

Thank you for your time spent completing Sexual Assault Data reporting.

Please review the information you provided. Contact Christine Kim Park at Christine.Kimpark@state.mn.us for any questions or concerns.

2024 Sexual Assault Data Reporting Due by October 1, 2024

This forms is for postsecondary institutions to report data to the Minnesota Office of Higher Education for the state's campus sexual assault database maintained by the Office of Higher Education Research and Policy division. Established by the 2015 legislature, this database contains information on the number of sexual assaults reported by institution and administrative responses to those incidents.

Postsecondary institutions are required to submit sexual assault data if they:

- offer in-person courses on a campus located in Minnesota;
- are eligible institutions as defined in [Minn. Stat. § 136A.103](#); and,
- have system-wide enrollment of 100 students or greater in the prior academic year.

To help you complete this data submission for your institution and for more detailed explanations of the required data, please refer to the [Sexual Assault Data Reporting Manual](#).

If we have questions, whom should we contact? (all required)

First Name:	<input type="text" value="Erin"/>
Last Name:	<input type="text" value="Kline"/>
Institution Name	<input type="text" value="Southwest Minnesota State University"/>
Title/Position:	<input type="text" value="AVP for Equity & Inclusion/CDO/Title IX Coordinator"/>
Email Address:	<input type="text" value="erin.kline@smsu.edu"/>
Telephone Number:	<input type="text" value="507-537-6657"/>

Sexual Assault Data Report Element Definitions

Sexual Assault Definition

Only incidents of sexual assault according to the following definitions of rape, sex offenses - fondling, and sex offenses - statutory rape should be included in institutions' data submission to OHE.

Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Sex Offenses:

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

B. **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

C. **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent.

Please note the addition of an "incident" definition to 2020 Session Law, which means: "one report of sexual assault to a postsecondary institution, regardless of the number of complainants included in the report, the number of respondents included in the report, and whether or not the identity of any party is known by the reporting postsecondary institution. Incident encompasses all nonconsensual events included within one report if multiple events have been identified."

Timeframe

The timeframe of incidents in institutions' reports to OHE is incidents of sexual assault reported to the institution during the prior calendar year. For this data submission, incidents reported to the institution between January 1, 2023 and December 31, 2023 will be included in the data submission.

Note that the report of the incident must have occurred between January 1, 2023 and December 31, 2023, not the incident itself. Additionally, though the report of an incident must have occurred between January 1, 2023 and December 31, 2023, the institutional responses and processes detailed by the categories do not have to be concluded during that timeframe. Institutional responses can include actions taken until August 31, 2024.

Scope of Incidents

The report must include, but not be limited to, the number of incidents of sexual assault reported to the institution in the previous calendar year in which:

- Either the complainant or respondent was a member of the campus community (employee or student) at the time of the incident;
- The incident occurred on the institution's campus (or on property owned/rented by the institution); or,
- The incident occurred at an institutionally sponsored event.

[Sexual Assault Data Reporting Manual](#)

Categories of Incidents to Report

Institutions must submit the following categories of incidents and institutional responses. Enter the number in the box corresponding to the category. Any description or explanation you would like to provide is optional.

1. The total number of incidents of sexual assault reported to the institution during the prior calendar year, within the scope of incidents as defined on page 6 of the [Sexual Assault Data Reporting Manual](#).

Explanation (optional, 2400 characters max)

2. Of the incidents compiled in #1, the number that were investigated by the institution to determine whether an incident may rise to a policy violation.

Explanation (optional, 2400 characters max)

3. Of those incidents in #2, the number that were referred for a disciplinary process at the institution.

Explanation (optional, 2400 characters max)

4. The number of total incidents (category #1) in which the alleged victim chose to report to local or state law enforcement, to the extent that the institution is aware.

Explanation (optional, 2400 characters max)

5. The number of incidents for which a campus disciplinary process is pending, but has not reached a final resolution as of August 31, 2024.

Explanation (optional, 2400 characters max)

6. The number of incidents in which the respondent(s) was/were found responsible for sexual assault, through the disciplinary process at the institution.

0

Explanation (optional, 2400 characters max)

7. The number of incidents that resulted in any action by the institution greater than a warning being issued to the respondent.

2

Explanation (optional, 2400 characters max)

Best practice at SMSU is to issue a No Contact Order in cases where sexual assault is alleged. This order is not disciplinary by nature but allows for our office to provide effective and equitable supportive measures.

8. The number of investigations that resulted in a disciplinary process (as defined in category #3) at the institution, but eventually closed without resolution.

0

Explanation (optional, 2400 characters max)

9. Of those in #8, the number of investigations that resulted in a disciplinary process at the institution, but eventually closed without resolution - because the respondent withdrew from the institution.

0

Explanation (optional, 2400 characters max)

10. Of those in #8, the number of investigations that resulted in a disciplinary process at the institution, but eventually closed without resolution - because the alleged victim chose not to participate in the remainder of the process.

Explanation (optional, 2400 characters max)

11. The number of incidents in which the alleged victim chose not to participate in the institution's investigation or disciplinary process prior to a disciplinary process beginning.

Explanation (optional, 2400 characters max)

12. The number of reports made through the online reporting system established in *Minn. Stat. §135A.15, Subd. 5* – excluding reports submitted anonymously

Explanation (optional, 2400 characters max)

2024 Additional Questions

The Office of Higher Education added additional questions to the 2024 survey to gather information in order to support institutions in fulfilling MN Statute 135A.15. Answering the questions helps OHE's Sexual Violence Prevention & Response program determine how best to support Minnesota institutions. *No negative repercussions or actions by OHE will occur if the institution chooses to leave the additional questions blank.*

What are new trends or issues or concerns have you noticed among reports of sexual misconduct (strangulation/choking, sextortion, nonconsensual sharing of sexual images, etc.)

sextortion

What are the most concerning aspects of implementing the 2024 Title IX Regulations?

NA to MinnState Insitutions at this time due to being enjoined. However, the new regulations require the involvement of decision makers very early on in the process is concerning due to the small number of decision makers, how infrequently they are exposed to cases, and the high level of training involved..

What are your training needs, tools, resources in implementing new policies and procedures defined by state or federal law?

People power and templated resources.