excluded by this examination are:

*University of Minnesota–Crookston

Institution's Primary Accrediting Organization: North Central Association of Schools and Colleges

Other Accrediting Organizations: Additional accrediting organizations available upon request

Records for the accounting and administration of the Minnesota Office of Higher Education Financial Aid

Programs are located at (provide location): University of Minnesota – Crookston

INDEPENDENT AUDITOR'S REPORT ON MANAGEMENT'S ASSERTIONS ON COMPLIANCE WITH SPECIFIED REQUIREMENTS APPLICABLE TO THE MINNESOTA OFFICE OF HIGHER EDUCATION FINANCIAL AID PROGRAMS

We have examined management's assertions included in its representation letter dated December 6, 2016, that the University of Minnesota – Crookston (the "Crookston Campus") complied with Minnesota Statutes, rules and procedures governing its participation in the Minnesota Office of Higher Education (OHE) Financial Aid Programs during the year ended June 30, 2016. As discussed in that representation letter, management is responsible for the Crookston Campus' compliance with those requirements. Our responsibility is to express an opinion on management's assertions about the Crookston Campus' compliance based on our examination.

Our examination was made in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States; standards established by the American Institute of Certified Public Accountants; the Audit (Attestation) Guide, *Audits/Attestation Engagements of Federal Student Financial Assistance Programs*, issued by the U.S. Department of Education; Office of the Inspector General and the Minnesota Office of Higher Education Audit and Program Review Guide for Fiscal Year 2015-16 and accordingly, included examining, on a test basis using sample sizes prescribed by the OHE, evidence about the Crookston Campus' compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on the Crookston Campus' compliance with specified requirements.

In our opinion, management's assertions that the Crookston Campus complied with the aforementioned requirements for the year ended June 30, 2016, are fairly stated, in all material respects.

This report is intended primarily for the information of the institution and the OHE. However, this report is a matter of public record and its distribution is not limited.

Deloitte & Touche LLP

December 6, 2016

Auditor's Comments
on the Resolution of Prior Audit Findings,
Recommendations and Questioned Costs

No findings, recommendations, or questioned costs were disclosed in the 2015 OHE auditor's report.

UNIVERSITY OF MINNESOTA - CROOKSTON

SCHEDULE OF FINDINGS AND QUESTIONED COSTS

YEAR ENDED JUNE 30, 2016

Program	Population	Sample	Instances of Material Noncompliance*	Questioned Costs
Minnesota State Grant Program	467**	3**	0	0
Student Educational Loan Fund	19	14	0	0
Non-AFDC Child Care Grant Program	6	6	0	0
Minnesota State Work Study Program	79	39	0	0
Minnesota Indian Scholarship Program	2	2	0	0
Minnesota GI Bill Program	5	5	0	0
Minnesota-North Dakota Reciprocity Program	107	5	0	0
Minnesota-South Dakota Reciprocity Program	10	5	0	0
Minnesota-Wisconsin Reciprocity Program	75	5	0	0
Minnesota Dream Act	2	2	0	0

* Material noncompliance is defined as any error greater than \$10,000 and all instances when a state statute or other law was found to have been violated.

** The Twin Cities campus is responsible for all functions of the Minnesota State Grant for the Twin Cities, Rochester, Morris and Crookston campuses. The Twin Cities campus does the set-up/programming/equations, runs the batch packaging process, and posts awards for Crookston, Morris, and Twin Cities/Rochester students. Rochester operates under the Twin Cities campus for all financial aid purposes. Therefore, we looked at all 3 campuses in total for our examination purposes, however, the population and sample noted herein represents just the Crookston population and selected sample.

No examination findings or questioned costs were identified.

INDEPENDENT ACCOUNTANTS' REPORT

Management of the University of Minnesota
Minneapolis, Minnesota

Examination of Financial Forms

We have examined the accompanying Sources of Funds – Funds Earned and Funds Expended form, Uses of Capital form, and Operating Expenses forms (the "Financial Forms") of the University of Minnesota – Parking & Transportation Services (the "University") submitted to the National Transit Database (NTD) for the period from July 1, 2015 to June 30, 2016. The University's management is responsible for the Financial Forms. Our responsibility is to express an opinion on the Financial Forms based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and, accordingly, included examining, on a test basis, evidence supporting the Financial Forms and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion.

We did not make a detailed examination to determine that each transaction has been recorded in accordance with the NTD Uniform System of Accounts (USOA).

In our opinion, the Financial Forms submitted to the NTD for the period from July 1, 2015 to June 30, 2016 are prepared, in all material respects, in conformity with the accounting requirements of the Federal Transit Administration as set forth in the USOA.

Examination of Management's Assertion

We have examined management's assertion that the University's accounting system from which the University's Financial Forms for the period from July 1, 2015 to June 30, 2016 submitted to the NTD are derived follows the accounting system prescribed by the USOA ("management's assertion"). The University's management is responsible for management's assertion. Our responsibility is to express an opinion on management's assertion based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and, accordingly, included examining, on a test basis, evidence supporting management's assertion and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion.

In our opinion, management's assertion that the University's accounting system from which the University's Financial Forms for the period from July 1, 2015 to June 30, 2016 submitted to the NTD are derived follows the accounting system prescribed by the USOA is fairly stated, in all material respects.

This report is intended solely for the information and use of management and Board of Regents of the University of Minnesota and the management of the Federal Transit Administration and is not intended to be and should not be used by anyone other than these specified parties.

Deloitte & Touche LLP

October 28, 2016

NTD ID	50515
Reporter Name	University of Minnesota Transit
Report	2016 (Original Submission)

Sources of Funds--Funds Expended & Funds Earned (F-10)

Passenger Fares for Directly Operated Service

Field	Funds Earned	Funds Expended on Operations	Funds Expended on Capital
DR	\$0		
Total for Directly Operated	\$0	\$0	\$0

Purchased Transportation Service

Field	Funds Earned	Funds Expended on Operations	Funds Expended on Capital
MB	\$0		
Total for Purchased Transportation	\$0	\$0	\$0

Auxiliary, Park and Ride, Other

Field	Funds Earned	Funds Expended on Operations	Funds Expended on Capital
Park and Ride Parking Revenue	\$0		
Other Transportation Revenues	\$0		
Auxiliary Transportation Funds			
---Concessions	\$0		
---Advertising Revenues	\$0		
---Other	\$0		
Non-Transportation Funds	\$0		
Total Auxiliary, Park and Ride	\$0	\$0	\$0

Revenues and Contributed Services

Field	Funds Earned	Funds Expended on Operations	Funds Expended on Capital
Revenues Accrued Through a Purchased Transportation Agreement			
---With an NTD reporting agency	\$0	\$0	\$0
---With an non- NTD reporting agency	\$0	\$0	\$0
Contributed Services			
---State and Local government	\$0	\$0	\$0
---Subsidy from Other Sectors of Operations	\$0	\$0	\$0
Total for Revenues and Contributed	\$0	\$0	\$0

Other Directly Generated Funds

Field	Funds Earned	Funds Expended on Operations	Funds Expended on Capital
Other Directly Generated Funds	\$5,977,974	\$5,977,974	\$351,139
Total for Other Directly Generated Funds	\$5,977,974	\$5,977,974	\$351,139

Local Government Sources of Funds

Field	Funds Earned	Funds Expended on Operations	Funds Expended on Capital
Funds Allocated to Transit out of the General Revenues of the Government Entity	\$0	\$0	\$0
Funds Dedicated to Transit at Their Source			
---Dedicated Taxes			
-----Income Taxes	\$0	\$0	\$0
-----Sales Taxes	\$0	\$0	\$0
-----Property Taxes	\$0	\$0	\$0
-----Gasoline Taxes	\$0	\$0	\$0
-----Other Taxes	\$0	\$0	\$0
---Tolls			
-----Bridge, tunnel and highway tolls	\$0	\$0	\$0
-----High Occupancy tolls	\$0	\$0	\$0
-----Other dedicated funds	\$0	\$0	\$0
Total Funds Dedicated to Transit at their Source	\$0	\$0	\$0
Other Funds	\$0	\$0	\$0
Total	\$0	\$0	\$0

State Government Sources of Funds

Field	Funds Earned	Funds Expended on Operations	Funds Expended on Capital
Funds Allocated to Transit out of the General Revenues of the Government Entity	\$0	\$0	\$0
Funds Dedicated to Transit at Their Source			
---Dedicated Taxes			
-----Income Taxes	\$0	\$0	\$0
-----Sales Taxes	\$0	\$0	\$0
-----Property Taxes	\$0	\$0	\$0
-----Gasoline Taxes	\$0	\$0	\$0
-----Other Taxes	\$0	\$0	\$0
---Tolls			
-----Bridge, tunnel and highway tolls	\$0	\$0	\$0
-----High Occupancy tolls	\$0	\$0	\$0
-----Other dedicated funds	\$0	\$0	\$0
Total Funds Dedicated to Transit at their Source	\$0	\$0	\$0
Other Funds	\$0	\$0	\$0
Total	\$0	\$0	\$0

Federal Funding Sources

Field	Funds Earned	Funds Expended on Operations	Funds Expended on Capital
FTA Metropolitan Planning (5303)	\$0	\$0	\$0
FTA Urbanized Area Formula (UAFP) program (5307)	\$0	\$0	\$0
Capital Assistance Spent on Operations (including maintenance expenses (5307)	\$0	\$0	\$0
ARRA Urbanized Area Program Funds (5307)	\$0	\$0	\$0
ARRA Urbanized Area Program Funds (5307) - Capital	\$0	\$0	\$0
FTA Clean Fuels Program (5308)	\$0	\$0	\$0
FTA Capital Program Funds (5309)	\$0	\$0	\$0
ARRA Major Capital investment (New Starts) Funds (5309)	\$0	\$0	\$0
ARRA Fixed Guideway Modernization Funds (5309)	\$0	\$0	\$0
FTA Special Needs/ADA (5310)	\$0	\$0	\$0
Capital Assistance Spent on Operations (including maintenance expenses (5310)	\$0	\$0	\$0
FTA Other Than Urbanized Area (5311)	\$0	\$0	\$0
Capital Assistance Spent on Operations (including maintenance expenses (5311)	\$0	\$0	\$0
FTA ARRA Other than Urbanized Area Program Funds (5311)	\$0	\$0	\$0
FTA ARRA Capital Assistance Spent on Operations (including maintenance expenses) (5311)	\$0	\$0	\$0
FTA Tribal Transit Funds (5311)	\$0	\$0	\$0
FTA ARRA Tribal Transit Funds (5311)	\$0	\$0	\$0
FTA Job Access and Reverse Commute Formula Program (5316)	\$0	\$0	\$0
FTA New Freedom Program (5317)	\$0	\$0	\$0
Capital Assistance Spent on Operations (including maintenance expenses) (5317)	\$0	\$0	\$0
FTA Transit in the Park (5320)	\$0	\$0	\$0
MAP-21 State of Good Repair (5337)	\$0	\$0	\$0
MAP-21 Bus & Bus Facilities Formula (5339)	\$0	\$0	\$0
Other USDOT Grants	\$0	\$0	\$0
ARRA TIGGER (Greenhouse Gas and Energy Reduction) Funds	\$0	\$0	\$0
ARRA TIGER Multimodal Discretionary Funds	\$0	\$0	\$0
Other FTA Funds	\$0	\$0	\$0
Capital Assistance Spent on Operations (including maintenance expenses) (Other FTA Funds)	\$0	\$0	\$0
Other Federal Funds	\$0	\$0	\$0
Total for Federal Funding Sources	\$0	\$0	\$0

Sources of Funds--Funds Expended & Funds Earned (F-10) - Summary

Field	Funds Earned	Funds Expended on Operations	Funds Expended on Capital
Passenger Fares	\$0	\$0	\$0
Park and Ride, Auxiliary Funds, Non-Transportation, Other	\$0	\$0	\$0
Revenues Accrued through PT Agreement / Contributed Services	\$0	\$0	\$0
Other Directly Generated Funds	\$5,977,974	\$5,977,974	\$351,139
Local Government Sources of Funds	\$0	\$0	\$0
State Government Sources of Funds	\$0	\$0	\$0
Federal Government Sources of Funds	\$0	\$0	\$0
Directly Generated Total Funds	\$0	\$0	\$0
FTA Total Funds	\$0	\$0	\$0
ARRA Total Funds	\$0	\$0	\$0
Total Funds	\$5,977,974	\$5,977,974	\$351,139

NTD ID	50515
Reporter Name	University of Minnesota Transit
Report	2016 (Original Submission)

Uses of Capital (F-20)

Rehabilitation / Reconstruction / Replacement / Improvement for Existing Service

Mode	Guide-way	Passenger Stations	Administrative Buildings	Maintenance Buildings	Revenue Vehicles	Service Vehicles	FareRevenue Collection Equipment	Communication Information Systems	Other	Total
MB PT	\$144,349	\$39,343	\$0	\$0	\$0	\$0	\$0	\$123,145	\$0	\$306,837
DR DO	N/A	N/A	\$0	\$0	\$26,280	\$6,181	\$0	\$1,941	\$9,900	\$44,302
Total	\$144,349	\$39,343	\$0	\$0	\$26,280	\$6,181	\$0	\$125,086	\$9,900	\$351,139

Expansion of Service

Mode	Guide-way	Passenger Stations	Administrative Buildings	Maintenance Buildings	Revenue Vehicles	Service Vehicles	FareRevenue Collection Equipment	Communication Information Systems	Other	Total
MB PT	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DR DO	N/A	N/A	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Total

Mode	Guide-way	Passenger Stations	Administrative Buildings	Maintenance Buildings	Revenue Vehicles	Service Vehicles	FareRevenue Collection Equipment	Communication Information Systems	Other	Total
Total	\$144,349	\$39,343	\$0	\$0	\$26,280	\$6,181	\$0	\$125,086	\$9,900	\$351,139

NTD ID	50515
Reporter Name	University of Minnesota Transit
Report	2016 (Original Submission)

Operating Expenses (F-30) - DR DO

Operating Expenses

Expense Object Class	Vehicle Operations (010)	Vehicle Maintenance (041)	Non-Vehicle Maintenance (042)	General Administration (160)	Total
Operators' Salaries and Wages (501.01)	\$132,165	\$0	\$0	\$0	\$132,165
Other Salaries and Wages (501.02)	\$6,171	\$0	\$0	\$36,581	\$42,752
Fringe Benefits (502)	\$36,257	\$0	\$0	\$10,798	\$47,055
Services (503)	\$0	\$0	\$0	\$0	\$0
Fuels and Lubricants (504.01)	\$4,855	\$595	N/A	N/A	\$5,450
Tires and Tubes (504.02)	\$0	\$0	N/A	N/A	\$0
Other Materials and Supplies (504.99)	\$4,311	\$0	\$0	\$0	\$4,311
Utilities (505)	\$0	N/A	N/A	\$0	\$0
Casualty and Liability Costs (506)	N/A	\$2,500	\$0	\$0	\$2,500
Taxes (507)	\$0	\$0	\$0	\$0	\$0
In Report (508.01)	N/A	N/A	N/A	N/A	N/A
Filing Separate Report (508.02)	N/A	N/A	N/A	N/A	N/A
Miscellaneous Expenses (509)	\$0	\$0	\$752	\$0	\$752
Total	\$183,759	\$3,095	\$752	\$47,379	\$234,985

ADA Related Expenses	\$0
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NTD ID	50515
Reporter Name	University of Minnesota Transit
Report	2016 (Original Submission)

Operating Expenses (F-30) - MB PT

Operating Expenses

Expense Object Class	Vehicle Operations (010)	Vehicle Maintenance (041)	Non-Vehicle Maintenance (042)	General Administration (160)	Total
Operators' Salaries and Wages (501.01)	\$0	\$0	\$0	\$36,581	\$36,581
Other Salaries and Wages (501.02)	\$0	\$0	\$0	\$0	\$0
Fringe Benefits (502)	\$0	\$0	\$0	\$10,798	\$10,798
Services (503)	\$0	\$0	\$0	\$0	\$0
Fuels and Lubricants (504.01)	\$0	\$0	N/A	N/A	\$0
Tires and Tubes (504.02)	\$0	\$0	N/A	N/A	\$0
Other Materials and Supplies (504.99)	\$0	\$0	\$0	\$0	\$0
Utilities (505)	\$0	N/A	N/A	\$0	\$0
Casualty and Liability Costs (506)	N/A	\$0	\$0	\$0	\$0
Taxes (507)	\$0	\$0	\$0	\$0	\$0
In Report (508.01)	\$2,914,711	\$1,486,646	\$718,195	\$573,191	\$5,692,743
Filing Separate Report (508.02)	N/A	N/A	N/A	N/A	N/A
Miscellaneous Expenses (509)	\$0	\$0	\$2,867	\$0	\$2,867
Total	\$2,914,711	\$1,486,646	\$721,062	\$620,570	\$5,742,989

ADA Related Expenses	\$0
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INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES

Board of Regents and Athletic Director
Mark Coyle
University of Minnesota
Minneapolis, Minnesota

We have performed the procedures enumerated below, which were agreed to by the University of Minnesota (the "University"), with respect to the accounting records of the University of Minnesota Athletics Department (the "Department") as of and for the year ended June 30, 2016, solely to assist you in evaluating whether the accompanying statement of revenues and expenditures and the related notes (the "Statement") is in compliance with the National Collegiate Athletic Association (NCAA) Bylaw 3.2.4.15 and FY2016 Financial Agreed-Upon Procedures dated April 20, 2016 ("NCAA Constitution 3.2.4.15"). The University's management is responsible for the Statement and the University's compliance with those requirements. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures (including sample sizes and thresholds) is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures (including sample sizes and thresholds) described below either for the purpose for which this report has been requested or for any other purpose.

Agreed-Upon Procedures Related to the Statement of Revenues and Expenses

- We obtained the Statement as prepared by the Department for the year ended June 30, 2016, as included in Exhibit A to this report.
- We recalculated the total dollar amounts on the Statement and compared the amounts on each line on the Statement to the corresponding amounts on the reconciliation prepared by management between the University's general ledger and the amounts on the Statement, noting no exceptions.
- We compared the dollar amounts on management's reconciliation to the University's general ledger and recalculated the total presented in the Statement, noting no exceptions.
- We compared current-year recorded revenue and expense amounts over 10% of the total revenue or expense amounts, respectively, to prior-year recorded amounts and current-year budgeted amounts recorded in the Statement and general ledger, and obtained explanations from management for any variances in excess of the lesser of \$1 million or 10% in major revenue and expense amounts.

Agreed-Upon Procedures Related to Revenues and Expenditures

- We compared and agreed each operating revenue and operating expense category reported in the Statement during the year ended June 30, 2016, to supporting schedules provided by management, noting no exceptions.
- We haphazardly selected 13 operating revenue and 12 operating expense transactions from the Statement and compared and agreed the date, name, dollar amount, and description to supporting documentation. Our selections were made through the following procedures on revenues and expenditures in accordance with the agreed upon procedures required by NCAA Bylaw 3.2.4.15.

Revenues

- We compared tickets sold during the reporting period, complimentary tickets provided during the reporting period, and unsold tickets during the reporting period for one sports program during the reporting period to the related revenue reported by the Department in the Statement and the related attendance figures, noting no exceptions.
- We inquired of Department management as to whether the Department received student fee revenue, noting that it did not.
- We inquired of Department management as to whether the Department received direct state or other governmental support, noting that it did not.
- We compared the total direct and indirect institutional support recorded by the Department during the reporting period to institutional supporting budget transfers documentation and corroborative supporting documentation, noting no exceptions.
- We inquired of Department management as to whether the University received transfers back from the Department noting that the Department retains any profits for future financial fluctuations and, therefore, does not transfer any of its profits back to the University. The only funds paid to the University are for student-athlete grant-in-aid and debt/lease transfers for use of facilities; no further procedures were performed.
- We obtained the listing of away-game guarantees and traced the settlement reports and contractual agreements for all away-game guarantees to the University's general ledger and the Statement, noting no exceptions.
- We inquired of Department management as to whether the Department received contributions of money, goods, or services from any affiliated or outside organization, agency, or group of individuals (two or more) that constitutes 10% or more in aggregate for the reporting year of all contributions received by intercollegiate athletics, noting there were none.
- We inquired of Department management as to whether the Department received in-kind donations during the reporting year, noting there were none.
- We inquired of Department management as to whether any employees in the Department received compensation and benefits provided by a third party, noting that none did.

