



Minnesota State Community and Technical College  
Detroit Lakes | Fergus Falls | Moorhead | Wadena

2018 ANNUAL SECURITY  
AND FIRE SAFETY REPORT  
WITH 2017, 2016 AND 2015 STATISTICS

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## HISTORY

In 1990 Congress enacted the Crime Awareness and Campus Security Act (Title II of Public Law 101-542), which amended the Higher Education Act of 1965 (HEA). This act required all postsecondary institutions participating in Title IV student financial aid programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998 and 2000. The 1998 amendments renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in memory of a student who was slain in her dorm room in 1986. The Higher Education Opportunity Act Amendments of 2008 added additional requirements for crime reporting, including the expansion of hate crimes which must be reported and the requirement of a written campus policy for coordination with local law enforcement.

The Clery Act requires higher education institutions to give timely warnings of crimes that represent a threat to the safety of students or employees, and to make public their campus security policies. It also requires that crime data is collected, reported and disseminated to the campus community and is also submitted to the Department of Education. The goal of the Clery Act is to provide students and their families, as higher education consumers, with accurate, complete and timely information about safety on campus so that they can make informed decisions.

To be in compliance with Clery Act regulations, Minnesota State Community and Technical College has several obligations. These fall into three main categories: 1) policy disclosure; 2) records collection and retention; and 3) information dissemination.

## COLLEGE SECURITY PROCEDURES

College personnel have no enforcement authority over instances of criminal actions, thus are not expected to attempt to detain a person suspected of such actions. While the college does not currently have a Memorandum of Understanding with any law enforcement agency, it cooperates closely with local and state law enforcement.

**The Detroit Lakes Campus** has no contracted security service. Safety escorts to vehicles may be requested as follows:

Monday-Friday, 8 am-4:30 pm; safety escorts can be arranged by contacting the Resource Specialist in Student Development Services.

Monday-Friday, after 4:30 pm; safety escorts can be arranged by contacting a Facilities Department staff member by calling 218.850.8132.

**The Fergus Falls Campus** has contracted a private security company to provide security services. Security guards are scheduled as follows:

Monday-Thursday, 4:30 pm-1:30 am

Friday, 4:30 pm-2 am

Saturday, 8 pm-2 am

Sunday, 8 pm-1:30 am

When on duty, security guard can be reached by calling 218.770.9861 or at the Security Office located on the first floor of College Manor at 710 North Tower Road.

**The Moorhead Campus** has security services contracted by Minnesota State University Moorhead's Public Safety Department. Security officers provide regular patrols of the campus building and parking lots. Security officers will provide a safety escort to your vehicle if requested. Requests can be made by calling 218.477.2449.

**The Wadena Campus** has no contracted security service. Safety escorts to vehicles may be requested as follows:

Monday-Friday 8 am-4:30 pm; safety escorts can be arranged by contacting the Resource Specialist in Student Development Services.

Monday-Friday after 4:30 pm; safety escorts can be arranged by contacting a Facilities Department staff member by calling 218.639.1724

The Wadena campus, in collaboration with the Wadena Police Department, has a School Resource Officer (SRO) on campus for four hours per week throughout the academic year (late August-mid-May). The SRO's on-campus schedule is not pre-determined. The SRO's purpose is to be a resource to the campus community. The SRO remains at all times under the direct control and supervision of the Wadena Chief of Police and at no time shall be considered an employee of the college.

**Dial 911 to report an emergency.** If dialing from a campus telephone line, dial 8-911 to report crimes in progress, fire or a medical emergency on campus. You may also dial 0 to be connected to the college's Support Center.

M State encourages all members of the college community (students, faculty, staff, guests) to be aware of safety and security issues on the campuses and to take action to prevent and to report illegal and inappropriate activities. Personal awareness and utilizing personal safety practices are key components in a safe community.

Pursuant to the Student Right to Know and Campus Security Act, M State monitors criminal activity and publishes this report, maintains a three-year statistical history of on-campus property and on- and off-campus college-recognized events/activities, as well as on property bordering each of the M State campuses. The college communicates to students and employees via email the specific location of the report on the college's website (this email also includes a web link to the report. This report will be provided in written form upon request.

M State has a number of policies and procedures relating to campus security and reserves the right to revise or implement additional policies and procedures at any time without notice. These changes may appear in future issues of this report.

## POLICY FOR OFF-CAMPUS CRIMINAL ACTIVITY

M State has no off-campus property that is owned and/or leased by any officially recognized student organization that would warrant local police monitoring and recording of criminal activity.

