

<http://www.ohe.state.mn.us/sPages/SADR.cfm>

## Sexual Assault Data Report

[Minn. Stat. § 135A.15](#), subd. 6 requires postsecondary institutions to annually report statistics on sexual assault to the Office of Higher Education (OHE). The following data is provided by each postsecondary institution; OHE calculates state totals based on that data.

### Sexual Assault Definition

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The definition of sexual assault for this report is prescribed by Minn. Stat. § 135A.15, Subd. 1a as "forcible sex offenses as defined in Code of Federal Regulations, title 34, part 668, subpart D, appendix A, as amended." However, 34 C.F.R. § 668, Subpart D, Appendix A has been amended and no longer includes that term. The prior definition of "forcible sex offenses" has been cross-walked to terms currently defined in 34 C.F.R. § 668, Subpart D, Appendix A, so for the purpose of this reporting, sexual assault includes rape, sex offenses - fondling, and sex offenses - statutory rape as follows. <sup>1</sup>

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.

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...

Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent. <sup>2</sup>

For more information on the definition of sexual assault, please refer to the [Sexual Assault Data Reporting Manual](#).

### Scope of Incidents

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The report below includes the number of incidents of sexual assault reported to the institution in the previous calendar year in which:

- Either the alleged victim or respondent was a member of the campus community (employee or student) at the time of the incident; or,

- 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.

## 2016 Sexual Assault Data Report

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These data represent incidents of sexual assault reported to a postsecondary institution in Minnesota between January 1 and December 31, 2015. Institutions reported these data to OHE in Fall 2016.

### Categories

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1. **Incidents Reported to Institution:** The number of incidents of sexual assault reported to the institution during the prior calendar year within the scope defined above (total incidents)
  - Include incidents that were reported as sexual assault but were later found not to be sexual assault or where the report was unfounded
  - Reports include those incidents reported by the alleged victim as well as from other parties
  - Excludes anonymous reports and aggregate deidentified data provided to the institution from confidential resources
2. **Investigated:** Of those in category #1, the number that were investigated by the institution to determine whether the institution's policy was violated
  - An investigation includes a formal investigation, an informal investigation, and an institutional inquiry
  - Incidents may be reported to the institution but not investigated because:
    - The victim chose not to proceed with the investigation and the institution determined there was no overriding concern to campus safety;
    - An incident occurred but the allegation was not of sexual assault;
    - A respondent was not a member of the campus community; or,
    - A respondent was not identified.
3. **Referred for Disciplinary Process:** Of those in category #2, the number that were referred for a disciplinary process at the institution
  - A disciplinary process includes any process by which the institution investigates, adjudicates, and makes a determination regarding an allegation in accordance with the institution's own code of conduct or similar internal policy or rules.
4. **Reported to Law Enforcement:** 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
  - Includes any local or state law enforcement agency, not just those within Minnesota.

5. **Disciplinary Process Pending:** The number for which a campus disciplinary process is pending, but has not reached a final resolution as of August 1, 2016
  - The incident was reported to the institution by December 31, 2015, but by August 1, 2016 the case was not finalized.
  - Pending cases include those that have been referred to an investigator but a recommendation has not been made whether there is sufficient grounds to refer the matter to an adjudicator; are still under investigation; are still under adjudication; a final determination has not been made; hearings have not reached their conclusion; appeal period has not yet expired; or the incident is under appeal.
  
6. **Respondent Found Responsible:** The number in which the respondent(s) was/were found responsible for sexual assault by the disciplinary process at the institution
  - Includes only final (not initial) determinations of responsibility
  
7. **Action Greater than a Warning:** The number that resulted in any action by the institution greater than a warning issued to the respondent
  - A warning is an issuance of an oral or written reprimand that has no adverse consequence.
  - Examples of actions greater than a warning include required counseling, required training, a no-contact order, placing a hold on the students' record/transcript, being issued a no-trespass order, being issued a partial no-trespass order that significantly limits campus access, removal from campus housing, disciplinary probation, suspension, or expulsion.
  
8. **Closed Without Resolution:** The number that resulted in a disciplinary process at the institution that closed without resolution
  
9. **CWR - Respondent Withdrew:** Of those in category #8, the number that resulted in a disciplinary process at the institution that closed without resolution because the respondent withdrew from the institution
  
10. **CWR - Victim Did Not Participate:** Of those in category #8, the number that resulted in a disciplinary process at the institution that closed without resolution because the alleged victim chose not to participate in the process
  
11. **Reports via Online Reporting System:** The number of reports made through the online reporting system established in Minn. Stat. § 135A.15, subd. 5, excluding reports submitted anonymously

Category	Category Definition	Minnesota Total
1 Incidents Reported to Institution	The number of incidents of sexual assault reported to the institution during the prior calendar year within the scope defined above (total incidents)	294
2 Investigated	Of those in category #1, the number that were investigated by the institution to determine whether the institution's policy was violated	156
3 Referred for Disciplinary Process	Of those in category #2, the number that were referred for a disciplinary process at the institution	109
4 Reported to Law Enforcement	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	54
5 Disciplinary Process Pending	The number for which a campus disciplinary process is pending, but has not reached a final resolution as of August 1, 2016	<10
6 Respondent Found Responsible	The number in which the respondent(s) was/were found responsible for sexual assault by the disciplinary process at the institution	68
7 Action Greater than a Warning	The number that resulted in any action by the institution greater than a warning issued to the respondent	79
8 Closed Without Resolution	The number that resulted in a disciplinary process at the institution that closed without resolution	<10
9 CWR - Respondent Withdrew	Of those in category #8, the number that resulted in a disciplinary process at the institution that closed without resolution because the respondent withdrew from the institution	<10
10 CWR - Victim Did Not Participate	Of those in category #8, the number that resulted in a disciplinary process at the institution that closed without resolution because the alleged victim chose not to participate in the process	28
11 Reports via Online Reporting System	The number of reports made through the online reporting system established in Minn. Stat. § 135A.15, subd. 5, excluding reports submitted anonymously	28

Source: Minnesota Office of Higher Education  
Updated 12/2/16 to reflect institutional data corrections/resubmissions.

When "<10" is displayed, the data is suppressed to protect student identity.



Victims of sexual violence can connect with an advocate, access emergency resources, or find additional support through [RapeHelpMN.org](http://RapeHelpMN.org).

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Dec 1 (4 days ago)

to

Thank you all for your patience today. The sexual assault data report is now available at <http://www.ohe.state.mn.us/sPages/SADR.cfm>.

As you know, institutions are also responsible for publishing on their own website the data elements submitted to the Office of Higher Education. As you will see in OHE's report linked above, OHE's policy for complying with federal and state laws governing access to student records is to suppress data in cells for which there are fewer than 10 students. Institutions may choose to use this data suppression limit, or follow their own institutional policy for data suppression in publishing their institutional report of the sexual assault data.

Some institutions have requested guidance for where to publish this information on their websites. Of those I've talked to, most institutions are either including this information along with their campus safety information and Clery report, or with Title IX and campus sexual violence information.

As always, please contact me with questions or comments.

Nichole

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