- We obtained and inspected agreements related to the Department's participation in revenues from broadcast, television, and radio rights during the reporting period to gain an understanding of the rights received by the University through its conference offices, compared and agreed related revenues to a summary statement of all media rights identified and haphazardly selected one agreement, obtained supporting documentation and agreed the amount to the University's general ledger and the Statement, and recalculated the totals, noting no exceptions.
- We compared the amounts recorded in NCAA distributions revenue to general ledger detail for NCAA distributions and other corroborative supporting documents for one haphazardly selected distribution and recalculated totals, noting no exceptions.
- We obtained and inspected agreements related to the University's conference distributions and participation in revenues from tournaments during the year ended June 30, 2016, to gain an understanding of the relevant terms and conditions, compared and agreed the related revenues to the University's general ledger and the Statement, and recalculated totals for one haphazard selection, noting no exceptions.
- We obtained the listing of program sales, concessions, novelty sales, and parking during the reporting period, agreed the total to the Statement. We made three haphazard selections and traced the supporting documentation to the University's general ledger and the Statement and recalculated totals, noting no exceptions.
- We obtained and inspected agreements related to the Department's participation in revenues from royalties, licensing, advertisements, and sponsorships during the reporting period to gain an understanding of the relevant terms and conditions, compared, agreed the total related revenues within the supporting schedule to the Statement, and obtained supporting documentation for one agreement, selected haphazardly, to compare to the amount recorded in the University's general ledger and the Statement, and recalculated the totals, noting no exceptions.
- We inquired of Department management as to whether the Department received sports camp revenues during the year ended June 30, 2016, noting none; therefore, no further procedures were performed.
- We obtained and inspected one haphazardly selected endowment agreement restricted to athletics to gain an understanding of the relevant terms and conditions, compared and agreed the classification and use of endowment and investment income reported in the Statement to the uses of income defined within the related endowment agreement and recalculated totals, noting no exceptions.

Expenditures

- We selected a haphazard sample of 55 students from the listing of University student aid recipients during the year ended June 30, 2016, obtained individual student account detail for each selection and compared total aid allocated from the related aid award letter to the student's account. We compared the information for each student selected from the listing to ensure their information was reported accurately in the NCAA's Compliance Assistant software, including recalculating the equivalency unit value reported to the NCAA for each student selected within the sample, and recalculated totals. We recalculated totals for each sport and overall. We did not perform equivalency unit recalculations for summer session student selections because the

Department is not required to report equivalency unit values to the NCAA for the summer session. As part our testing, we noted two exceptions as follows:

1. The calculated equivalency value for one of the students selected from women's basketball was incorrect. The Department indicated her MN State Grant changed during the year, and the change was not captured in Compliance Assistant. Therefore, the incorrect value was used in the numerator for the equivalency calculation. The compliance department has updated Compliance Assistant to correct this difference. As women's basketball is monitored based on total number of scholarships rather than equivalency, this does not result in an NCAA violation.
2. The calculated equivalency value for one student selected from men's track incorrectly factored in loan fees into his grant in aid (GIA) amount. These amounts are to be excluded. The compliance department has updated the GIA amount, which would increase his equivalency to 0.21. After this update, the team is still within their equivalency limit. Therefore, this does not cause an NCAA violation.

No other exceptions were noted.

- We obtained and inspected visiting institutions' away-game settlement reports received by the University during the reporting period for five selected guaranteed contracts (selected haphazardly) and agreed related expenses to the University's general ledger and the Statement, obtained and inspected contractual agreements pertaining to expenses recorded by the University from the five guaranteed contests during the reporting period, compared and agreed related amounts expensed by the University for the five guaranteed contracts during the reporting period to the University's general ledger and the Statement and recalculated totals, noting no exceptions.
- We obtained and inspected a listing of coaches employed by the Department during the reporting period and selected five coaches' contracts that included football, and men's and women's basketball from the listing. For each selection we compared and agreed the expense recorded in the Statement to the University's payroll register and the related employment contract and recalculated totals. During our procedures, we noted that the women's basketball coach received \$1,413 more in compensation than outlined within her contract. No other exceptions were noted.
- We inquired of Department management as to whether any coaches were employed by third parties during the reporting period, noting there were none.
- We selected five support staff/administrative personnel employed by the University and related entities during the reporting period, obtained and inspected the payroll register for the selected personnel for the reporting period, and compared and agreed related summary payroll register to the related support staff/administrative salaries, benefits, and bonuses paid by the University and related entities expense recorded by the University in the Statement during the reporting period and recalculated the totals, noting no exceptions.
- We inquired of Department management as to whether any support staff/administrative personnel were employed by third parties during the reporting period, noting there were none.

- During the reporting period, one employee received a severance payment. We agreed the severance payment to this individual to the related employment contract and recalculated totals, noting no exceptions.
- We obtained and documented an understanding of the University's recruiting expense policies and compared and agreed to existing University and NCAA-related policies, and obtained general ledger detail, compared to the total expenses reported in the supporting schedule to the amount recorded in the Statement, noting no exceptions.
- We obtained and documented an understanding of the University's team travel policies and compared and agreed to existing University and NCAA-related policies, and obtained general ledger detail, compared to the total expenses reported the supporting schedule to the amount recorded in the Statement, noting no exceptions.
- We obtained the listing of equipment, uniforms, and supplies purchased during the reporting period and made five haphazard selections. We traced our selections to supporting documentation and recalculated totals, noting no exceptions.
- We obtained the listing of game expenses during the reporting period and made five haphazard selections. We traced our selections to supporting documentation and recalculated totals, noting no exceptions.
- We obtained the listing of fundraising, marketing, and promotion expenses during the reporting period and made five haphazard selections. We traced our selections to supporting documentation and recalculated totals, noting no exceptions.
- We inquired of Department management as to whether the Department had any sports camp expenses during the reporting period noting that sports camps at the University are independently owned and are not operated by the University; no further procedures were performed.
- We obtained the listing of spirit group expenses during the reporting period and made five haphazard selections. We traced our selections to supporting documentation and recalculated totals, noting no exceptions.
- We obtained the listing of debt service schedules, lease payments, and rental fees for athletics facilities during the reporting period and selected the top two highest facility payments, and made an additional three haphazard selections. We traced our selections to supporting documentation, compared the amounts to the amounts listed in the general ledger detail, and recalculated totals, noting no exceptions.
- We obtained the listing of direct overhead and administrative expenses during the reporting period and made five haphazard selections. We traced our selections to supporting documentation and recalculated totals, noting no exceptions.
- We obtained the listing of medical and medicinal insurance expenses during the reporting period and made five haphazard selections. We traced our selections to supporting documentation and recalculated totals, noting no exceptions.
- We obtained the listing of membership and dues expenses during the reporting period and made five haphazard selections. We traced our selections to supporting documentation and recalculated totals, noting no exceptions.

- We obtained the listing of other operating expenses during the reporting period and made five haphazard selections. We traced our selections to supporting documentation and recalculated totals, noting no exceptions.
- We inquired of Department management as to whether the Department transfers any amounts back to the University noting that it retains any profits for future financial fluctuations. The only funds paid to the University are for student-athlete grant-in-aid and debt/lease transfers for use of facilities. No further procedures were performed.

Agreed-Upon Procedures for the University's Financial Reporting

- We compared and agreed the sports sponsored, reported in the NCAA Membership Financial Reporting System, to the squad lists of the institution, noting no exceptions.
- We obtained the Department's Sports Sponsorship and Demographics Forms Report for the reporting year and ensured that the countable sports, reported by the Department, met the minimum requirements set forth in Bylaw 20.9.6.3 for the number of contests and the number of participants in each contest that is counted toward meeting the minimum-contest requirement. We then ensured that the institution has properly reported these sports as countable for revenue distribution purposes within the NCAA Membership Financial Reporting System, noting no exceptions.

Agreed-Upon Procedures for Affiliated/Outside Organizations ("Booster Clubs")

- We obtained the list of all Booster Clubs that are affiliated with University intercollegiate athletics programs for the year ended June 30, 2016, a summary of which is included as Exhibit D to this report.
- We confirmed Booster Clubs' revenues and expenses directly with a responsible official of each Booster Club, noting no exceptions.
- We confirmed the Booster Clubs' statements of contributions, which included cash balances reported by the Booster Clubs at June 30, 2016, with officers of the Booster Clubs, noting no exceptions.

We were not engaged to perform an audit, the objective of which would be the expression of an opinion on the Statement or the Statement's compliance with NCAA Bylaw 3.2.4.15. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the use of the administration of the University, the University's Board of Regents, and authorized representatives of the NCAA and is not intended to be, and should not be, used by anyone other than these specified parties.

Deloitte & Touche LLP

December 22, 2016

EXHIBIT A

UNIVERSITY OF MINNESOTA-MINNEAPOLIS, MINNESOTA
University of Minnesota Athletics Department-National Collegiate
Athletic Association (NCAA)

STATEMENT OF REVENUE AND EXPENDITURES
FOR THE YEAR ENDED JUNE 30, 2016

	Football	Men's Basketball	Other Men's Sports	Women's Basketball	Other Women's Sports	Nonprogram Specific	Adjustments	Total
REVENUES:								
Ticket sales	\$ 12,473,806	\$ 4,218,436	\$ 5,399,349	\$ 327,604	\$ 448,283	\$ 1,022,427	\$ -	\$ 23,889,905
Direct state or other government support								-
Student fees								-
Direct institutional support						975,000		975,000
Less—transfers to institution								
Indirect institutional support						6,080,984		6,080,984
Indirect institutional support—athletic facilities, debt service, lease, and rental fees								
Guarantees	200,000	110,000			2,000			312,000
Contributions	9,470,520	1,385,651	2,623,295	88,347	364,597	1,318,267		15,250,677
In-kind								
Compensation and benefits provided by a third party								
Media rights	18,119,434	4,259,904						22,379,338
NCAA distributions		2,272,328	57,252		103,450	2,597,853		5,030,883
Conference distributions (nonmedia and nonbowl)	7,692,272	400,529				28,138		8,120,939
Program, novelty, parking, and concession sales	(602,848)	(142,399)	(205,978)	(77)	5,641	5,863,357	978,666	5,896,362
Royalties, licensing, advertisements, and sponsorships						10,422,398		10,422,398
Sports camp revenues								
Athletics-restricted endowment and investments income						1,084,472		1,084,472
Other operating revenue	(14,030)		58,455	5,787	69,745	12,579,490	131,155	12,830,602
Bowl revenues	<u>1,232,720</u>							<u>1,232,720</u>
Total revenues	<u>48,571,874</u>	<u>12,504,449</u>	<u>7,932,373</u>	<u>421,661</u>	<u>993,716</u>	<u>41,972,386</u>	<u>1,109,821</u>	<u>113,506,280</u>

(Continued)

UNIVERSITY OF MINNESOTA-MINNEAPOLIS, MINNESOTA
University of Minnesota Athletics Department-National Collegiate
Athletic Association (NCAA)

STATEMENT OF REVENUE AND EXPENDITURES
FOR THE YEAR ENDED JUNE 30, 2016

	Football	Men's Basketball	Other Men's Sports	Women's Basketball	Other Women's Sports	Nonprogram Specific	Adjustments	Total
EXPENSES:								
Athletic student aid	\$ 2,371,001	\$ 381,775	\$ 2,111,273	\$ 375,776	\$ 3,748,672	\$ 2,018,862	\$ (188,306)	\$ 10,819,053
Guarantees	1,780,000	625,000	205,991	102,896	43,080			2,756,967
Coaches salaries, benefits, and bonuses paid by the university and related entities	7,627,146	3,716,365	3,431,033	1,226,659	3,587,822			19,589,025
Coaches other compensation and benefits paid by a third party								-
Support staff/administrative salaries, benefits, and bonuses paid by the university and related entities	1,652,567	384,933	349,008	189,149	533,594	13,145,957	(4,398)	16,250,810
Support staff/administrative other compensation and benefits paid by a third party								-
Severance payments	1,065,937							1,065,937
Recruiting	482,077	253,161	228,451	197,233	359,233			1,520,155
Team travel	1,243,037	903,540	2,106,829	960,612	2,774,118	2,009	23,662	8,013,807
Sports equipment, uniforms, and supplies	1,148,142	243,131	894,453	223,365	1,149,949	16,959	266,824	3,942,823
Game expenses	2,036,727	344,974	408,451	181,465	264,448	148,852	22,418	3,407,335
Fundraising, marketing, and promotion	247,675	78,863	54,036	45,812	42,168	1,228,880		1,697,434
Sports camp expenses								-
Spirit groups						656,086		656,086
Athletic facilities debt service, lease, and rental fees	2,157,604	600,975	1,200,000	600,975		2,407,387		6,966,941
Direct overhead and administrative expenses	3,601,961	240,760	1,964,387	148,459	1,363,249	10,044,730	91,638	17,455,184
Indirect institutional support						6,276,473	(195,489)	6,080,984
Medical expenses and insurance						711,021	188,186	899,207
Memberships and dues	33,949	16,933	26,887	8,063	26,345	135,640		247,817
Student athlete meals	960,407	283,628	290,718	71,797	290,767	315,951	9,446	2,222,714
Other operating expenses	202,515	130,475	164,679	86,257	139,006	5,708,327	(395,309)	6,035,950
Bowl expenses	<u>1,045,594</u>							<u>1,045,594</u>
Total expenses	<u>27,656,339</u>	<u>8,204,513</u>	<u>13,436,196</u>	<u>4,418,518</u>	<u>14,322,451</u>	<u>42,817,134</u>	<u>(181,328)</u>	<u>110,673,823</u>
NET SURPLUS/(DEFICIT)	<u>\$ 20,915,535</u>	<u>\$ 4,299,936</u>	<u>\$ (5,503,823)</u>	<u>\$ (3,996,857)</u>	<u>\$ (13,328,735)</u>	<u>\$ (844,748)</u>	<u>\$ 1,291,149</u>	<u>\$ 2,832,457</u>

(Concluded)

UNIVERSITY OF MINNESOTA, MINNEAPOLIS, MINNESOTA
University of Minnesota Athletics Department-National Collegiate
Athletic Association (NCAA)

NOTES TO THE STATEMENT OF REVENUE AND EXPENDITURES
FOR THE YEAR ENDED JUNE 30, 2016

Management informed us that the information on operating and gift-related revenues and operating expenditures is presented in accordance with the principles stated in the NCAA Agreed-Upon Procedures manual dated April 20, 2016, which contained policies and procedures related to the administration of NCAA Bylaw 3.2.4.15. In addition, management informed us of the following:

Revenue Recognition—The amounts in the Statement were obtained from the University's general ledger, which is maintained on an accrual basis. The institution prepared the Statement using the basic accounting and revenue recognition principles set forth in the American Institute of Certified Public Accountants Audit and Accounting Guide entitled "Not-for-Profit Organizations" (the "NFP Audit Guide") and in the National Association of College and University Business Officers publication entitled "College and University Business Administration," and revenue is presented on an accrual basis. The Statement presents an excess (deficiency) of revenues over (under) expenses, but does not present any fund or net asset balances. In addition, changes in loan, endowment, or plant funds related to intercollegiate athletics are not included in the Statement.

The University records depreciation on physical plant and equipment; however, depreciation is not part of the Statement. Revenues include all unrestricted and restricted resources earned during the year to the extent that such funds were expended for current operating purposes. Ticket sales are recorded as revenue during the year in which the related event is scheduled. Revenues related to events scheduled subsequent to year-end are deferred.

Contributions—Contribution revenue included in the Statement represents contributions given to the University's Department based on the donor's instructions. There were no individual contributions in excess of 10% of all contributions received for the Department for the year ended June 30, 2016.

Gifts—Revenues include amounts received directly from individuals, corporations, associations, foundations, clubs, or other organizations that are designated or restricted by the donor for the operations of the athletics program.

Investment and Endowment Income—Revenues include unrestricted and restricted investment and endowment income to the extent expended for operations of intercollegiate athletics.

Revenue Allocations—Revenues include University subsidies. These amounts are allocated by the University's management.

Capitalized Assets—Land, buildings, and other property are recorded at cost, if purchased or constructed, or at market value on the date of gift, if received by gift or bequest.

Expenditures—Expenditures included in the Statement are presented on a cash basis.

EXHIBIT B

UNIVERSITY OF MINNESOTA-MINNEAPOLIS, MINNESOTA
University of Minnesota Athletics Department-National Collegiate
Athletic Association (NCAA)

CAPITAL ASSET ACTIVITY
AS OF AND FOR THE YEAR ENDED JUNE 30, 2016

	Balance at July 1, 2015	Additions	Deletions	Reinstatements	Transfers	Balance at June 30, 2016
GROSS BUILDING:						
Robbie Stadium, Elizabeth Lyle	\$ 2,779,205	\$ -	\$ -	\$ -	\$ -	\$ 2,779,205
Ridder Arena and Bselne Tns Fac	20,774,551					20,774,551
Williams Arena—Wmns Locker Rms	832,715					832,715
Aquatic Center—Canoe Storage B	110,421					110,421
U of Minnesota Boat House	4,894,450					4,894,450
Bierman Field Athletic Bldg	3,205,666					3,205,666
Bierman Field Athletic Bld-Ren	7,571,682					7,571,682
Gibson/Nagurski Football Facil	12,694,581					12,694,581
Bierman Field Clubhouse	26,332					26,332
Bierman Field Clubhouse-Tool R	1,000					1,000
Bierman Field Clubhse-Stre Shd	1,250					1,250
Siebert Stadium	7,507,514	107,335				7,614,849
Track and Field storage bldg	51,057					51,057
Mariucci Arena	23,768,149					23,768,149
Field House, University of Min	1,477,379					1,477,379
Field House, UMN—renovation	21,109					21,109
Peik Gymnasium	1,149,106					1,149,106
Cowles Stadium, Jane Sage	2,568,282	44,134				2,612,416
Williams Arena and Sprts Paviln	21,604,583					21,604,583
Driving range bldg, golf crse	228,536					228,536
Golf club house	35,565					35,565
Turf Management Ctr, golf crse	49,602					49,602
Turf Mgmt Center golf crse-ren	1,034,754					1,034,754
Gymnasium	108,535					108,535
Gymnasium—Renovation	2,865,255					2,865,255
Gymnasium—Pool and Renovation	3,946,734					3,946,734
Golf course projects	56,085					56,085
Golf course projects	341,777					341,777
Track and field stadium	975,170					975,170
Cowles Stadium, Jane Sage	58,280					58,280
Golf course tunnel	82,500					82,500
Tennis crts 1715 5th St S.E.	335,076					335,076
TCF Stadium	282,050,305					282,050,305
Replacement fieldturf in indoor practice facility	475,078					475,078
Golf Team Practice Course	418,327					418,327
Robbie Stadium Support Building	48,791					48,791
Williams Arena 2008 Addition	<u>1,111,115</u>	<u>171,379</u>				<u>1,282,494</u>
TOTAL BUILDING	<u>\$ 405,260,517</u>	<u>\$ 322,848</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 405,583,365</u>
GROSS EQUIPMENT	<u>\$ 14,186,855</u>	<u>\$ 7,065,967</u>	<u>\$ (1,005,994)</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 20,246,828</u>

UNIVERSITY OF MINNESOTA-MINNEAPOLIS, MINNESOTA
University of Minnesota Athletics Department-National Collegiate
Athletic Association (NCAA)

LONG-TERM DEBT REPAYMENT SCHEDULE
AS OF JUNE 30, 2016

Project	Original Loan Amount Related to Athletics Dept Project	Outstanding Principal Amount of Athletic Debt at June 30, 2016	Interest Rate Charged to Athletics	FY16 Debt Service
Athletics facilities project	\$ 40,000,000	\$ 7,005,728	4.28 %	\$ 1,348,962
Various facilities projects	10,535,401	3,233,521	3.80	750,738
TCF Bank Stadium	28,000,000	20,160,000	4.60	1,991,414
TCF Bank Stadium	<u>25,000,000</u>	<u>15,300,000</u>	Actual	<u>166,191</u>
TOTAL	<u>\$ 103,535,401</u>	<u>\$ 45,699,249</u>		<u>\$ 4,257,305</u>

General obligation (GO) bonds or commercial paper (CP) supported by the full faith and credit of the University are issued for various capital projects. When a project related to athletics facilities is funded by external debt, the Department is generally charged its applicable share of debt service for that debt.

TCF Bank Stadium (the "Stadium"), completed in July 2009, was financed with various debt issuances, private donations, corporate sponsorships, student fees, game-day parking fees, and other University revenues. The debt issuances supporting the Stadium included GO bonds Series 2009A, with a par of \$41,000,000, GO bonds Series 2009B with a par of \$17,035,000, Special Purpose Revenue Bonds (State Supported Stadium Debt) Series 2006, with a par of \$137,250,000, and CP Series D totaling \$25,000,000.

Repayment of \$28,000,000 of the \$41,000,000 GO Series 2009A is an obligation of the Department. The remaining \$13,000,000 of the \$41,000,000 of GO Series 2009A is funded by student activity fees, which are not part of the Department and is not included in the long-term debt repayment schedule above. Repayment of the GO Series 2009A is funded by a separate contractual agreement that is not included in the activity of the Department and is not included in the table above.

Debt service payments on the \$25,000,000 of CP Series D will be funded by future gifts as they are received by the foundation and/or athletic department revenue. Principal reductions in the amount of \$1,100,000 were applied to the debt during fiscal year 2016. Fiscal year 2016 interest was charged to the Department based on the actual interest rate the University pays on the CP, which is in the range of 0.41% to 0.46% as of June 30, 2016.