All M State housing facilities are located on the Fergus Falls campus. The dean of student success in partnership with campus security authorities and the appropriate local law enforcement agencies monitors off-campus crimes while students are at college-sponsored functions held off campus.

## CRIME REPORTING POLICY AND PROCEDURES

### Reporting Policies:

Campus community members, students, employees and guests are encouraged to report all criminal actions, emergencies or other public safety-related incidents occurring within the college's Clery geography to the Director of Student Development Services on the Detroit Lakes, Fergus Falls and Wadena campuses (1.877.450.3322) and on the Moorhead campus to MSUM Public Safety (218.477.2449); or contact the local police department: Detroit Lakes 218.847.4222, Fergus Falls 218.332.5555, Moorhead 218.299.5166, Wadena 218.631.7700. Individuals who make a report to M State and wish to file a complaint with local law enforcement will be provided assistance as requested. The college's Clery geography includes: on-campus property including campus residence halls, buildings and/or facilities; designated non-campus properties and facilities; public property adjacent to and immediately accessible from on-campus property, and leased, rented or otherwise recognized and/or controlled buildings, spaces and/or facilities.

M State encourages accurate and prompt reporting of crimes. Accurate and prompt reporting ensures M State is able to evaluate, consider and send timely warning notifications, disclose crimes through ongoing disclosure processes such as the posting of crimes in the Daily Crime Log (where applicable) and accurately documenting reportable crimes in its annual statistical disclosure.

M State typically requires a written complaint from an individual to begin the investigatory process. M State also typically will need the assistance of the complainant in the disciplinary process. M State reserves the right to make exceptions when necessary including cases presenting clear danger to the victim and/or the college community.

### Reporting Procedures:

#### To Report a crime:

Contact the following staff by campus (non-emergencies), dial 911 (emergencies only).

#### Detroit Lakes Campus:

Director of Student Development Services, E101 ..... 218.846.3714

#### Fergus Falls Campus:

Director of Student Development Services, C341 ..... 218.736.1530

#### Moorhead Campus:

Director of Student Development Services, D120..... 218.299.6620

MSUM Public Safety ..... 218.477.2449  
(contracted to provide security services on the Moorhead campus)

#### Wadena Campus:

Director of Student Development Services, M26..... 218.846.3714

As appropriate, local law enforcement will be made aware of the reports. The college will assist local law enforcement agencies with investigations as needed. Efforts should be made to preserve any and all physical evidence. Immediate reporting assists in evidence preservation.

### If you are a victim or witness to a crime:

- Call local law enforcement by dialing 911 (campus phone 8-911), for any emergency including medical assistance, fires, suspicious people/activities, crime reports, traffic accidents or other illegal activities.
- Obtain a description of the offender(s), including gender, age, race, hair, clothing and other distinguishable features. Attempt to capture a description and license number of any vehicle involved. Note the direction traveled by the offender(s) or vehicle(s) involved. Immediate documentation of the incident provides valuable information to local law enforcement agents should you be either a victim or a witness to a crime.
- Preserve the crime scene. Do not touch any object/item involved in the incident. Close off the area of the incident and do not allow anyone in the crime scene area until campus administration, security and/or local law enforcement arrives.

M State accepts third-party reports in cases of sexual assault in order to protect the victim's identity.

Individuals who file a complaint with the college will be provided a copy of the complaint policy and procedure.

All M State employees who become aware of college policy and/or student conduct code violations and criminal activity should report the information to their supervisor or college administration.

The following staff with significant responsibility for student and campus activities (not including counselors) must report potential criminal activity to their supervisor, campus administration and/or local law enforcement: student development services directors, student life/engagement directors, athletic/coaching staff, professional housing and residential life staff, club/organization advisors and deans.

These individuals should not attempt to investigate, but should focus on reporting the details of the incident and allow the designated official/officer to investigate. A list of campus security authorities is maintained by the college and is updated as needed. The CSA list is available in the dean of student success office. Campus security authorities are trained as required by the Jeanne Clery Act.