The state-supported Stadium debt is a special limited obligation of the University, and is not included in the long-term debt repayment schedule above. Specified transfers expected to be made by the State of Minnesota pursuant to legislation providing for the appropriation of such transfer from the general fund of the State of Minnesota for the payment of the state-supported Stadium debt. On August 26, 2015, the University issued Special Purpose Revenue Refunding Bonds Series 2015A. The Series 2015A was used in the par amount of \$90,075,000 to defease and refund the Special Purpose Revenue Bonds Series 2006. The State of Minnesota is expected to continue to make the specified transfer for the Series 2015A pursuant to amended legislation. Neither any other revenues nor assets of the University, nor the full faith and credit of the University, is pledged for repayment of the principal or interest on the state-supported Stadium debt.

UNIVERSITY OF MINNESOTA-MINNEAPOLIS, MINNESOTA
University of Minnesota Athletics Department-National Collegiate
Athletic Association (NCAA)

BOOSTER CLUBS
ACTIVITY FOR FY16 (JULY 1, 2015–JUNE 30, 2016)

	Beginning Cash Balance	Cash Receipts	To or On Behalf of Program	To or On Behalf of Boosters	Non University Activity	Ending Cash Balance
MEN'S ACTIVITY:						
Baseline Club	\$ 6,613	\$ 20,116	\$ -	\$ 22,853	\$ 255	\$ 3,621
Blue Line Club	66,351	43,382		23,011	57	86,665
Dugout Club	40,511	95,413	486	85,532	182	49,724
Goal Line Club	70,441	174,179	6,000	157,947	2,225	78,448
Golden Dunkers	18,885	43,702		35,475	921	26,191
Graceful G/G	16,094	5,045	2,378	5,231		13,530
Takedown Club	9,666	104,848		103,678	21	10,815
Total men's activity	<u>228,561</u>	<u>486,685</u>	<u>8,864</u>	<u>433,727</u>	<u>3,661</u>	<u>268,994</u>
WOMEN'S ACTIVITY:						
10.0 Club	4,139	9,134	5,112	4,908		3,253
Courtside Club	14,946	9,190	2,222		28	21,886
Fast Break Club	9,496	14,810	1,292	13,675		9,339
Homerun Club	17,034		17,034			
The Inside Track (Friends Of Mn)	10,536	19,149	4,275	5,565		19,845
Point U!	11,003	13,929	5,841	7,584		11,507
Power Play	8,923	13,876	2,200	11,561		9,038
Total women's activity	<u>76,077</u>	<u>80,088</u>	<u>37,976</u>	<u>43,293</u>	<u>28</u>	<u>74,868</u>
BOTH—						
Fast Lane Fans	<u>21,916</u>	<u>5,342</u>	<u>-</u>	<u>4,744</u>	<u>-</u>	<u>22,514</u>
TOTAL ACTIVITY	<u>\$326,554</u>	<u>\$572,115</u>	<u>\$46,840</u>	<u>\$481,764</u>	<u>\$3,689</u>	<u>\$366,376</u>

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES

Ms. Suzanne Paulson
University of Minnesota Controller's Office
206 WBOB
1300 S 2nd St.
Minneapolis, MN 55454

At your request, we have performed certain agreed-upon procedures, as enumerated below, with respect to the University of Minnesota's (the "University") and State of Minnesota's evaluation of the University's compliance with Chapter 312, Article 1, Section 4 of the Laws of Minnesota for the Mayo Partnership in Regenerative Medicine award expenditures for the period from July 1, 2014 to June 30, 2016. These procedures, which were agreed to by the University of Minnesota Controller's Office, were performed solely for this purpose. The University is responsible for compliance with the statute.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the specified parties.

Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

Agreed-Upon Procedures for the Statement

1. We obtained the Statement of Expenditures by Subrecipient (the "Statement") for the period from July 1, 2014 to June 30, 2016, and the Attachment of Subrecipients with Affiliations (the "Attachment") as prepared by management. The Attachment has been included as Exhibit A to this report.
2. We recalculated the total dollar amounts on the Statement and compared the amounts on each line on the Statement to the corresponding amounts on the reconciliation prepared by management between the University's general ledger and the amounts on the Statement, noting no exceptions.
3. We compared the dollar amounts on management's reconciliation to the University's general ledger and recalculated the total presented in the Statement, noting no exceptions.
4. We compared actual expenditures by project number on the Statement to the Budget Information section of the Notice of Grant Awarded (NoGA) to ensure total expenditures by project number did not exceed the approved budget limit, noting no exceptions.

5. We randomly selected 20% of the Principal Investigators (PI) affiliated with the University included within the Attachment and obtained the expenditure detail during the period from July 1, 2014 to June 30, 2016 from the Statement. We randomly selected 40 expenditure selections from the expenditure detail, and traced and agreed the amounts to the source documents, noting no exceptions.
6. We randomly selected 5 PIs whose affiliations were outside of the University included within the Attachment and obtained the subaward agreements to ensure appropriate approvals by the University and the sub-recipient, noting no exceptions.
7. We inquired of management regarding policies and procedures in place to monitor that awards are expended in accordance with Chapter 312, Article 1, Section 4 of the Laws of Minnesota to determine that these policies and procedures were appropriately applied, noting policies and procedures were in place and appropriately applied.

We were not engaged to, and did not, perform an examination, the objective of which would be the expression of an opinion on the University's compliance with Chapter 312, Article 1, Section 4 of the Laws of Minnesota for the Mayo Partnership in Regenerative Medicine award expenditures for the period from July 1, 2014 to June 30, 2016. Accordingly, we do not express such opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the University, the University's Board of Regents, and authorized representatives of the State of Minnesota, and is not intended to be and should not be used by anyone other than these specified parties.

Deloitte & Touche LLP

December 9, 2016

Attachment of Subrecipients with Affiliations
For the period from July 1, 2014 to June 30, 2016

<u>Recipient</u>	<u>Affiliation</u>
Blazer, Bruce	University of Minnesota
Bormann, Misun	*
Bradley, Elizabeth	Mayo Clinic
Burnett, John	Mayo Clinic
Campbell, Katherine	Mayo Clinic
Carlson, Daniel	*
Daughters, Randy	*
Dietz, Allan	*
Dutton, James	University of Minnesota
Ferrington, Deborah	University of Minnesota
Fife, Brian	University of Minnesota
Flatequal, Jessica	*
Garry, Daniel	University of Minnesota
Golden, Amanda	Mayo Clinic
Holst, Kimberly	Mayo Clinic
Huebert, Robert	Mayo Clinic
Jakub Tolar	University of Minnesota
Keirstead, Susan	University of Minnesota
Kosobuski, Anna - Wirta	University of Minnesota

Recipient	Affiliation
Kyba, Michael	University of Minnesota
Lee, Kendall	Mayo Clinic
Limberg, Tami	*
Lindborg / Brekke	*
Low, Walter	University of Minnesota
Lund, Troy	University of Minnesota
Marchant, Jonathan	University of Minnesota
Meredith, Leah	*
Metzger, Joe	University of Minnesota
Mueller, Kim	*
Naqwi/Mortari	*
Nellis, Robert	Mayo Clinic
Nelson, Matt	*
Nelson, Timothy	Mayo Clinic
Nyberg, Scott	Mayo Clinic
Ogle, Brenda	University of Minnesota
Osborn, Mark	University of Minnesota
Owen, Mary	University of Minnesota
Parr, Ann	University of Minnesota
Perlingeiro, Rita	University of Minnesota
Reinhart, Todd	*
Rice, Melinda	Mayo Clinic

Recipient	Affiliation
Savin, Laura	*
Staff, Nathan	Mayo Clinic
Sukasanpaison, Lukkana	*
Syedain, Zeeshan	University of Minnesota
Tranquillo, Robert	University of Minnesota
Vilendrer, Kent	*
Wagner, John	University of Minnesota
Walcheck, Bruce	University of Minnesota
Walker, Henry	Mayo Clinic
Wheelwright, Matthew	University of Minnesota
Wigle, Dennis	Mayo Clinic
Wilson, Tracy	*
Wyles, Saranya	Mayo Clinic
Zojonc, Stephanie	*

*Researcher is not affiliated with the University of Minnesota or Mayo Clinic



BOARD OF REGENTS DOCKET ITEM SUMMARY

Audit & Compliance

February 9, 2017

AGENDA ITEM: Recommendation for Engagement of External Auditor

Review Review + Action Action Discussion

This is a report required by Board policy.

PRESENTERS: Brian D. Burnett, Senior Vice President, Finance & Operations
Michael D. Volna, Associate Vice President & Controller

PURPOSE & KEY POINTS

The purpose of this item is to recommend appointment of Deloitte & Touche, LLP (Deloitte) as external auditor for the University of Minnesota.

The previous external audit contract, also with Deloitte, ended with the FY 2016 audit. Management conducted a request for proposal (RFP) to engage an audit firm for audits of the University's annual financial statements and related work. Two firms responded to the RFP, and both firms were interviewed by an RFP search committee who unanimously recommended Deloitte.

Deloitte was also interviewed by the Brian Burnett, Senior Vice President of Finance & Operations; Michael Volna, Associate Vice President & Controller; Gail Klatt, Chief Auditor; and by the Audit & Compliance Committee chair and vice chair. All agreed with the recommendation to appointment Deloitte as the external auditor.

Board of Regents Policy: *Board Operations and Agenda Guidelines* requires that the Finance Committee approve all professional services contracts with a value of \$1 million or higher. The contract with Deloitte will exceed \$1 million in value, and will also require Finance Committee approval. It will be presented for approval during Finance Committee meeting on February 9, 2017.

BACKGROUND INFORMATION

The Board of Regents reserves to itself authority to approve selection of external public accountants pursuant to Board of Regents Policy: *Audit Committee Charter*.

PRESIDENT'S RECOMMENDATION

The President recommends approval of the appointment of Deloitte.



BOARD OF REGENTS DOCKET ITEM SUMMARY

Audit & Compliance

February 9, 2017

AGENDA ITEM: Update on the Law School's Progress in Addressing Audit Recommendations

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

This is a report required by Board policy.

PRESENTERS: Garry W. Jenkins, Dean, Law School

PURPOSE & KEY POINTS

The purpose of this item is to discuss progress made on remediation of findings from the internal audit of the Law School issued in May 2016.

That audit reviewed operational, financial, compliance, and information technology procedures and controls in place at the Law School. The report contained eight "essential" audit recommendations. Law School leadership presented steps to address each essential audit finding in the management response document submitted to Internal Audit in May 2016. All eight "essential" recommendations have been fully implemented.



BOARD OF REGENTS DOCKET ITEM SUMMARY

Audit & Compliance

February 9, 2017

AGENDA ITEM: Update on Human Participant Research Protection Implementation Plan

Review

Review + Action

Action

Discussion

This is a report required by Board policy.

PRESENTERS: Allen Levine, Interim Vice President for Research
Brooks Jackson, Vice President for Health Sciences and Dean of the Medical School

PURPOSE & KEY POINTS

The purpose of this item is to share and discuss progress made on the Board resolution, passed June 2015, related to the Human Participant Research Protection Program implementation plan.

All 63 recommendations from the external review have been implemented. They include:

- New leadership in the department of psychiatry, with Dr. Sophia Vinogradov joining the University in July 2016.
- Expanded Institutional Review Board (IRB) panels, including eight medical panels and two social behavioral panels, totaling more than 80 members with expertise in psychiatry, pediatrics, and oncology research.
- Professional training provided to researchers and their staff, including the Consortium on Law and Values' annual ethics conference and training to facilitate implementation of new requirements associated with enhanced consent protections.
- Newly implemented checklists, worksheets, and tools to provide transparency to the community of researchers.
- Expanded oversight and post-approval review activities to monitor and support compliance.
- The University will have fully integrated to a new electronic IRB system with new efficiencies and more transparent communication between researchers and the IRB. The system is undergoing usability testing and is on track for formal launch at the end of March 2017.
- Submission of a final legislative report, which is included in the docket.

BACKGROUND INFORMATION

On February 23, 2015, an external review panel issued a report containing 63 recommendations for improving the human subjects protection program at the University. The language of that report was strong in its statement that while the current program is in many respects adequate, the University must make changes if it wishes to have a leading program in human subjects protection. The external panel's report is [available here](#).

On March 12, 2015, President Kaler charged Brian Herman, Vice President for Research, and Brooks Jackson, Vice President for Health Sciences, with oversight of the implementation of the recommendations of an external review panel by establishing an Implementation Team (Team) of internal and external individuals with the qualifications and expertise to review the recommendations and develop a plan to implement them. At its March 2015 meeting, the Board approved immediate and longer-term action plans to implement the recommendations.

The Team was chaired by Dr. William Tremaine, Professor of Medicine, Mayo Clinic and Director, Mayo Clinic IRB. During the time of the Team's work, two additional reports were made available: 1) a May 5, 2015 draft report from the Office of the Legislative Auditor, which presented findings from all industry-sponsored studies at the University from 2004-2014; and 2) *Final IRB Investigation Report Into Fairview Concerns Regarding Psychiatry Research Studies at the University of Minnesota*, referred to as the "Oakes report." Team members considered the information from these reports in their recommendations. Report #2 above is publically available on the Advancing Human Subjects Research website.

The Team submitted a draft report to President Kaler on May 15, 2015. This report was made available for public comment on May 18, 2015; the comment period closed on June 1, 2015.

The report recommended significant and disruptive changes to the University's human participant research protection program. These changes are intended to cultivate a culture of ethics, ensuring the primacy of the University and each investigator's duty to keep the well-being of patients who become research participants at the center of policies and procedures, while ensuring the institution's commitment to clinical research and the faculty.

Key components of the report were:

- Cultivating a culture of ethics
- Strengthening Institutional Review Board (IRB) membership and review process
- Scientific review
- Post-approval monitoring
- For-cause investigation
- Research with subjects who have impaired or fluctuating capacity to consent
- Department of Psychiatry
- Engaging research subjects
- Education and training of investigators
- Accounting metrics
- Managing Conflicts of Interest
- Community Oversight Board
- External advisor
- Required resources

The Team received over 60 comments to the draft report. The comments reflected concerns about undue burden and the proposed policy change regarding Conflict of Interest; suggestions for community engagement; concerns about changes to scientific review; and questions about the applicability to the Social and Behavioral IRB. The final report reflects those submissions.

At its June 2015 meeting, the Board reviewed and discussed the final work plan's key recommendations and passed a resolution endorsing the final work plan. The Board also stated it would take an active role in providing ongoing oversight and monitoring of these activities by receiving regular progress reports through its Audit Committee at each of the committee's meetings until the work plan has been fully implemented. Those progress reports are online at the [Advancing HRP website](#).

At its September 2015 meeting, the Audit & Compliance Committee received an update about several recommendations from the external review and implementation plan that had been addressed and reported to the Regents and the Legislature over the summer. Those items included:

- Establishment of the Fairview University Research Oversight Committee (FUROC).
- Retaining an external advisor (Dr. David Strauss) from the external advisory panel to assess progress on the original recommendations.
- Outsourcing review of Psychiatry clinical trials.
- Hiring Compass Point to randomly review 100 psychiatric trials.
- IRB meeting changes: quorum, number of meetings, number of protocol reviews per meeting.
- Policy change: 72-hour hold practice.

The December 2015 Audit & Compliance Committee meeting included updates from Vice President for Research Brian Herman; Professor Steve Miles; and Lynn Zentner, Director of the Office of Internal Compliance.

Continued monthly reporting to the Legislature included updates about:

- Status of IRB Membership, Research Compliance Office and For Cause Investigations final deliverables including review by David Strauss, external reviewer for the implementation.
- Development of four medical IRB rosters and nominees to serve.
- Updates about a more stringent Conflict of Interest policy and broad consultation of the changes.
- A national conference on December 2, 2015, hosted by the University's Consortium on Law and Values entitled "Research with Human Participants."
- Research Compliance Office structure and operations that became effective on October 2, 2015.
- Appointment of a new Community Oversight Board chair, Paul Mattessich.
- Development of new coursework by the Center for Bioethics that includes standards for research with human participants and the hiring of a new education and outreach specialist for researchers and IRB member training and communications.

At the February 2016 meeting, Paul Mattessich, Executive Director of Wilder Research and Chair of the Community Oversight Board, was introduced to the committee and discussed implementation of the new COB board. The following updates were also covered:

- The Clinical and Translational Science Institute (CTSI) continuing its evaluation of the Department of Psychiatry and has begun a gap analysis and curriculum design plan for

human participation research training and education at the University in collaboration with the OVPR, IRB, and Center for Bioethics.

- Presented the results of a recent external consultant's review of the Department of Psychiatry. CTSI hired the consultant to assess the status of clinical trials in the department early last fall and assist in developing a management plan. The consultant's final report was received in January and made observations similar to previous reports on this topic. To address those observations, the University has increased monitoring of clinical research in the department, including assisting faculty in understanding and using GCP guidelines, and is moving forward on transferring the management of this clinical research to CTSI.
- HRPP beginning the first phase of implementing an electronic IRB. The eIRB, when fully implemented, will speed up reviews for researchers, add capacity, and ensure proper documentation.
- Continued consultation of the Conflict of Interest policy changes. This policy will be voted on at the April 2016 University Faculty Senate meeting.
- Plans to make the successful December conference entitled "Research with Human Participants" an annual event.
- The Scientific Review submitting their final report and move forward to discontinue departmental review and create a process in the Human Research Protection Program (HRPP) for this review, eliminating real or perceived conflict.
- Recruiting of membership for the Community Oversight Board. The board is diverse with members representing health care providers, patient advocates, the State, the University and the non-profit community.

At the May 2016 meeting, a full list of all the accomplishments since the June 2015 Board resolution was provided. The updates included the following:

Department of Psychiatry

- New department head, Dr. Sophia Vinogradov, starts July 31, 2016 and is already engaging with the University community.
- Department faculty have adopted new policies: requiring Good Clinical Practice (GCP) standards for all studies, implementation of a new checklist to ensure better collaboration with clinical staff, and a requirement that a treating clinician of a potential study participant cannot be involved in consent for a research study.
- The department has endorsed Clinical and Translational Science Institute (CTSI) management of all clinical trials and begun that transition.
- A full-time CTSI research project manager, already embedded in Psychiatry, is working with investigators on all aspects of design and execution of clinical trials.
- New accountability standards require that any problems identified with studies and not quickly corrected by the Principal Investigator are reported to the department head and then, if still not corrected, to the Vice Presidents of Health Sciences and Research.
- The department continues to work with the Center on Bioethics on recruitment and other ethical issues.

Internal Review Board (IRB)

- Reconstituted to form eight medical committees, broadened membership to ensure adequate expertise, and implemented compensation for faculty participants.
- Revised the format of meeting minutes to ensure adequate documentation.
- Reviewed best practices of peer organizations.
- Began implementation of an electronic IRB to ensure better and faster review of study protocols.
- New monitors have been hired through the Post Approval Review function to increase and improve PAR monitoring.

- All psychiatric interventional drug trials were suspended and re-reviewed by an external IRB. Quorum IRB continues as the IRB of record for these trials.
- Implemented a policy stating the University will not recruit individuals or patients on a 72-hour hold.
- An external consulting firm, Compass Point Research, submitted a final report of their independent review of close to 100 IRB protocols for active studies. Overall, the report indicates that the University does not have a systemic issue with the conduct of clinical research.

New Oversight Structure

- Research Compliance Office (RCO) – Effective as of October 2015, RCO has responsibility for conducting for-cause investigations to ensure separation from the IRB.
- Fairview University Research Oversight Committee (FUROC) – This committee is composed of leaders of the University and Fairview Health Services to ensure better communication about and oversight of research in Fairview facilities and involving Fairview patients and staff. The committee is co-chair by Brooks Jackson, Vice President of Health Sciences and Dean of the Medical School, and Beth Thomas, Chief Medical Officer of Fairview.
- Community Oversight Board (COB) – The COB was created to allow greater community input into research involving human participants at the University on ethics, community engagement, policies, communication and dissemination of research finding. The board is chaired by Paul Mattessich of Wilder Research and has a diverse membership representing health care providers, patient advocates, the University, the non-profit community.
- External Advisor – Dr. David Strauss continues reviewing progress with each work team and spent time on campus in March consulting and discussing accomplishments.

Education and Training

- New “best clinical practices” training is in final stages of development and will be required in the Department of Psychiatry starting this summer.
- Needs assessment and gap analysis on Human Research Protections and Ethics training complete.
- New model for human research protection education coordination and enforcement approved.

Culture

- Convened a national conference in December 2015 entitled, “Research with Human Participants: The National Debates.” This will be an annual event and include an educational component.
- Created language describing the University’s core ethical commitments. This statement is being discussed and published throughout the University, particularly within clinical and research units.

At the June 2016 meeting, the committee received an update on the following progress:

- The Engaging Research Participant work group is drafting the work area’s final report that adopts a systems approach, identifying expectations of researchers in engaging participants and the public as well as evaluating participant and public responses related to research. The recommendations focus on the informed consent process documents and the on-going engagement of research participants. The work group is in the process of finalizing participant contact cards for study coordinators to give to participants and their family members at each visit, and a participant feedback survey that will provide real-time feedback and trends about participant’s experience in research studies to University leadership, the Community Oversight Board (COB) and the public. Feedback from

participants and the public will also help inform education and training for investigators and their study teams. The work group is also finalizing recommendations about the dissemination of research results to participants and the broader public.

- The COB held its second quarterly meeting on May 12, 2016. Key agenda items included the Compass Point Report, the Department of Psychiatry Assessment Report and CTSI Management Plan and the composition of the board.
- Progress continues with changes to the IRB structure and process improvements. IRB member assignments for four of the eight planned biomedical panels have been finalized and will start in July. Additional member orientation meetings and training sessions were held during in May.

At the September 2016 Audit & Compliance Committee meeting, Vice President Brian Herman and Dr. David Strauss shared an update that included the following:

- Overall, the work remains on schedule. The implementation teams have completed their reports and moved into the operationalization phase. Progress on operationalization is being monitored. Work areas remain engaged with key faculty stakeholders and work is consulted broadly to ensure engagement and adoption of the changes.
- Eight IRB medical panels have been recruited and will provide more rigorous and timely reviews. Policies and supporting documents under “Human Research Participants Who Have Impaired or Fluctuating Capacity to Consent” have also been released.
- The IRB developed new policies and procedures to establish requirements for assessing capacity to consent to research and to promote the protection of potentially vulnerable participants.
- HRP-110 “Research Involving Adults with Absent, Diminished, or Fluctuating Capacity to Consent to Participate in Research” establishes requirements for investigators enrolling these types of adults. This includes the requirement that one of the following validated tools be used to assess capacity to consent in research studies: MacArthur Competence Assessment Tool for Clinical Research (MacCAT-CR) for greater than minimal risk research; or UCSD Brief Assessment of Capacity to Consent (UBACC) for minimal risk research.
- HRP-111: Research Involving Adults under Court Jurisdiction establishes conditions under which potential subjects may not be enrolled in any psychiatric drug, device, or biological trial, including adults under a hold, including those subject to a commitment petition and/or temporarily confined involuntarily under 72-hour emergency holds, “intent to leave” periods, or detainment under a Peace Officer/Health Officer Authority.
- Policy HRP-403C reflects two changes to Minnesota law effective August 1, 2016:
 1. The first change prohibits investigators from enrolling a patient on an involuntary hold (72- hour emergency admission hold, peace officer transport hold, or court apprehend and hold order) into any clinical drug trial. This change extends IRB policy that has, since 2015, prohibited enrolling patients on an involuntary hold from being enrolled in any psychiatry clinical drug, device, or biological trial.
 2. The second change requires investigators in the Department of Psychiatry conducting clinical drug trials to notify the Minnesota Ombudsman for Mental Health and Disabilities within 24 hours of a research participant’s death or serious injury. The Ombudsman has authority to recommend actions to the University to prevent a recurrence of deaths; receive and investigate complaints from any source related to an individual’s participation in a psychiatric drug trial and recommend actions to the University; and monitor psychiatric drug trials to assure the protection of participants.

- An online, interactive course, “Assessing Capacity to Consent to Research,” has been developed to support the education and training needs of the research and IRB community in the adoption of the new policies and procedures. The course was vetted by University stakeholders including the Center for Bioethics, Department of Psychiatry, and Paul Appelbaum, MD, co-author of the MacArthur Competence Assessment Tool for Clinical Research.

UNIVERSITY OF MINNESOTA

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December 23, 2016

**TO: Regent Johnson, Chair
Regent Brod, Chair, Audit Committee**

FROM: Brian Herman, Vice President for Research



Included for your review and approval is the eighteenth report to the Legislature on implementation of the work plan to improve research with human participants at the University of Minnesota, institutionally referred to as AdvancingHRP. The report, due to the Legislature on January 1, includes a narrative summary of what has been accomplished since the last report and in addition provides information at the bottom of report about where more details can be found.

This January report signifies the arrival of our December 31 implementation end date and because of this this will be our last formal report. We look forward to sharing the continued advancements and evolution of our human research protection program upon your request.

SUMMARY

As we have and continue to report to the Board of Regents Audit and Compliance Committee, this university is dedicated to meeting, upholding, and exceeding the highest ethical standards in research practices involving human participants. We have reached the end of our implementation period and with the exception of our new electronic IRB system, nearly all of the 63 recommendations (see table and progress card below) from our external review will be implemented by 12/31/16. It is important to note that the University added recommendations for changes to our human research protection program and those enhanced or exceeded what the external review panel proposed. Many faculty and staff have put in considerable time and effort into advancing human research protections and they have had significant accomplishments thus far and it will require continuous attention and focus from the University's research community. This is a challenging and vexing lift for the University and our work continues as we maintain and build upon these changes in our day to day operations.

All the final reports from each work area are approved and available on our implementation website. Most recently we finalized and approved the monitoring and accountability reports. Our oversight committees continue to meet including the Fairview University Research and Oversight Committee (FUROC) which recently met on 12/21/16. In January we will report our progress to both

the Community Oversight Board on 01/12/17 and the University's faculty research compliance advisory committee later in the month.

We believe we have and will continue to make great advancements in our human research protection program. For complete implementation details including final work team reports, please visit <http://research.umn.edu/advancehrp/implementation.html>.

Advancing Human Research Protections
Table: External Review Recommendation Summary

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
1.	Leadership Initiative	20	Publicize unequivocal statements on the administration's intention to create and nurture a culture of ethics in research; the OVPR must then animate these values to life by investing in their visibility and adoption at all levels of the University's research enterprise.	Complete	UMN adopted these Core Commitments to represent shared responsibility to protect research participants, uphold the highest ethical standards and improve practices at every step. UMN also launched a communication effort to recognize IRB member service, including recognition of those who have served, those that have continued to serve, and those new to this role.
2.	Leadership Initiative	20	Convene a task force that would include research participants, research ethicists, educators, researchers, and HRPP/IRB staff to consider ways in which ethics and ethics education on the topics of research participant protections will be integrated into practice.	Complete	Two mechanisms have been established: Community Oversight Board (COB) and the Fairview University Research Oversight Committee (FUROC)
3.	Leadership Initiative	20	Explore ways in which an acknowledgement of the primacy of research participant protections and ethical research could be integrated into relevant University publications, materials, and web pages.	Complete	Adoption of the Core Commitments was made by UMN departments/units. References to the Core Commitments can be visibly seen on UMN department websites and office spaces.

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
					<p>Enhancements were made to research participant resources including revisions to the HRPP research participant webpage and development of a research participant brochure, participant contact card, and legally authorized representative brochure. This work continues with a plan of integrating participant resources with additional UMN department websites including Study Finder.</p> <p>The HRPP announced the anticipated release of new software for IRB submissions in March 2017. The system's acronym, ETHOS, stems from the University's mission to cultivate a culture of research ethics—to protect research participants, uphold the highest ethical standards, and improve our practice at every step. This launch is part of the larger initiative to adopt new and enhanced approaches to the review of human research, including the adoption of the HRPP Toolkit.</p>

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
4.	Leadership Initiative	21	Incorporate the University's stated commitment to, and plans for strengthening, research ethics and research participant protections in future strategic planning.	Complete	<p>To continue University's mission and commitment, the Human Research Protection Program committee was formed, representing stakeholders across human research protections. The HRPP committee will provide a coordinated approach for effective planning, implementation, and monitoring of the HRPP's mission. This includes the following objectives:</p> <ul style="list-style-type: none"> ● Establish methods to promote transparency and collaboration across the HRPP ● Identify, evaluate, and prioritize HRPP gaps ● Review and make recommendations to university leadership regarding the university's mission to protect participants, uphold ethical standards, and improve HRPP practices ● Share accountability for and evaluate the overall performance of the HRPP
5.	Leadership	21	Require all departments engaged in	Complete	AdvancingHRP developed a

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
	Initiative		clinical research to acknowledge this refocusing of University research priorities and craft statements reflecting their own commitment to excellence and accountability in human subjects protections.		communicators toolkit to provide access to digital and print assets related to the Core Commitments for use by units and departments.
6.	IRB Membership	27	Implement guidelines regarding IRB meeting attendance in order to ensure that a larger, more critical mass of members are present at each meeting.	Complete	Eight IRB panels of eight members per panel have been established. Each panel meets every other week. To meet performance standards and be eligible for compensation, members must attend a minimum of 22 (of 26) meetings each year.
7.	IRB Membership	27	Broaden the membership of the Medical IRB to ensure that it includes individuals with expertise reflecting the nature and volume of the University's research.	Complete	Biomedical IRB membership has increased from 37 to 67 members and representation is based, in approximate proportion to the volume of submissions received from each department/division. Quarterly evaluation of this alignment is underway.
8.	IRB Membership	27	Consider providing compensation, or alternate incentives (e.g., released teaching time, reduction of other responsibilities, consideration during promotion, etc.) to foster and support qualified faculty participation on an IRB.	Complete	A compensation plan has been implemented for IRB members and chairs.
9.	IRB Review	30	Revise the format of the convened IRB	Complete	The format of IRB meeting minutes

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
	Process		meeting minutes to include a meaningful summary of the study, any controverted issues that are discussed, their resolution, and documentation to support the IRB's rationale for requesting modifications to the study		has been revised to align with the Huron Toolkit. The format aligns with regulatory criteria and has been reviewed by the Association of Accreditation for Human Research Protection Programs - most recently in October, 2016.
10.	IRB Review Process	30	Consider whether certain actions may not warrant convened IRB review and therefore may not require discussion at the convened IRB meeting, freeing up time for the discussion of more complex and challenging protocols	Complete	A training plan has been implemented to calibrate staff determinations for level of review and to identify actions that do not warrant convened IRB review. This training plan is part of the larger implementation of the Huron Toolkit and includes both group training sessions as well as individual mentoring.
11.	IRB Review Process	30	Consider developing a system for evaluating the appropriate number of action items per convened meeting agenda with consideration of the expertise of those present and the planned length of the agendas.	Complete	A cap has been placed on the number of items that may be placed on a committee agenda. No more than 20 items can be placed on an agenda. With 8 panels, and a recalibration of items that go to full committee, the agenda size for meetings is 8-12 items. A process is in place to evaluate compliance with agenda development.
12.	IRB Review Process	31	Consider making arrangements for the University's IRB staff to attend IRB	Complete	IRB staff conducted a visit to Penn State in July, 2015. An IRB chair

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
			meetings at peer institutions so as to better assess best practices and to determine ways in which the University's IRB can be improved.		from Harvard served as a chair for one of the new IRB panels for several months in 2016. Mayo's IRB chair lead the spring 2015 implementation team and shared their best practices.
13.	IRB as an Investigative Body	34	Reconsider the reliance on IRB membership to staff ICs looking into incidents of noncompliance; a. Consider whether one or more non-IRB individuals might also be appointed to the ICs; b. If the University will continue to draw only from IRB membership to formulate these panels, expand the IRB membership to ensure sufficient expertise to meet this charge, a. recommendation that was independently made in the foregoing section.	Complete	In July, 2016, a new administrative policy "For-Cause Investigations Related to Research Compliance Concerns" was implemented under the direction of the Research Compliance Office. The Research Compliance Office has assumed the role of looking into incidents of noncompliance defined by policy.
14.	IRB as an Investigative Body	34	More rigorously make use of other internal resources (such as the PAR Monitoring Program discussed in section 3.3.3 below) and external resources to supplement the work of the ICs.	Complete	Clarity about the Post Approval Review (PAR) quality assurance program and the Clinical and Translational Science Institute (CTSI) clinical trial monitoring program - in substance and projected volume - is now available for the Research Compliance Office (RCO) and the Institutional Official (IO).

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
15.	IRB as an Investigative Body	34	Evaluate the mechanisms through which IC findings and any corrective action required are disseminated, particularly with regard to follow-through with complainants.	Complete	Information from PAR quality assurance reviews and the CTSI clinical trial monitoring program will be regularly shared with the Research Compliance Office and the IO.
16.	Education and Training	39	Conduct an evaluation of the resources of the HRPP specifically dedicated to the education and training of the research community to ensure that appropriate resources are in place to offer basic and advanced training opportunities in human subjects' protections	Complete	An evaluation was included in the Education and Training Final Report. The Education Advisory Group will take in consideration the recommendations included in the final report and analysis.
17.	Education and Training	39	Create opportunities for advanced training in human subjects protections for all individuals involved in human subjects protections including investigators, IRB members and staff, research personnel, and clinical staff on units that conduct research	Complete	Additional opportunities for advanced training were offered including but not limited to workshops on expanded access, local laws and human research, capacity to consent with the MacCAT-CR and UBACC tools. The HRPP offered advanced sessions sponsored by multiple professional research ethics organizations including Public Responsibility in Medicine and Research, Association for the Accreditation of Human Research Protection Programs, and Quorum

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
					IRB Review.
18.	Education and Training	39	Evaluate whether additional mandatory training requirements, comparable to the new mandatory training for sponsor-investigators, should be implemented. Careful attention should be given to areas of research that are considered to be “high-risk,” including those involving vulnerable populations such as individuals with the potential for limited decision-making capacity	Complete	The HRPP implemented policy HRP-110 which requires the completion of a newly developed online course, Assessing Capacity to Consent to Research, for those obtaining consent in studies involving persons potentially with diminished, fluctuating, or absent capacity to consent.
19.	Education and Training	39	Institute a more substantive requirement for advanced level training for investigators and research teams when a determination has been made by the IRB of serious or continuing noncompliance, and develop a mechanism for ensuring compliance with this requirement	Complete	A collaboration exists between the Post Approval Review (PAR) program and HRPP’s Education and Outreach to identify training needs for investigators and staff based on compliance gaps. This includes: <ul style="list-style-type: none"> ● A mechanism for ensuring compliance with identified training requirements through Corrective Action and Prevention Plans; ● Forwarding of monthly reports of QA/QI activities by the PAR program to the HRPP team; and ● Weekly management team meetings that includes

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
					dialogue and updates regarding compliance activities of the PAR program.
20.	Education and Training	40	Evaluate the mechanisms through which HRPP policies and procedures are communicated to the broader University research community in order to ensure that all its members are knowledgeable about and have ready access to the policies and procedures related to human subjects research	Complete	<p>The HRPP launched in September 2015 a research community newsletter that is sent to over 10,000 researchers, student researchers, advisors, coordinators, and representatives of research administration and leadership. The HRPP has found this avenue most effective for communicating policies, procedures, and other regulatory information based on the review of feedback from the research community and reporting and analytics.</p> <p>The HRPP and IRB websites underwent significant revision to ensure easy access to policies, procedures, and guidance related to the protection of human subjects in research.</p>
21.	Education and Training	40	Create expectations for the involvement of research departments and centers in the development of educational programs tailored to the nature and	Complete	The Human Research Education Advisory Group was launched to address recommendations from the Education and Training final report

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
			context of their research activities		and to consider other education-related recommendations from across the University.
22.	Education and Training	40	Consider ways to involve the University's Center for Bioethics in the educational programs focusing on human subjects research	Complete	The Education Advisory Group includes a representative from the Center for Bioethics. In addition, representation from the Center for Bioethics has been included in the development process of the online course, Assessing Capacity to Consent to Research, and a hybrid course on the topic of informed consent.
23.	Education and Training	40	Consider efforts to engage the local community of patients and prospective subjects with programs on the ethics of research and the University's HRPP	Complete	HRPP's Education and Outreach included targeted efforts to engage communities in the development of research participant facing educational resources.
24.	Education and Training	40	Upgrade and professionalize education in, among other subjects, the responsible conduct of research and research ethics	Complete	HRPP efforts to enhance and professionalize human research education include the launch of an online course, Assessing Capacity to Consent to Research. The HRPP now requires all new IRB members and staff to complete the Public Responsibility in Medicine and Research, Ethical Research Oversight Course (E-ROC).

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
					Additional considerations for human research education will be considered by the Education Advisory Group.
25.	Scientific Review	45	Carefully consider the impact on the IRB's overall ability to conduct an appropriate risk-benefit analysis when the evaluation of study merit is delegated to the department	Complete	Revised policy, implemented March, 2016, removes evaluation of study merit by the department from the list of acceptable methods for scientific assessment.
26.	Scientific Review	45	Carefully consider whether a robust review at the department level is feasible for each department, taking into considerable the size of the department, reporting relationships, and the volume of research	Complete	Revised policy, implemented March, 2016, removes evaluation of study merit by the department from the list of acceptable methods for scientific assessment.
27.	Scientific Review	45	If the University chooses to maintain a department-based process for scientific review: a. Ensure the applicable policies delineate departmental and IRB responsibilities regarding the assessment of study design; b. Develop guidelines for careful scientific review and ensure that the de minimis requirements are adhered to when department-level scientific review is used.	Complete	Revised policy, implemented March, 2016, removes evaluation of study merit by the department from the list of acceptable methods for scientific assessment.
28.	Scientific Review	47	Revise the HRPP policy on scientific review and related guidance on the	Complete	In the adoption of the HRPP Toolkit, HRP-SOP-050 includes a

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
			IRB’s website to state that individuals with a conflict of interest or conflict of commitment may not serve as a scientific reviewer. Conflict of interest should be operationally defined in these documents.		process for identifying whether scientific reviewers have a conflict of interest prior to the review of research. The process includes procedures for re-assigning the review to a reviewer that does not have a conflict of interest.
29.	Scientific Review	47	Revise the template titled “Departmental Scientific Assessment Form” (used pursuant to Method 3) to ensure that this form includes a statement defining potential conflicts of interest and affirming that individuals with such a conflict of interest may not serve as a scientific reviewer.	Complete	The template was not revised due to the elimination of departmental review. However, the HRPP adopted feedback in the development of HRP-SOP-050. This SOP establishes a process for identifying scientific reviewers with conflicts of interest. In addition, the process includes a re-assignment of the review to a reviewer that does not have a conflict of interest.
30.	Scientific Review	47	Consider whether additional protections are needed to ensure that scientific reviews of research proposed by senior faculty are not reviewed by subordinates. Given these concerns, the University should determine whether department-based review is feasible for individual departments.	Complete	Revised policy, implemented March, 2016, removes evaluation of study merit by the department from the list of acceptable methods for scientific assessment.
31.	Scientific Review	49	Develop a mechanism for systematically incorporating scientific reviews into the IRB	Complete	HRPP Toolkit SOPS 040, 041 and 043 require scientific review checks

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
			review process to ensure that scientific concerns impacting the criteria for IRB approval are sufficiently addressed.		and documentation of convened IRB acceptance of scientific review. IRB Minutes template includes requirement for the convened IRB to systematically consider the acceptability of scientific review for each new research proposal. In addition, the criteria for IRB approval worksheet (HRP 314) is used as a guide for IRB reviewers when assessing research.
32.	Scientific Review	49	Require that the IRB meeting minutes specifically document the IRB's review of the scientific assessment documents and any substantive concerns raised in the course of this review.	Complete	Toolkit SOP 043 prompts for minutes to include any substantive concerns raised about scientific assessment.
33.	Monitoring	54	Efforts to expand monitoring conducted through the PAR program and/or via the application of its methods to other HRPP monitoring efforts should be considered. Specific emphasis should be placed on increasing PAR monitoring efforts for research conducted at Fairview with an active dialogue with the Fairview staff so that they can be actively engaged in the	Complete	Expansion of quality assurance activities is underway in the HRPP. All PAR investigator quality assurance activities that involve research conducted at Fairview are reported to Fairview.

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
			process.		
34.	Monitoring	54	PAR should track and measure IRB follow-through on its findings and recommendations and report these to research leadership including department chairs and the Dean of the Medical School.	Complete	A decision was made to implement a plan that involves communication to institutional leaders. These leaders would cascade communication, when appropriate, to department heads.
35.	Monitoring	54	PAR should regularly share summary reports of its findings with department chairs and other institutional leaders charged with research oversight responsibilities to ensure that key areas of investigator and programmatic noncompliance can be readily identified and addressed.	Complete	A comprehensive reporting plan has been developed - some aspects under the monitoring plan and some under the broader accountability metrics plan.
36.	Monitoring	54	Deficiencies in IRB review processes/functioning should also be addressed through existing reporting and supervisory hierarchies, and not be addressed solely within the more limited authority of the IRB and Office of the Vice President of Research.	Complete	The Research Compliance Office - created under the Advancing Human Research Protection implementation plan, while reporting to the OVPR, is positioned to receive and follow up on information or complaints about alleged deficiencies in IRB review processes/functioning.
37.	Monitoring	54	In the context of ongoing concerns about problems related to subject	Complete	A comprehensive plan for live

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
			recruitment and consent in psychiatric studies, PAR should include live consent monitoring of such studies in its repertoire of subject safeguards.		consent monitoring has been developed. This plan will offer an additional option to the IRB as the consent process for each study is reviewed. When live consent monitoring is stipulated by the IRB, PAR will carry out this work.
38.	Monitoring	54	Separate reporting chains for IRB review and Post-Approval Review should be considered.	Complete	Staff conducting IRB review and staff conducting both investigator and IRB quality assurance review continue to report to the HRPP Executive Director. Physically, most PAR staff are now located in an office separated from the IRB staff. Information about PAR procedures will be taken off the IRB website and moved to the HRPP website to help clarify and make distinct the separation of functions. Robust reporting - under the monitoring plan and accountability metrics will create transparency in appropriate communication of all findings.
39.	Engagement of Research Participants	58	Establish accessible and reliable electronic and non-electronic channels (in addition to existing complaint mechanisms) for facilitating sustained communication among research	Complete	As part of the Advancing Human Research Protections initiative, the Engaging Research Participants Work group recommended the consolidation of phone numbers for

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
			<p>participants, their family members and other advocates (within the permissible bounds of the Health Insurance Portability and Accountability Act (HIPAA)), researchers, research team members, and HRPP/IRB administration.</p>		<p>research participants to call with questions and concerns to reduce confusion. Previously there were two numbers (Fairview Research Administration and the Research Participants' Advocate line) listed in the informed consent form. Informed consent forms have been revised to include only one number, the Research Participants' Advocate line. The new text aligns with the recently released research participant contact cards.</p>
40.	Engagement of Research Participants	58	<p>Develop mechanisms to regularly solicit, evaluate, and respond to research participant feedback.</p>	Complete	<p>The HRPP has refined mechanisms for soliciting research participant feedback with the consolidation of participant hotlines. In addition, the HRPP is in the process of finalizing procedures for the administration of a participant survey (See recommendation 41).</p>
41.	Engagement of Research Participants	58	<p>Partner with researchers to incorporate mechanisms for soliciting feedback regarding the research participant experience so that it can be secured contemporaneously with the individual's agreement to participate in research. For example, the HRPP might afford research participants an</p>	Complete	<p>The Engaging Research Participants Workgroup developed a draft research participant survey as part of its final report. The HRPP has begun work to finalize the survey in collaboration with the Office of Measurement Services to finalize the survey and develop a plan for</p>

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
			<p>opportunity to complete a research participant satisfaction survey at the end of study participation, or add an option to the University's template consent form asking subjects if they would agree to be contacted by the HRPP about their experiences as a research participant. Contact information for individuals who agree to this option could then be shared with HRPP officials and, post-participation, these individuals could be surveyed about their experiences. Data from these evaluations could be used to assess the research participant experience more broadly and would afford the HRPP a road map for developing programmatic changes that are directly responsive to the expressed needs of the research participant community.</p>		<p>administration, maintenance, and monitoring.</p>
42.	Engagement of Research Participants	58	<p>Include members of the research participant community on relevant research related committees, task forces, and/or educational programs as another means by which researchers, research staff, research administrators, and University leadership can form relationships with them and thus more directly solicit their input on community</p>	Complete	<p>Significant efforts were made to include community members on relevant committees and educational programs. This includes soliciting input and collaboration in the development of educational offerings. In addition, the Community Oversight Board (COB) was developed in order to</p>

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
			priorities and areas of community concern.		solicit feedback on community priorities and concerns.
43.	Engagement of Research Participants	59	Consider systematic approaches to express appreciation for subject participation, develop mechanisms to share research findings, and where appropriate, individual research results with subjects as a method of demonstrating partnership, showing respect and building trust.	Complete	A systematic approach was considered by the Engaging Research Participants work group. In the ERP Final Report, a recommendation was made to develop recognition efforts at the study, department, or organizational level, as appropriate. Many of which already exist.
44.	Capacity to Consent	65	Policies, guidance, application and review forms, and the IRB review process itself, should be redrafted and/or restructured for clarity and consistency to ensure that they will be appropriately used to prompt consideration of the methods used for assessing capacity to consent.	Complete	Toolkit documents HRP-110 Capacity to Consent has been created to prompt and guide consideration of the methods used for assessing capacity to consent.
45.	Capacity to Consent	65	The IRB should ensure that its review includes a substantive assessment of the scope and appropriateness of protocol-specific procedures that address the capacity to consent in light of the subject population being approached.	Complete	Toolkit checklist HRP-417 Cognitively Impaired Adults has been created and implemented to prompt and guide the IRB's substantive assessment of protocols.
46.	Capacity to Consent	65	Revised policies on legally effective informed consent should: a. provide the means for verifying decision-making capacity and voluntariness in all	Complete	Toolkit SOP HRP-090 Informed Consent Process for Research has been created and implemented to address this feedback.

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
			protocols as preconditions for all human subjects research; b. reject the standard that presumes capability by establishing a test of “substantial evidence otherwise” for adults with impairments.		
47.	Capacity to Consent	66	The IRB must provide adequate review and oversight of its policies to ensure that they: a. align subject screening or other protections with the degree of risk involved in a study or the level of risk of impairment in a targeted or enrolled population; b. promote the use of strategies to support or enhance subject decision-making, including the advance selection of a surrogate decision-maker by a subject who may later lose decision making capacity.	Complete	HRP-110 Capacity to Consent Policy and HRP-417 Cognitively Impaired Adults have been created and implemented to prompt and guide the IRB to evaluate protocols and to promote the use of strategies to support or enhance subject decision-making.
48.	Vulnerability to Coercion	68	Develop standards that protect against real or perceived coercion in psychiatric treatment settings in which individuals may fear involuntary court proceedings.	Complete	By IRB policy and MN State Law (2016), patients on a 72-hour hold cannot be recruited for research during the hold period. HRP-111 Research Involving Adults Under Court Jurisdiction has been created to codify U of M standards.
49.	Vulnerability to Coercion	68	Encourage and support the use of independent consent monitors, particularly in those cases where the treating physician is also the	Complete	HRP-417 Checklist Cognitively Impaired Adults and HRP-333 Vulnerable Populations were created and implemented to guide

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
			investigator, so as to minimize the possibility for undue influence or coercion.		IRB review on this topic.
50.	Longitudinal Assessment of Capacity	69	IRB policies should more clearly require that protocols involving adults with potentially limited decision-making capacity include a plan for monitoring subjects who are likely to have fluctuating capacity, including the steps to be taken if capacity diminishes over the course of study participation.	Complete	HRP-110 requires investigators to provide plans about steps that will be taken if capacity to consent diminishes over the course of study participation.
51.	Longitudinal Assessment of Capacity	69	IRB policies should more clearly require that protocols involving adults with potentially limited decision-making capacity specify the plan for re-consent when a subject regains capacity.	Complete	HRP-417 Checklist Cognitively Impaired Adults has been created and implemented to guide the IRB review of protocols involving adults with potentially fluctuating decision-making capacity.
52.	Legally Authorized Representatives	71	Policies and procedures related to the use of LARs must be comprehensively re-assessed in accordance with the foregoing observations and conclusions.	Complete	An additional enhancement includes the development of a LAR-facing brochure which the IRB may require use of for research studies.
53.	Legally Authorized Representatives	71	The OVPR and HRPP leadership should consider consultation with OHRP or DHHS on this topic.	Complete	HRPP leadership benchmarked institutional policies, state law, and engaged stakeholders regarding LAR requirements.
54.	Use of Surrogate Consent	73	The HRPP should develop effective strategies to educate research personnel on the legal use of surrogate decision-	Complete	Barbara Shiels, Senior Associate General Counsel and legal liaison to the Institutional Review Board,

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
			makers when considering the involvement of research participants with limited decision making capacity.		facilitated a workshop, Human Research and the Law, on November 10, 2016. She explored the difference between capacity and competency to consent and provided guidance on the University's position on engaging legally authorized representatives in human research. In addition, mandated reporting requirements for human research were shared.
55.	Use of Surrogate Consent	73	The IRB's review of protocols proposing the use of surrogate decision-makers be rigorous and in keeping with applicable laws and best practices, as well as with University policies.	Complete	The HRPP developed standard operating procedures for the review of research involving legally authorized representatives (HRP-013).
56.	Use of Surrogate Consent	73	IRB policies should require: a. A process for informing prospective LARs about their responsibilities; b. Maximization of assent, with consideration of the use of an assent form in appropriate circumstances; c. A verification of the lack of dissent when assent is not possible; d. A plan for re-consent if a subject regains capacity; and e. A plan for monitoring subjects who are likely to have fluctuating capacity, including the steps to be	Complete	The HRPP is in the process of finalizing a LAR brochure which includes important information for LARs on making decisions for others to participate in research. The IRB may require the use of this brochure in certain research studies. The brochure will be finalized in December 2016 and released in January 2017.

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
			taken if capacity diminishes.		
57.	Department of Psychiatry	84	IRB membership, expertise and training should more effectively address risk evaluation and management for psychiatric research.	Complete	Psychiatry expertise is reflected in IRB membership to approximate the volume of research submitted to the IRB by the department.
58.	Department of Psychiatry	84	Best practices regarding consent and capacity to consent should be introduced and made routine.	Complete	List all of the toolkit documents available to the entire community - including psychiatry. The Department endorsed using GCP for all clinical trials. CTSI will assume management of interventional drug and device trials in the Department of Psychiatry.
59.	Department of Psychiatry	84	Fairview staff should be involved in protocol review, in gatekeeping functions, and in research monitoring.	Complete	Implementation of FUROC and enhanced collaboration with Fairview Research Administration in the review of recruitment processes for research involving Fairview employees, patients, and/or records. The Department has worked with Fairview to adopt a new checklist to ensure more and better interactions between research and clinical staff from the study design through implementation. This had been adopted by both the Department and Fairview.
60.	Department of	84	[The investigators] as the focus of	Complete	If the investigators of concern

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
	Psychiatry		ongoing concern and criticism, should receive supervision, coaching in leadership, and advanced training in human subjects protections.		return to the University to conduct research, a Corrective Action Plan must be completed which includes participation in the Professionalism and Integrity in Research Program sponsored by Washington University in St. Louis, NIH, and CITI. One of the investigators has retired and has been replaced by a new department head. Dr. Sophia Vinogradav joined the University in August of this year.
61.	Institutional Culture	89	Define a hierarchy of accountability for human research ethics and thereby expand oversight responsibilities beyond the IRB. Department chairs should be expected to review and approve the submission of IRB protocols, be engaged in follow-up compliance activities, develop department- specific educational programs, and share ultimate responsibility for human subjects protections within their departments.	Complete	The University developed two additional groups to sustain the mission of AdvancingHRP in the shared responsibility for human research protections—the Human Research Protection Program Committee and the Education Advisory Group. In addition the implementation of FUROC and enhanced collaboration with Fairview Research Administration in the review of recruitment processes for research involving Fairview employees, patients, and/or records. See accountability chart presented to the Legislature March 2016.

R#	External Review Report Section	Page Reference	External Review Recommendation	Completion Status	Additional Commentary
					http://www.research.umn.edu/advancehrp/documents/hierarchy.pdf
62.	Institutional Culture	90	Rework institutional messaging in policies and procedure to include unequivocal statements on the administration's intention to create and nurture a culture of ethics, and adopt communication strategies to bring these core values to life by investing in their visibility and adoption at all levels of the University community and beyond.	Complete	Developed a campaign that builds awareness of the University's principles, policies and processes that uphold ethical research practices. This effort is founded on a set of core commitments—developed and adopted by University leadership, faculty and staff— that identifies our shared responsibilities and reinforces our collective commitment to meeting the highest ethical standards in the planning and conduct of research. Along with the core commitments, messages, posters and digital signs will be posted on our websites and shared throughout the University to ensure that that our core values are visible everywhere research takes place.
63.	Institutional Culture	90	Establish both formal and informal means of stimulating a university-wide conversation about the manner in which this newly endorsed culture of ethics can be most effectively realized.	Complete	The University launched an annual Research Ethics Day which includes discussions and workshops on various topics related to human research protections.

Work plan Section	Status	Lead	Broad Scope
IRB Membership	✓	Billings, Biros	Recruit membership
			Form new committees; restructure biomedical; target membership to accurately reflect protocol submission
			Set compensation structure and policy for medical and nonmedical IRBs
FUROC	✓	Herman	U establish committee jointly with Fairview
For Cause Investigations	✓	Webb	Establish Research Compliance Office (RCO)
		Waldemar	Transition For Cause Investigations to RCO; establish more robust procedures specific to complainant and adverse event reporting
Community Oversight Board	✓	Herman	Establish board structure and guidelines
			Finalize membership; appoint chair
			Invite members; convene first meeting
External Advisor	✓	Herman	Hire external advisor (external review panel member); 2015 AAHRPP Accreditation; Compass Point compliance review.
Scientific Review of Studies	✓	Billings, Biros	Eliminate department reviews and move to Human Research Protection Program (HRPP) office.
			Define a new IRB process and policy in consultation with other required scientific reviews
Cultivating a Culture of Ethics	✓	Aronson, Zentner, Wolf	Create language explaining the University’s commitment to research participant protection
			Clear statements on key websites
			Host a campus conversation or other forum on human research participant protection
			Regular benchmark our program against our peers
IRB Protocol Review Process	○	Dykhuis	Implement new IRB technology - IRB Renew (expected completion Spring 2017)
	✓		Implement Huron Toolkit IRB forms and procedures
			Add new FTEs
			Complete benchmarking visits
Monitoring of Studies	✓	Dykhuis	New post-approval review FTEs
			Reengineer post approval review function; Includes work with Compass Point to further refine methodology.
Human Research	✓	Miles	Implement tool to assess capacity

Participants Who Have Impaired or Fluctuating Capacity to Consent	✓		Train and communicate change to researchers
	✓	Dykuis	Implement LAR policy changes
	✓		Implement 72-hour hold policy
Department of Psychiatry	✓	Paller	Transition to Clinical & Translational Science Institute (CTSI) management of trials
			Engage consultant for climate assessment plan. Enhance culture of inclusion and mutual trust.
Engaging Research Participants	✓	Eder	Create a research participant satisfaction survey and a plan to collect and analyze data
			Revise IRB forms to include a section expressing appreciation and a plan for sharing research results
			Create and publicize mechanisms for participants and families to provide confidential feedback and report concerns, develop a small handout
			Create and publicize procedures for handling concerns and for notifying reporter when they have been handled
			Create position of Community Liaison officer
			Create link to Community Oversight Board
Education and Training of Investigators	✓	Ingbar, Schacker	Integrate and coordinate human research protection training
			Curriculum development
			Training delivery
Accountability Metrics	✓	Waldemar	Track and report accountability metrics
Conflict of Interest	✓	Durfee	Implement updated COI policy (complete pending faculty unionization vote)

- ✓ = Work Team Completed and Transitioned to Operations
- = In Progress/some items completed
- ✘ = Not Started

For more details see about the progress and alignment with the external review panel recommendations, see:

Advance HRP Website: <http://research.umn.edu/advancehrp/implementation.html>



BOARD OF REGENTS DOCKET ITEM SUMMARY

Audit & Compliance

February 9, 2017

AGENDA ITEM: Internal Audit Update

Review

Review + Action

Action

Discussion

This is a report required by Board policy.

PRESENTER: Gail Klatt, Chief Auditor

PURPOSE & KEY POINTS

The purpose of this item is to discuss Internal Audit activities, results, and observations to help the committee fulfill its fiduciary responsibilities under its reserved authority for oversight of the internal audit function, as outlined in the committee charter. Key points include:

- Since the September 2016 meeting, 55 percent of the outstanding recommendations rated as “essential” were implemented by University departments. This exceeds the expected implementation rate of 40 percent. Six units fully implemented all their remaining “essential” recommendations.
- An updated control evaluation chart is included for each audit to show progress made on the “essential” items.
- 12 audit reports containing 54 recommendations rated as “essential” were issued in the last five months.

BACKGROUND INFORMATION

This report is prepared three times per year and is presented to the committee in conformance with Board of Regents Policy: *Board Operations and Agenda Guidelines*.

Internal Audit Update

University of Minnesota Regents Audit and Compliance Committee
February 9, 2017

This report includes:

- Audit Observations/Information/Status of Critical Measures/Other Items
- Status of “Essential” Recommendations & Bar Charts Showing Progress Made
- Audit Activity Report
- Audit Reports Issued Since September 2016

Details for any of the items in this report are available on request. Individual reports were sent to the President, Provost, Vice Presidents, and Chancellors about these internal audit issues.

Audit Observations/Information

Status of Critical Measures

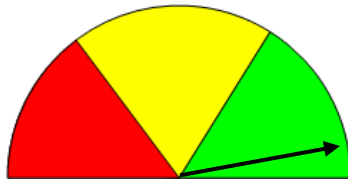
As part of our on-going efforts to provide the Audit and Compliance Committee with critical information in as concise a format as possible, we have developed the following three charts to present a “snap-shot” status report on work performed by the Office of Internal Audit.

The first chart, “Essential Recommendation Implementation”, provides our overall assessment of the success University departments had during the last quarter in implementing our essential recommendations. Readings in the yellow or red indicate implementation percentages less than, or significantly less than, our expected University-wide rate of 40%. Detailed information on this topic, both institution-wide and for each individual unit, is contained in the next section of this Update Report.

The second chart, entitled “Progress Towards Annual Audit Plan Completion”, is our assessment of how we are progressing towards completion of the FY 2017 Annual Audit Plan. Readings less than green could be influenced by a variety of factors (i.e. insufficient staff resources; increased time spent on non-scheduled audits or investigations).

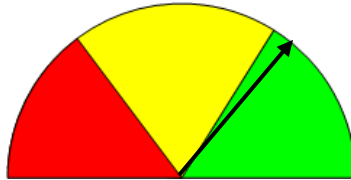
The final chart, “Time Spent on Investigative Activities”, provides a status report on the amount of time consumed by investigative activities. Our annual plan provided an estimated budget for this type of work, and the chart will indicate if we expect that budget to be sufficient. Continued readings in the yellow or red may result in seeking Audit and Compliance Committee approval for modifying the Annual Audit Plan.

Essential Recommendation Implementation



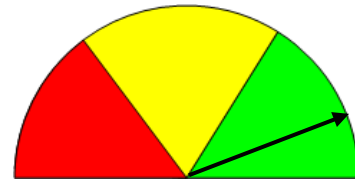
Implementation rates were 55% for the period, significantly exceeding our expected rate of 40%.

Progress Towards Annual Audit Plan Completion



Time spent to date on the FY 2017 audit plan is what was expected and budgeted for the year to date.

Time Spent on Investigative Activities



Time spent on investigative activities and special projects is less than expected and budgeted for the year to date.

Other Items

- Adjustment to the Annual Audit Plan

We performed a mid-year analysis of our FY 2017 Annual Audit Plan and identified the need to amend our FY 2017 list of scheduled audits. This is the result of a review of risk factors pertinent to those audits.

We anticipate making the following adjustments to the Annual Audit Plan:

- Destiny One

We are replacing Destiny One with a security review of the new IRB system (Ethos), which is scheduled to be implemented in March 2017. The Ethos system is a critical component of the Human Research Participant Protection work plan. Destiny One was originally included in the Annual Audit Plan because of its proposed use as a replacement for the University's learning management system (ULearn). This proposal is still under consideration.

- Google Email

Removal of this audit from the plan is appropriate since one of the primary areas of concern was termination of access, and solutions for this concern are now being vetted and implemented by compliance leaders and responsible technologists. We are actively involved in these discussions and are continuing to monitor these efforts.

- ADA Technology

We are electing to defer this audit. A stakeholder group was recently established by the Provost and VP of IT/CIO to ensure the University has a systematic approach for improving accessibility to University technology systems. By delaying this audit to early FY 2018 we will be able to evaluate the plans and processes this group establishes.

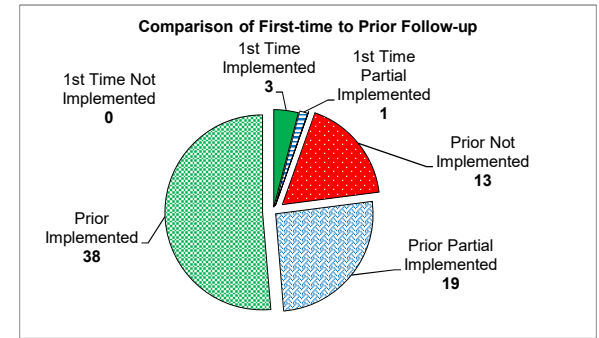
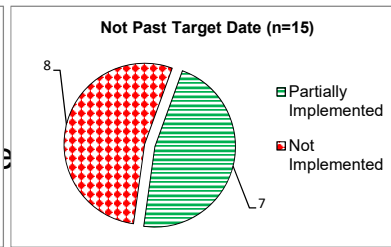
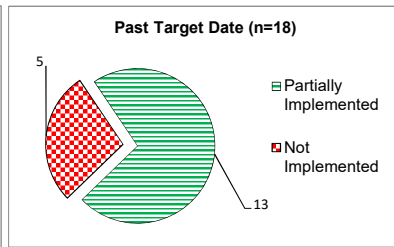
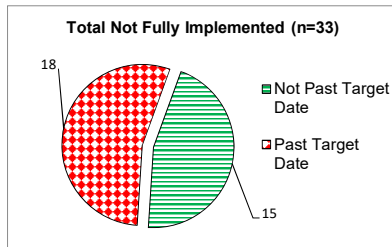
- We held initial meetings with members of OIT to discuss the next generation network (NGN) upgrade's project management and plans for security. No issues have been identified to date; the project appears to be well managed and considerate of security concerns.
- One of our IT auditors left our office for another role at the University. We are currently seeking her replacement.

Status of "Essential" Recommendations as of January 27, 2017

Report Date	Audit (P) Indicates a University process audit	Original Report Control Rating	# of Essential Recommendations in the Report	# of Essential Recommendations Remaining From Prior Quarter	Current Quarter Results				Overall Progress Towards Implementation*	
					Implemented	Partially Implemented		Not Implemented		
						Not Past Target Date	Past Target Date	Not Past Target Date		Past Target Date
<i>Audits > 2 years old (see the following report for details on unresolved issues)</i>										
Oct-11	UMD School of Fine Arts	Adequate	10	1	1				Completed	
Feb-14	University-wide Purchasing Process (P)	Good	2	1			1		Satisfactory	
Jun-14	Identity Management	Needs Improvement	11	1			1		Satisfactory	
Jan-15	Server Room Security	Needs Improvement	17	3	3				Completed	
<i>Audits < 2 years old; have received prior follow-up</i>										
May-15	Medical School Duluth	Needs Improvement	25	11	9		1	1	Satisfactory	
Sep-15	Clinical & Translational Science Institute	Good	4	2	1		1		Satisfactory	
Oct-15	UMD Athletics	Adequate	12	5	2		3		Satisfactory	
Dec-15	Athletics Administration	Needs Improvement	7	3			2	1	Satisfactory	
Jan-16	College of Pharmacy	Good	5	1	1				Completed	
Feb-16	Boynton Health Service	Needs Improvement	25	12	6		1	4	1	Satisfactory
May-16	Operational & Compliance Audit - Basketball	Adequate	7	2	2				Completed	
Jun-16	OIT Database Administration	Good	7	7	1		1	3	2	Satisfactory
May-16	Law School	Needs Improvement	8	7	7				Completed	
May-16	UMD College Ed. & Human Service Professions	Needs Improvement	9	7		6		1	Satisfactory	
Jun-16	Department of Medicine	Good	5	1		1			Satisfactory	
Jun-16	Athletics Financial & Operational Review	Needs Improvement	7	6	5		1		Satisfactory	
<i>Audits receiving first-time follow-up</i>										
Aug-16	Procurement Card Process (P)	Good	1	1	1				Completed	
Aug-16	UMD Undergraduate Tuition Waivers	Needs Improvement	3	3	2		1		Satisfactory	

Total: 165 74 41 7 13 8 5

* The following bar charts provide details on progress made towards implementation



"Essential" Recommendation Implementation Trends

Month / Year of Follow-up Report

	Feb. 2017	Sept. 2016	June 2016	Feb. 2016	Sept. 2015	June 2015	Feb. 2015	Sept. 2014	June 2014	Average
# of Essential Recommendations Receiving Follow-up	74	114	108	83	98	60	44	53	34	74
# of Recommendations Considered Fully Implemented	41	44	46	34	16	8	16	12	10	25
Implementation Percentage	55%	39%	43%	41%	16%	13%	36%	23%	29%	34%

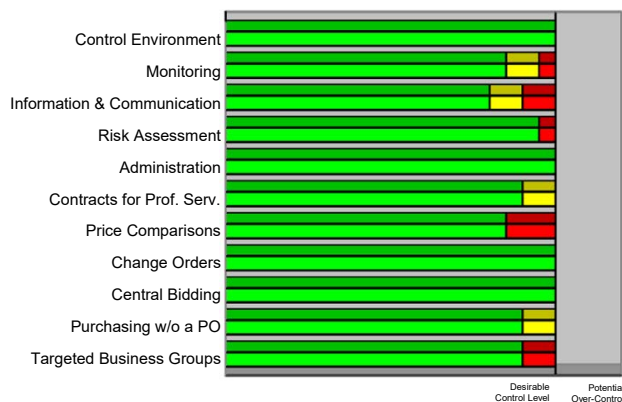
Current Status of Recommendations Rated as "Essential" That Are Over Two Years Old and Are Not Fully Implemented

Audit/ Report Date	Status- Partially Implemented (P) or Not Implemented (N)	Senior Management Contact	Summary of the Issue/Risk Involved	Current Comments From Management
University-wide Purchasing process Feb-14 # of Items 1	P	Tim Bray Michael Volna	Purchasing Services and the Office for Business & Community Economic Development should work with University senior administration to: <ul style="list-style-type: none"> • Establish appropriate institutional goals and metrics regarding purchases from Targeted Business Groups to ensure the institution is meeting the intent of the Regents Policy. • Implement steps to measure and ensure compliance with MN. Statute 137.31 subdivision 1. 	Per the Director of Purchasing Services: Tim Bray and Darryl Peal presented a plan at the December 2016 Board of Regents Audit & Compliance Committee meeting. This presentation laid out an action plan to establish goals for our small business program that get us to a 20% utilization. The specific steps that would foster these goals include identification of the best procurement categories for small business, flagging small business items in U Market and U Wide contracts and updating the PeopleSoft vendor file for correct designations. We will also benchmark our current program and promote more University opportunities to small business. The Office for Business and Community Economic Development will design an outreach program to recruit and encourage small and Targeted Business to obtain Small Business Administration (SBE) certification. After a spirited board discussion it was agreed to proceed with the plan outlined, to come back to the board with additional information when we have the data to answer the question as to whether 20% is the appropriate percentage and also report back to the board at some point with results.
Identity Management Jun-14 # of Items 1	P	Bernard Gulachek	The University should implement processes to periodically evaluate whether logging and monitoring processes associated with high-risk University systems are occurring in a manner that complies with University's requirements. The evaluation process should be comprehensive and address all logging and monitoring issues identified in the bulleted list in this finding. The review should include University managed systems and systems obtained from the cloud. In order to evaluate cloud services the University will likely need to obtain independent evaluation reports (e.g., SSAE 16 SOC 2 reports) Where systems are found to be non-compliant remediation plans should be developed and processes should be established to ensure correction action is completed in a timely basis. Evaluation and corrective actions should focus first on the highest risk processes and systems.	Operational log management is both a policy requirement for systems meeting the Security High classification (as determined by the Data Security Classification policy) and a regulatory requirement for certain kinds of data in that high classification. While this finding now exceeds the 2 year mark, significant progress in implementing a new operational system log management program has occurred. The Office of Information Technology (OIT) has completed many of the steps that it had outlined in its management action plan / response two years ago. All central IT services are using the new operational log management solution (Splunk) on their servers and databases. Recently, OIT purchased additional capacity and has an active posting for a new position to help manage Splunk in order to continue to expand the service. There are currently over 4300 devices enrolled in the service. Additionally, 82% of the Academic Health Center's and 96% of Boynton Health Services' systems that contain 'Security High' data are using operational log management solution. These numbers have more than doubled since last period. By centralizing log management, the correlation to existing logs will enhance security log analysis. OIT is working with system owners to enhance the log analysis capability for system and application logs. The goal is to provide operational log management services for all 'Security High' systems across the University, and OIT has recently made additional log management investments. Resources to support the central log management efforts and provide a log management platform for all 'Security High' systems have recently been identified and implementation is well underway.

Total: 2

The bar charts shown below are presented to provide pictorial displays of the progress units are making on implementing audit recommendations rated as "essential". The bar chart included in the original report is shown in the left column, along with updated bar charts showing the previous quarter and the current status of the "essential" recommendations only (those bars that have red segments). The chart in the center column displays the status as of September 2016, while the chart on the right represents the current status. Charts are not presented for investigations. Charts for those units having implemented all "essential" recommendations during the current quarter are shown at the end of this report.

Original Report Evaluation



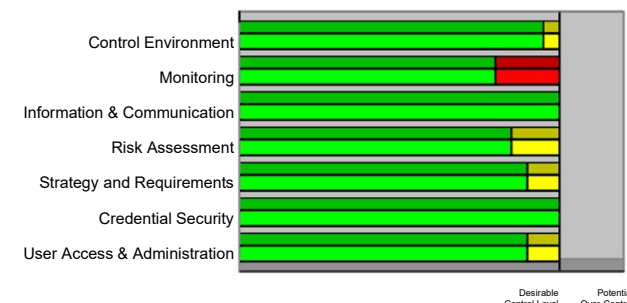
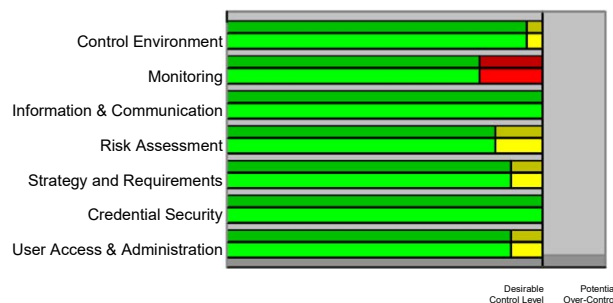
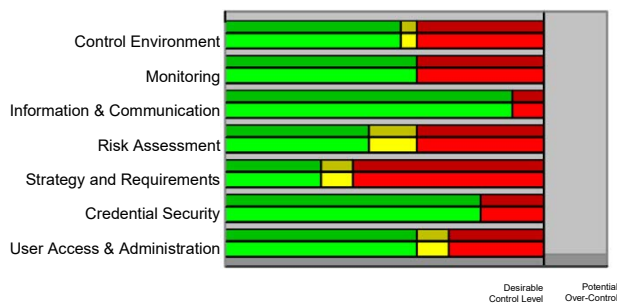
Previous Quarter Evaluation
University-wide Purchasing Process (February 2014)



Current Quarter Evaluation



Identity Management (June 2014)



■ Adequate Control

■ Significant Control Level

■ Critical Control Level

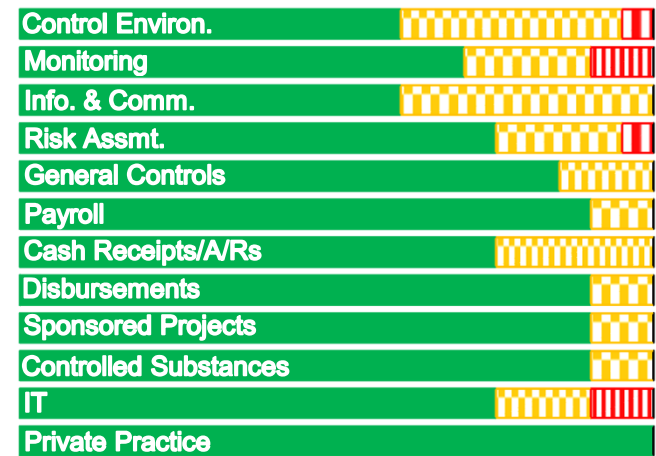
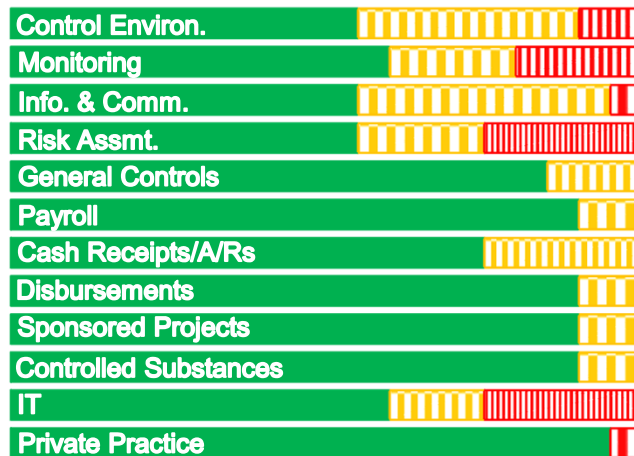
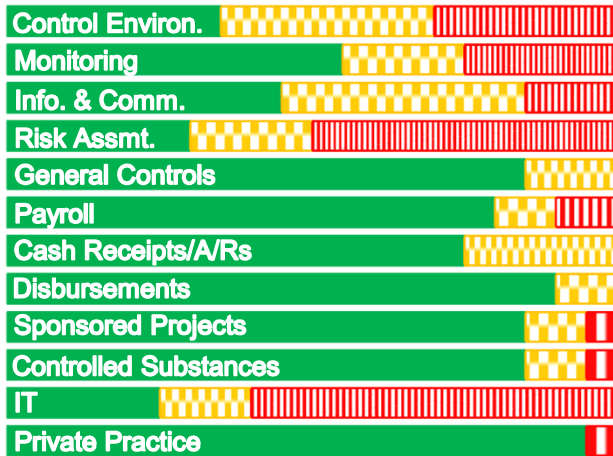
■ Potential Over-Control

Original Report Evaluation

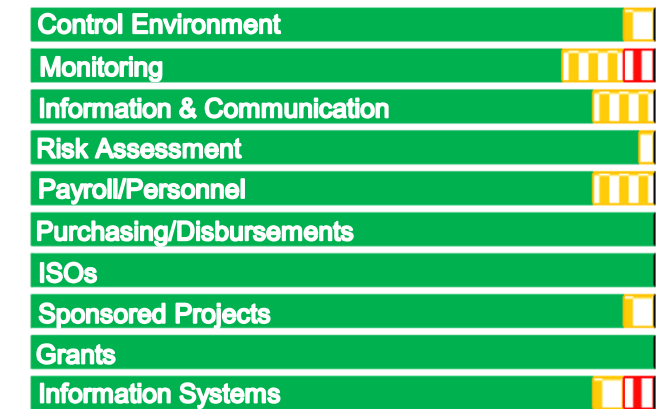
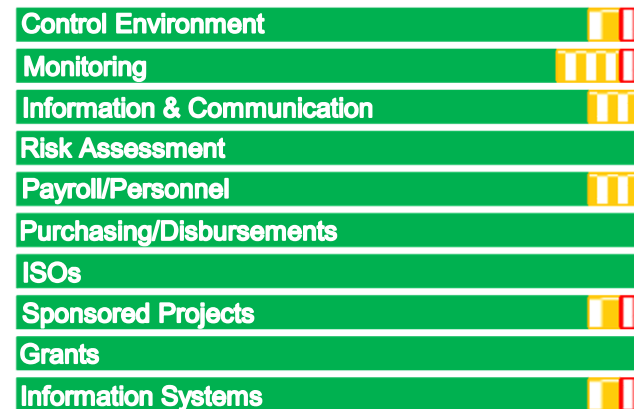
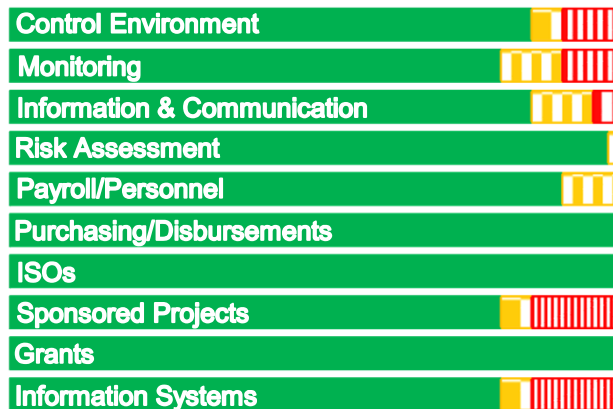
Previous Quarter Evaluation

Current Quarter Evaluation

Medical School Duluth (May 2015)



Clinical and Translational Science Institute (September 2015)



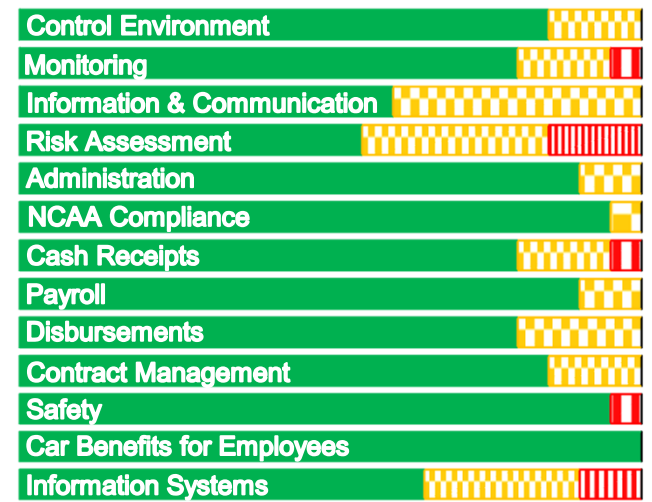
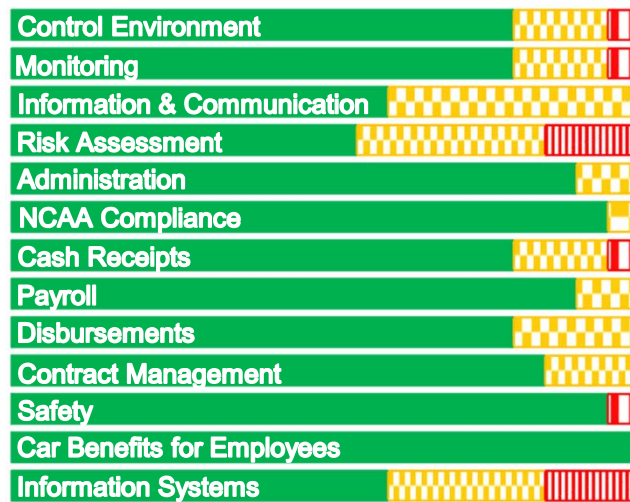
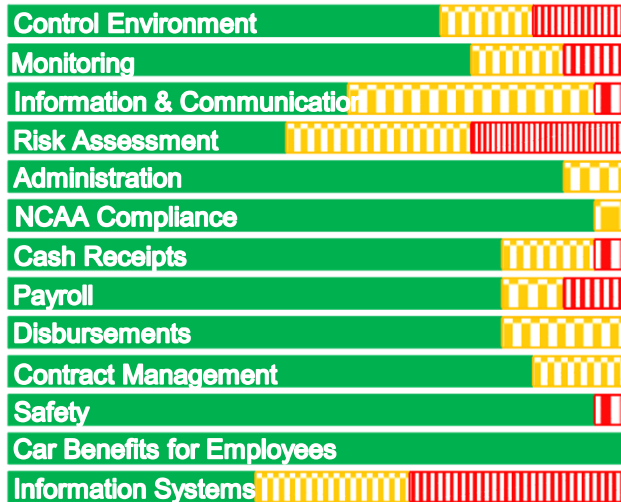
■ Adequate Control ■ Significant Control Issue(s) ■ Critical Control Issue(s)

Original Report Evaluation

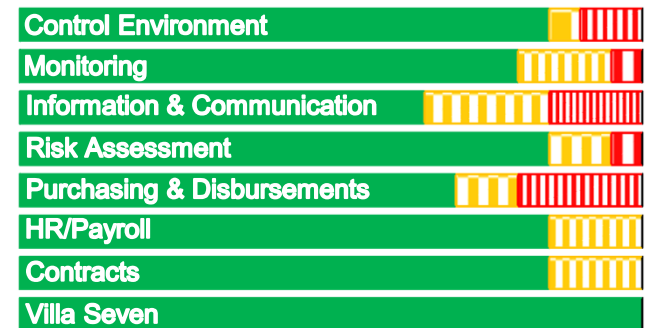
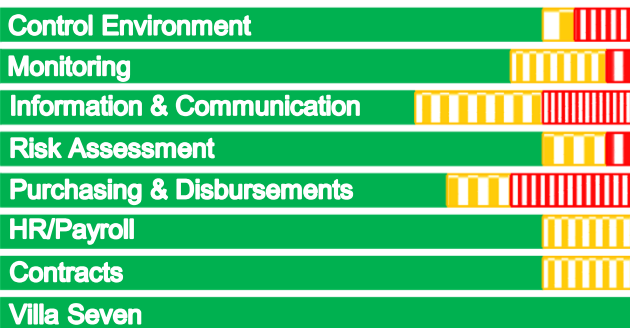
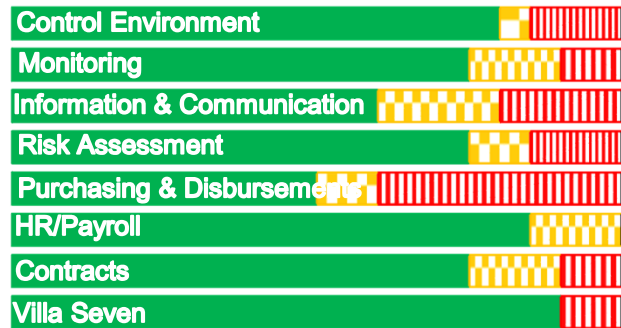
Previous Quarter Evaluation

Current Quarter Evaluation

UMD Athletics (October 2015)



Athletics Administration (December 2015)



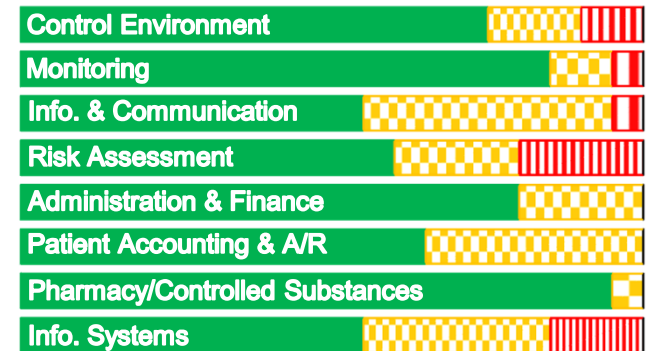
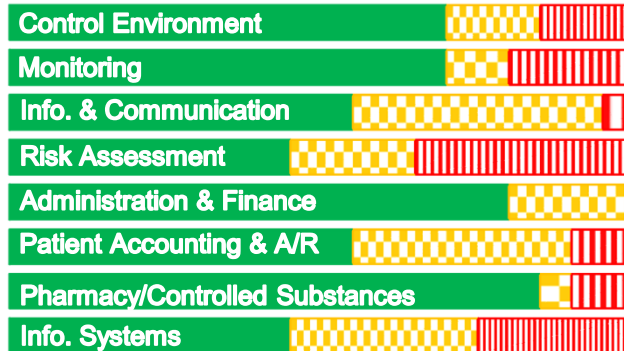
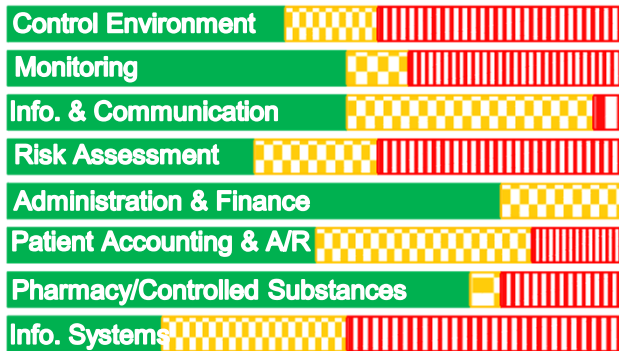
■ Adequate Control ■ Significant Control Issue(s) ■ Critical Control Issue(s)

Original Report Evaluation

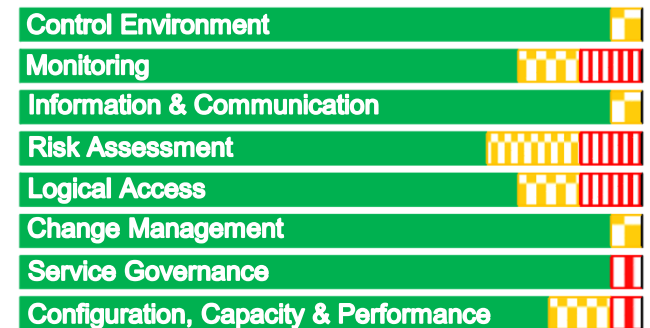
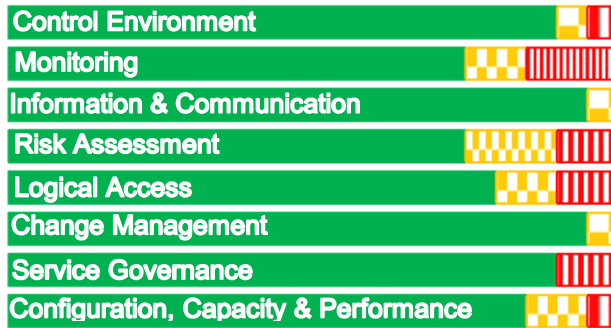
Previous Quarter Evaluation

Current Quarter Evaluation

Boynnton Health Service (February 2016)

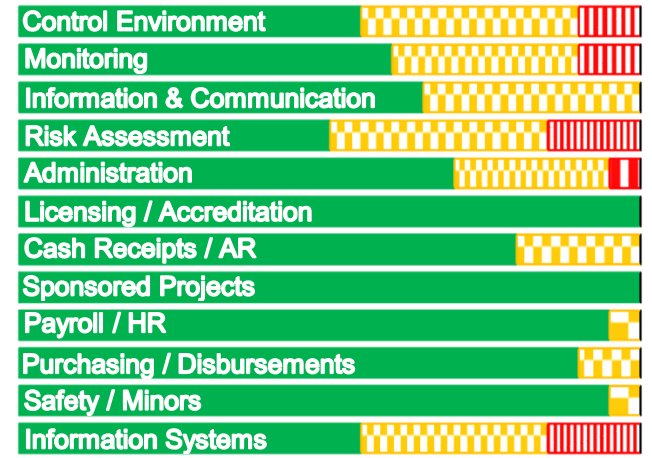
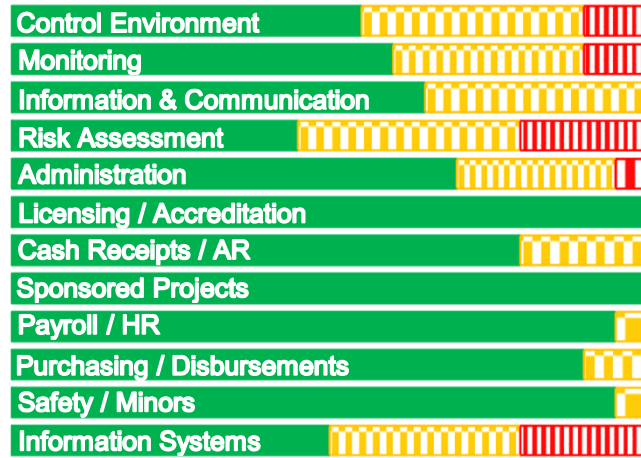
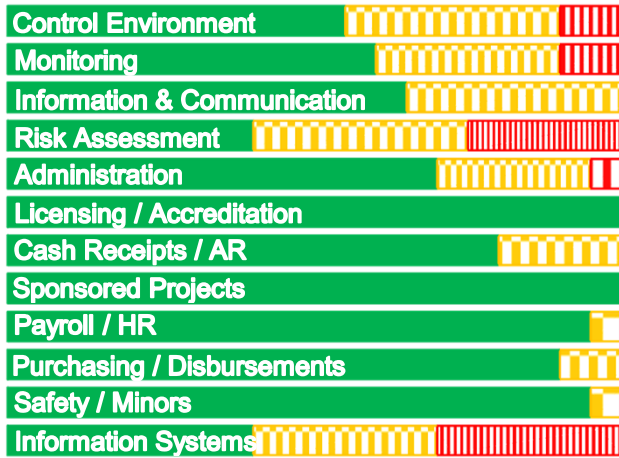


OIT Database Administration (June 2016)

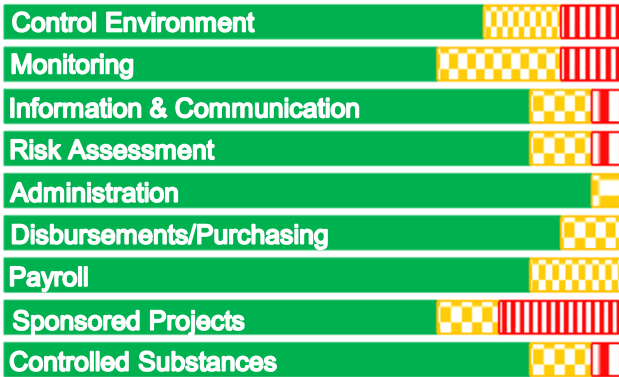


■ Adequate Control ■ Significant Control Issue(s) ■ Critical Control Issue(s)

UMD College Ed. & Human Service Professions (May 2016)



Department of Medicine (June 2016)



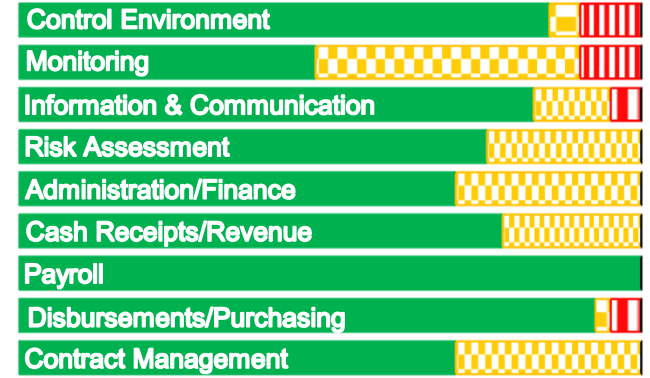
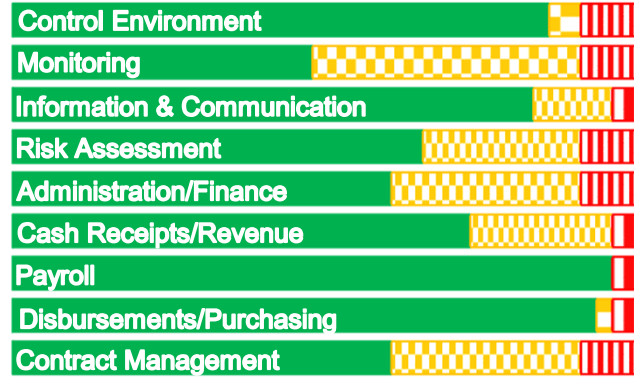
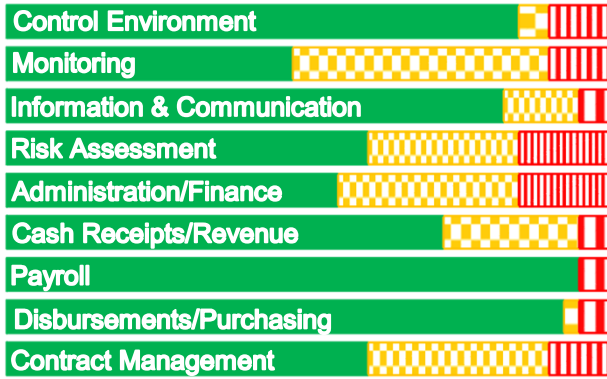
■ Adequate Control ■ Significant Control Issue(s) ■ Critical Control Issue(s)

Original Report Evaluation

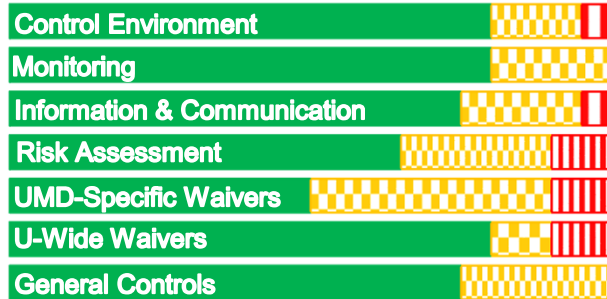
Previous Quarter Evaluation

Current Quarter Evaluation

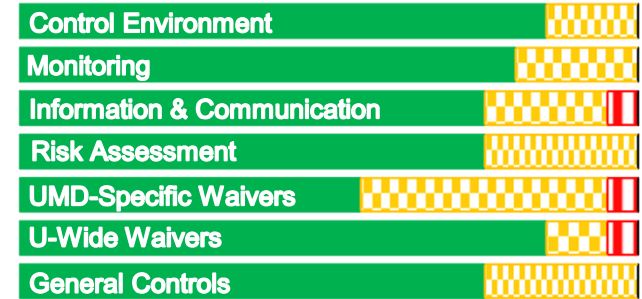
Athletics Financial & Operational Review (June 2016)



UMD Undergraduate Tuition Waivers (August 2016)



NO PREVIOUS
CONTROL EVALUATION
CHART



■ Adequate Control ■ Significant Control Issue(s) ■ Critical Control Issue(s)

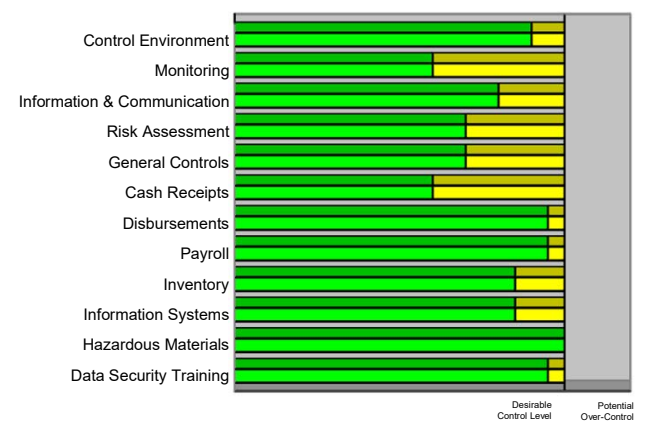
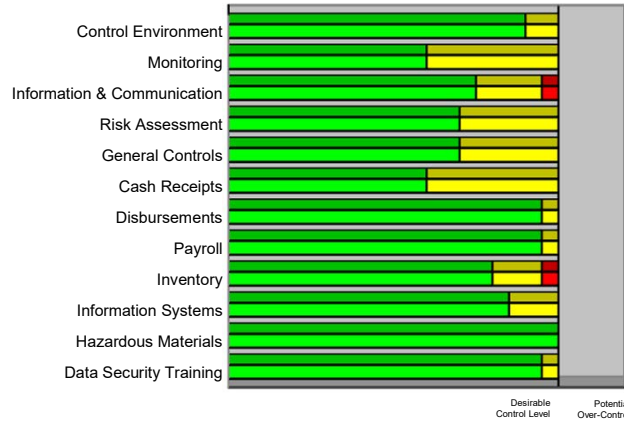
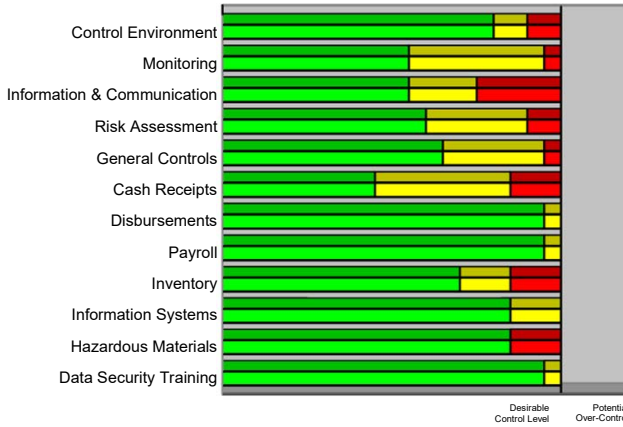
Units with Charts that Fully Implemented their "Essential" Recommendations During the Past Quarter

Original Report Evaluation

Previous Quarter Evaluation

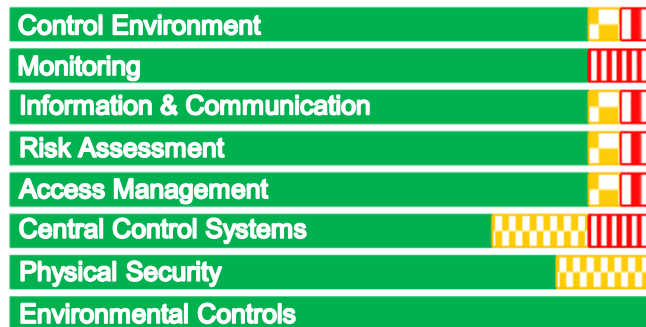
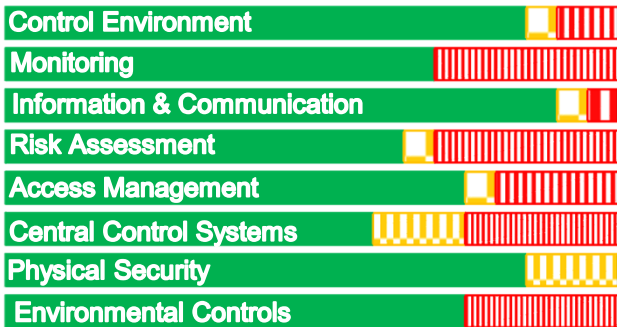
Current Quarter Evaluation

U of MN Duluth - School of Fine Arts (October 2011)



■ Adequate Control
 ■ Significant Control Level
 ■ Critical Control Level
 ■ Potential Over-Control

Server Room Security (January 2015)



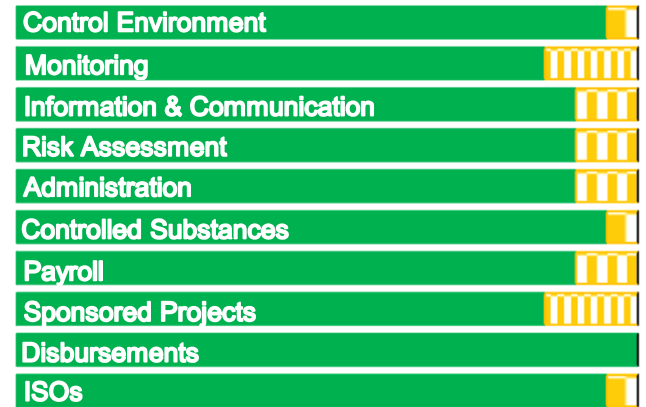
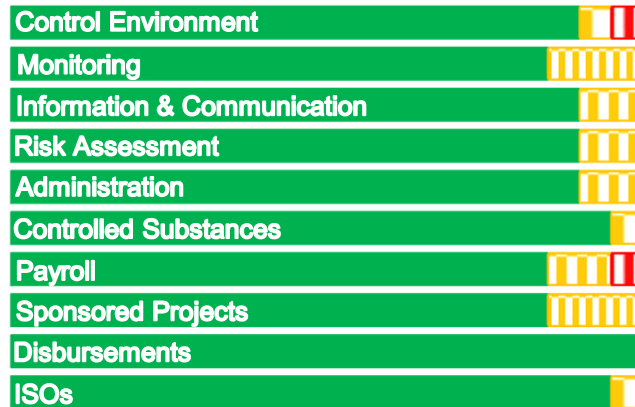
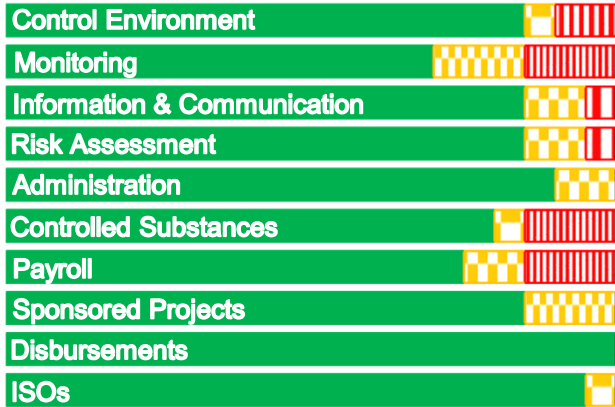
■ Adequate Control
 ■ Significant Control Issue(s)
 ■ Critical Control Issue(s)

Original Report Evaluation

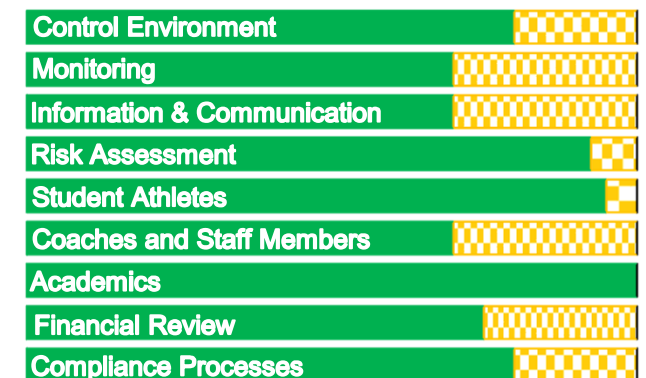
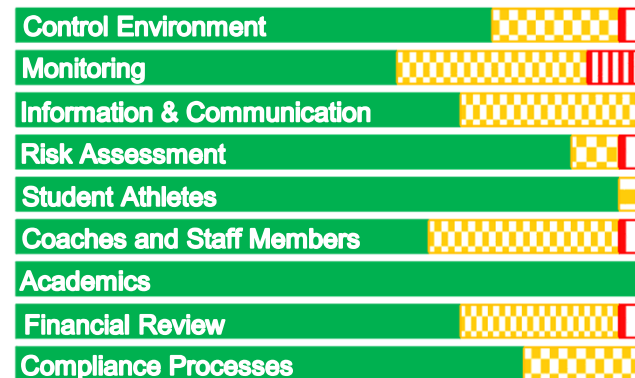
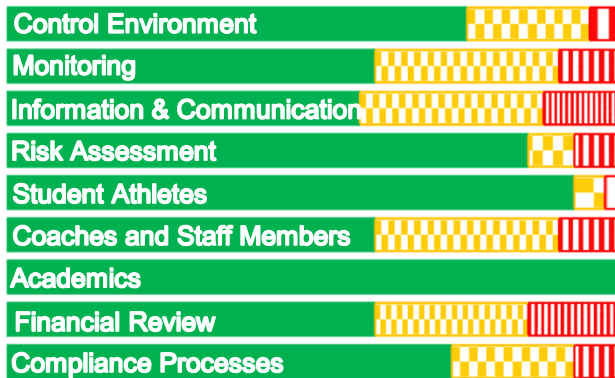
Previous Quarter Evaluation

Current Quarter Evaluation

College of Pharmacy (January 2016)



Operational and Compliance Audit - Basketball (May 2016)



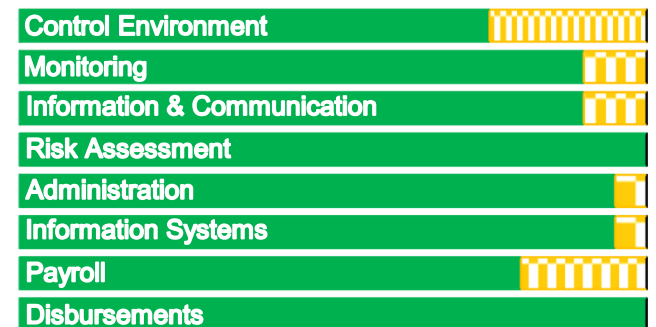
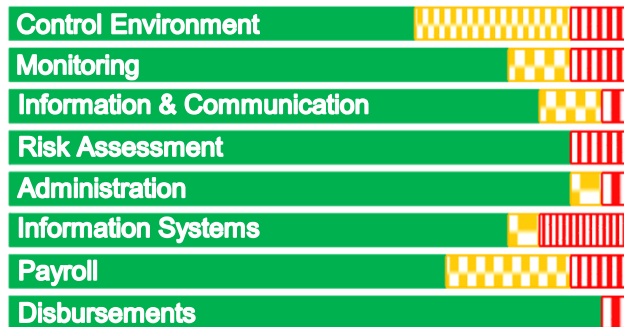
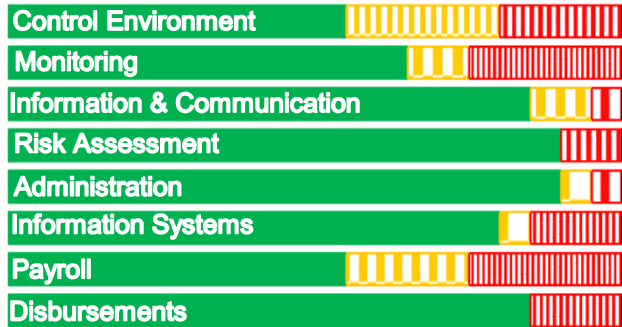
■ Adequate Control ■ Significant Control Issue(s) ■ Critical Control Issue(s)

Original Report Evaluation

Previous Quarter Evaluation

Current Quarter Evaluation

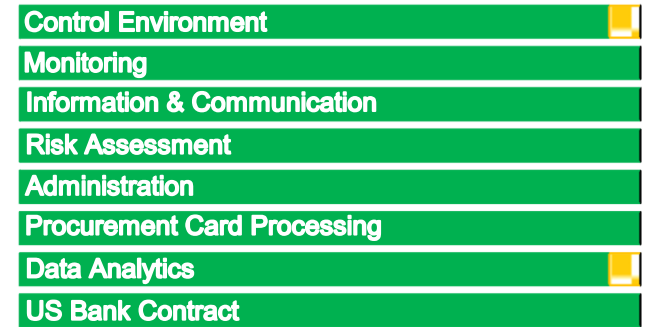
Law School (May 2016)



Procurement Card Process (August 2016)



NO PREVIOUS
CONTROL EVALUATION
CHART



■ Adequate Control ■ Significant Control Issue(s) ■ Critical Control Issue(s)

Audit Activity Report

Scheduled Audits

- Completed audits of:
 - Office of Human Resources Operations
 - School of Dentistry
 - Sponsored Transactions and Subawards under Uniform Guidance
 - Epidemiology & Community Health
 - Community University Health Care Center
 - a Minnesota Vikings closeout
 - PeopleSoft IT General Controls & Governance
 - Department of Surgery
 - College of Biological Sciences (including two departments jointly managed with the Medical School)
 - McNamara Academic Center
 - Campus Solutions UpgradeDetails are shown on the following charts.

- Began/continued audits of:
 - UMD Swenson College of Science and Engineering
 - a College of Food, Agricultural and Natural Resource Sciences financial cluster
 - School of Earth Sciences
 - College of Liberal Arts
 - Export Controls and Fly America Act
 - Accounts Receivable Services
 - Office of Admissions
 - Auxiliary Services Information Technology

- Continued review of the Next Generation Network (NGN) upgrade project.

Non-Scheduled Audits

- Completed a review of undergraduate international admissions processes. Details are shown on the following chart.

Investigations

- Performed investigative work on five issues in accordance with the University Policy on Reporting and Addressing Concerns of Misconduct.

Special Projects

- Provided consulting services related to University payroll exception testing.
- Provided technology consulting in several areas including on vendor management and IT security.
- Continued to participate with Compliance Officers and technologists to review Google account termination processes and identify potential solutions to compliance concerns.

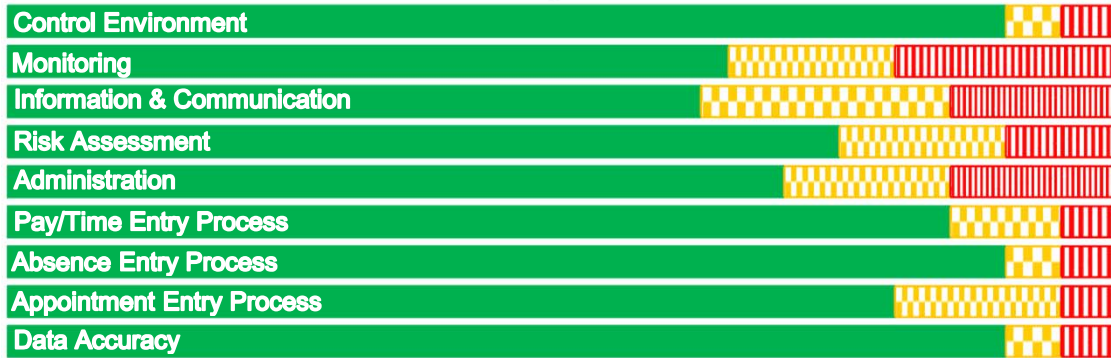
Other Audit Activities

- Participated in the following:
 - Senior Leadership Group
 - Operational Excellence Leadership Team
 - President's Policy Committee
 - Policy Advisory Committee
 - Board of Regents Policy Committee
 - Executive Compliance Oversight Committee
 - Institutional Conflict of Interest Committee

- University of Minnesota Foundation Audit Committee
- Fairview Health Systems Audit Committee
- IT Leadership and Operational Excellence Committees
- Use Case Categorization Scheme Committee
- Storage Redesign & Restructure Committee
- Standard Operating Procedures Advisory Committee
- External Audit RFP Advisory Committee

Audit Reports Issued Since September 2016

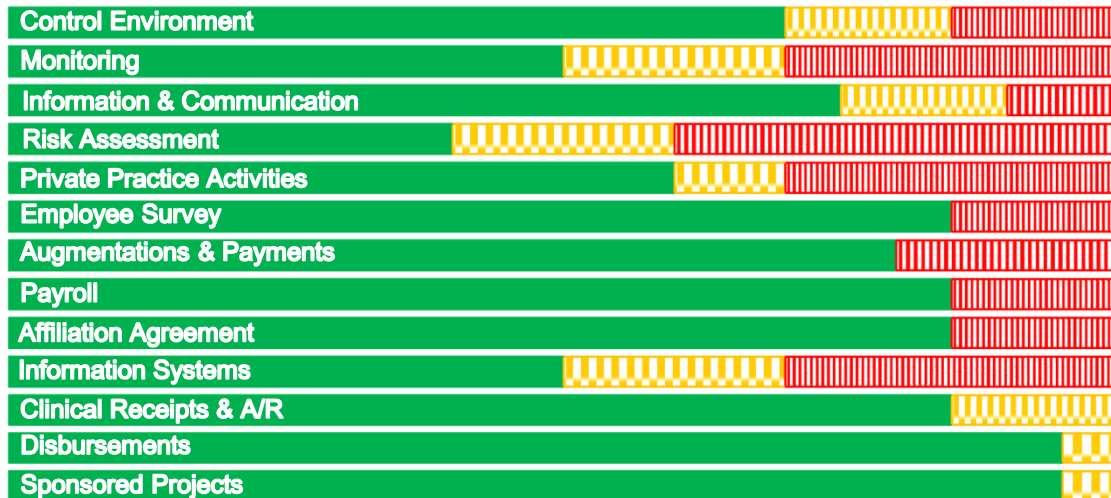
OHR Operations



Report #	1705	Issue Date	Oct-16
# of Essential Recs.	7	Total # of Recs.	17
Overall Assessment	Needs Improvement	Adequacy of MAP	Satisfactory

As part of the Enterprise Systems Upgrade Program, the Office of Human Resources (OHR) upgraded the University's PeopleSoft Human Resources Management System (HRMS) to version 9.2. Results of a survey of HRMS users shows OHR's goals of improved functionality, operational efficiency and effectiveness, and enhanced user experience still need to be met; for example, 68% of users indicated the upgrade to HRMS has not increased efficiency in their units. The system lacks restrictions in several key fields that may affect an employee's pay and/or benefits. Competency requirements for many unit payroll staff have changed from data entry to data analysis, which has created additional challenges for local staff. Increased centralized monitoring and improvement of job aids, training, and procedures are needed to assist staff in meeting these challenges.

School of Dentistry



Report #	1706	Issue Date	Oct-16
# of Essential Recs.	20	Total # of Recs.	34
Overall Assessment	Needs Improvement	Adequacy of MAP	Satisfactory

We believe Dentistry's control environment and system of internal control needs improvement. Controls over faculty private practice plans, payroll/human resources and information systems are weak and need significant strengthening. Dentistry has basic operational controls in place to effectively handle patient encounters, but financial monitoring and reconciliation controls require additional improvement. In recent years Dentistry has experienced substantial annual operating deficits, closing FY16 with an annual deficit of \$3.8M and budgeting a deficit for FY17 of \$5.4M. At Dentistry's request we have performed some limited follow-up work and can report progress is being made on implementing several of the "essential" recommendations, with two already verified as being complete.

■ Adequate Control ■ Significant Control Issue(s) ■ Critical Control Issue(s)

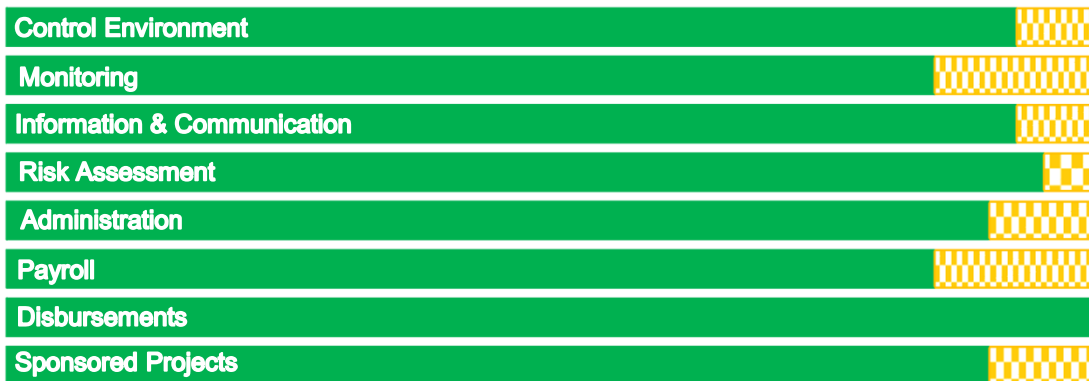
Sponsored Transactions and Subawards under Uniform Guidance



Report #	1707	Issue Date	Oct-16
# of Essential Recs.	0	Total # of Recs.	0
Overall Assessment	Good	Adequacy of MAP	NA

The United States Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called "Uniform Guidance" or "UG") was officially implemented in December 2014. Results of the audit work performed show that Sponsored Project Administration (SPA) has developed a control environment and a system of internal control that addresses most major business and financial risks to allow the University to be in compliance with Uniform Guidance policies. All SPA forms and policies have been updated to comply with UG, and the SPA website provides resources for University departments and PIs to assist in UG compliance. SPA recently implemented a software program called WorkflowGen for routing subrecipient invoices for approvals that has greatly improved the percentage of invoices that have been paid within 30 days, as required by the UG.

Epidemiology and Community Health (EpiCH)



Report #	1708	Issue Date	Oct-16
# of Essential Recs.	0	Total # of Recs.	7
Overall Assessment	Good	Adequacy of MAP	Satisfactory

From the results of the audit work performed, we believe the Division of Epidemiology and Community Health (EpiCH) has developed a control environment and a system of internal control that addresses most major business and compliance risks. EpiCH has basic operational controls in place; however, some compliance risks should be addressed related to sponsored projects, payroll, communication to employees about the University's confidential reporting line, and Nutritional Coordinating Center (NCC) documentation.

■ Adequate Control ■ Significant Control Issue(s) ■ Critical Control Issue(s)

Community University Health Care Center (CUHCC)



Report #	1709	Issue Date	Nov-16
# of Essential Recs.	7	Total # of Recs.	23
Overall Assessment	Adequate	Adequacy of MAP	Satisfactory

We believe CUHCC's control environment and system of internal control is adequate. Controls over clinical patient receipts, accounts receivable and payroll are weak and need strengthening. Information systems, drug room, and lab safety also require some additional improvement. CUHCC has basic operational controls in place to effectively handle disbursements. The overall results from the employee survey voiced concerns, particularly from medical and dental staff groups surveyed. There were also department-wide concerns regarding management having the right knowledge, skills and training; management effectively monitoring and providing oversight and direction; protection from retaliation if an employee reports a violation; and CUHCC's physical space.

Minnesota Vikings Contract Closeout

Due to the limited scope of this audit
a control evaluation chart was not developed for this report.

Report #	1710	Issue Date	Nov-16
# of Essential Recs.	0	Total # of Recs.	0
Overall Assessment	Good	Adequacy of MAP	NA

In May of 2013, the University entered into an agreement with the Minnesota Vikings allowing use of TCF Stadium for the 2014 and 2015 NFL seasons. The general purpose of this engagement was to assess the financial and operational management of the contract the University had with the Vikings for TCF Bank Stadium usage. From the results of the audit work performed, the University properly executed all of its obligations under the contract and received all appropriate compensation. In our testing of contract clauses with a financial or reputational impact to the University, we noted no unpaid balances by the Viking or invoice expenses not charged by the University. Adequate billing procedures were put in place to ensure all expenses incurred on behalf of the Minnesota Vikings were properly reimbursed.

■ Adequate Control
 ■ Significant Control Issue(s)
 ■ Critical Control Issue(s)

Undergraduate International Admissions



Report #	1711	Issue Date	Dec-16
# of Essential Recs.	4	Total # of Recs.	8
Overall Assessment	Good	Adequacy of MAP	Satisfactory

Results of the audit work performed show that the University has developed a control environment and system of internal control that addresses most major international admissions operational and compliance risks. Although the audit identified critical weaknesses at UMC and UMD, the overall control assessment for the institution is that appropriate controls exist. Opportunities for improvement include documenting criteria to guide the review of international applicants at UMC and UMD, establishing a process at UMC for confirming official transcripts are submitted, developing documentation to clarify the criteria needed to consider a transcript official at UMC, and developing a tracking mechanism for the receipt of final transcripts at UMD.

PeopleSoft IT Management



Report #	1712	Issue Date	Dec-16
# of Essential Recs.	6	Total # of Recs.	16
Overall Assessment	Good	Adequacy of MAP	Satisfactory

PeopleSoft (PS) is an integrated enterprise resource planning system that provides core functions used for the execution and operation of University business processes. PS applications currently used at the University are: Human Resource Management System (HRMS), Financials (i.e., Enterprise Financial Solution or EFS) and Campus Solutions (i.e., CS or Student). In addition MyU, or Portal, is a PS application customized by the University to provide easy access to end users' most commonly used PS functions and data. While our overall assessment of the management of the PeopleSoft system is "Good," we would rate the logical access and user monitoring processes as only "Adequate." There are some strong access and logging controls including: two-factor authentication, user administration processes for adding and removing users, and secure access and activity logs. However, excessive access rights that exist should be removed and processes for managing privileged access rights, shared accounts and roles should be improved. We found all other areas reviewed to be well managed.

■ Adequate Control
 ■ Significant Control Issue(s)
 ■ Critical Control Issue(s)

Department of Surgery

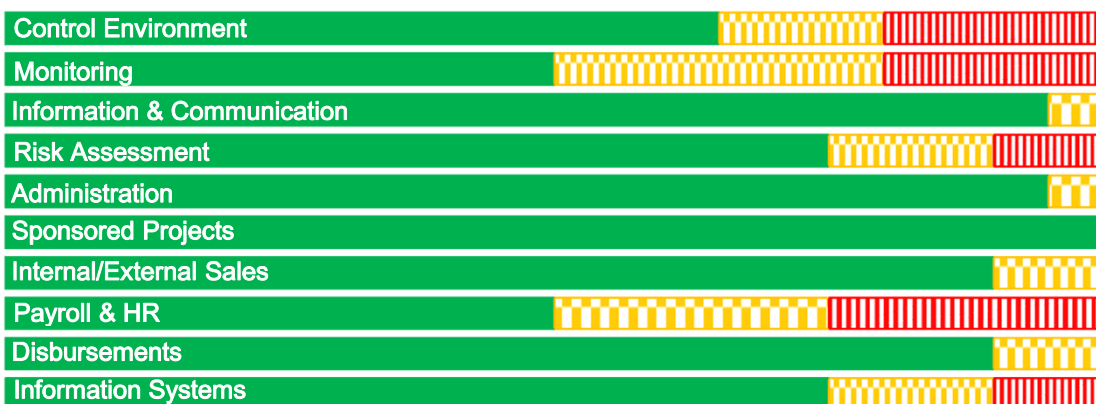


Report #	1713	Issue Date	Jan-17
# of Essential Recs.	0	Total # of Recs.	9
Overall Assessment	Good	Adequacy of MAP	Satisfactory

Results of the audit work performed show that the Department of Surgery has developed a control environment and system of internal control that addresses most major business and compliance risks. Results of the employee survey indicated that employees share an exceptionally positive view of management and support staff. However, during the audit we noted the number of patient visits and outpatient surgeries performed at the University of Minnesota Health Clinics and Surgery Center (CSC) is lagging behind projections; thereby potentially impacting Surgery cash reserves. Surgery has stated that the projections may not be achievable. Surgery has also stated that operating suites in University affiliated hospitals are understaffed and use outdated equipment, which may cause patients to choose other locations for their procedures and further impact the financial stability of the department.

College of Biological Sciences

(including two departments jointly operated with the Medical School)



Report #	1714	Issue Date	Feb-17
# of Essential Recs.	7	Total # of Recs.	19
Overall Assessment	Adequate	Adequacy of MAP	Satisfactory

We believe CBS's control environment and system of internal control are adequate. Controls over payroll need strengthening in both CBS and the two departments, Biochemistry, Molecular Biology, and Biophysics (BMBB) and Genetics, Cell Biology and Development (GCD), jointly operated with the Medical School. However, the error rates and the overall significance of the issues identified were higher for these two joint departments, and Medical School administration will need to devote additional attention to addressing payroll and human resource issues in BMBB and GCD.

■ Adequate Control
 ■ Significant Control Issue(s)
 ■ Critical Control Issue(s)

McNamara Academic Center (MAC)



Report #	1715	Issue Date	Feb-17
# of Essential Recs.	2	Total # of Recs.	9
Overall Assessment	Good	Adequacy of MAP	Satisfactory

Since its beginning in 1983, the McNamara Academic Center (MAC) for student-athletes has expanded over the years to become one of the largest academic support programs for student-athletes in the country. The MAC's mission is a student-athlete focused environment dedicated to guiding student-athletes to graduation, building positive relationships, and enhancing their overall experience. We believe the MAC promotes and displays high academic integrity and provides the student-athletes with a positive academic experience. University of Minnesota student-athletes are provided appropriate tools, assistance and support necessary to be successful in their academic endeavors. We noted two issues considered "essential" to minimizing existing operational and compliance risks: monitoring of student-athlete grade changes and monitoring and approval of tutor session evaluations. No academic misconduct or scholastic dishonesty, which could potentially lead to an NCAA violation, was noted during this audit.

Campus Solutions Upgrade



Report #	1716	Issue Date	Feb-17
# of Essential Recs.	1	Total # of Recs.	7
Overall Assessment	Good	Adequacy of MAP	Satisfactory

The University upgraded its student service, human resources, and financial systems as part of the overall Enterprise Systems Upgrade Program (ESUP). As part of the student project, PeopleSoft Campus Solutions (student system) was upgraded from version 8.9 to 9.0. The focus of the upgrade was to leverage base functionality offered by PeopleSoft and minimize custom-built modifications. From the results of the audit work performed, we believe the student system is providing necessary functionality. There continues to be frustration by users of the student system due to the "vanilla" model and lack of customizations. The highest level of frustration comes from the advisors, who have to spend more time, make more "clicks", and use multiple systems to perform their job. This additional time required by the advisors may detract from their ability to provide an optimal level of services to the students.

■ Adequate Control
 ■ Significant Control Issue(s)
 ■ Critical Control Issue(s)