## CONFIDENTIAL AND ANONYMOUS REPORTING

In support of Minnesota State Statute 135A.15 Sexual Harassment and Violence Policy ([www.revisor.mn.gov/statutes/?id=135A.15](http://www.revisor.mn.gov/statutes/?id=135A.15)) the following staff are considered confidential resources for victims of sexual violence or sexual harassment. The confidential resource can provide victims with information about locally available resources for victims of sexual violence and sexual harassment, including but not limited to, mental health service and legal assistance. The confidential resource will provide information on the process of reporting an incident of sexual violence and sexual harassment to college authorities, local law enforcement or anonymous reporting. Data shared with a confidential resource is classified as sexual assault communication data as defined by section 13.822, subdivision 1; Sexual Assault Data ([www.revisor.mn.gov/statutes/?id=13.822.1](http://www.revisor.mn.gov/statutes/?id=13.822.1))

The college employs three counselors, they can be reached at:

Counselor ..... 218.299.6516  
counselors@minnesota.edu

Counselor ..... 218.736.1539  
counselors@minnesota.edu

Counselor ..... 218.299.6618  
counselors@minnesota.edu

Online (Campus Eye) and Web-based reporting: Campus Eye is a mobile application that can be used by M State students, faculty and staff to report incidents of sexual violence to the appropriate M State authorities. You may also use a web-based reporting form to report acts of sexual violence. Both the mobile application and web-based form allow reports of sexual violence to be submitted anonymously.

**Download the Campus Eye phone app for iPhone or Android.** Please use sign-up code Y9HB.

web-based form: <https://mycampuseye.com/web/Y9HB>

iphone: <https://itunes.apple.com/us/app/campus-eye/id701928884?mt=8>

android: <https://play.google.com/store/apps/details?id=com.mq.campuseye&hl=en>

M State issues annually a campus crime report listing the criminal reports made to college personnel and local law enforcement agencies for crimes occurring on college property, facilities rented by the college or recognized student clubs/organizations. The report includes the following reports of crime: murder, forcible sex offenses (forcible rape, forcible sodomy, sexual assault with object, forcible fondling, domestic violence, dating violence); non-forcible sex offenses (incest, statutory rape, stalking); robbery, arson, aggravated assault, burglary, motor vehicle theft; and for murders, forcible rape, aggravated assault, destruction/damage/vandalism of property, intimidation, larceny-theft, and simple assault evidencing hate crimes.

The report also includes violations and arrests for the following: liquor law violations; drug abuse violations, weapons possession.

## TIMELY WARNINGS

Timely Warnings are usually distributed for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: major incidents of arson, murder/non-negligent manslaughter and robbery. Cases of aggravated assault and sex offenses are considered on a case by case basis, depending on the facts of the case and information known by college officials. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other M State community members and a Timely Warning would not be distributed. In cases involving sexual assault, they are often reported after the incident occurred, thus there is no ability to distribute a "timely" warning notice to the college community. Sex offenses will be considered on a case by case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by college officials. Cases involving property crimes will be assessed on a case-by-case basis and alerts will typically be sent if there is a discernible pattern of crime. The Vice President of Student Development Services or designee will review cases to determine if there is an on-going threat to the community and if the distribution of a Timely Warning is warranted. Timely Warnings may also be posted for other crime classifications and locations, as deemed necessary. Timely Warnings will be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. Timely Warning messages are typically created, authorized and sent by the Vice President of Student Development Services or designee.

The Vice President of Student Development Services or designee determines if there is a continuing threat to the college community. In such cases, warnings may be published through campus email, campus and residential hall flyers, Star Alert (primary method to issue Timely Warnings) and the college website. Timely Warnings are sent primarily via the Star Alert system. Students and employees can manage how they receive Star Alert messages. Students can access their Star Alert account via SpartanNet and Employees can access the Star Alert account via the Employee Portal.

## EMERGENCY NOTIFICATION SYSTEMS

Emergency notifications may include but are not limited to:

- Bomb threats or other imminent violent threats
- Fire alarms, hazardous spills and natural gas leaks affecting M State
- Building evacuations and lockdowns affecting M State
- Natural disasters
- Power outages and utility failures resulting in imminent threat
- Biological or pandemic emergency notifications
- Weather-related closings affecting M State

The college has implemented a warning and notification process that incorporates three methods; active, passive and individual messaging. The warning and notification message can be specific to an individual campus or to the entire college. This is determined by the type of situation predicating the warning or notification.

- **Active Messaging** – Each campus has the ability to address the campus through a public address system that covers all interior campus office and gathering spaces. The system does not cover parking lots. In an emergency this system will be activated and the use of a prerecorded message or live voice will provide instructions on what actions to take.
- **Passive Messaging** – In an emergency the college/campuses provides updates on the main page of the college website. Information included may be weather-related cancellations and/or closures for individual campuses or the entire college.
- **Individual Messaging** – The college utilizes an emergency notification system referred to as the “Star Alert” system. This is an “opt-out” only system, and students and employees may opt-out via SpartanNet or the Employee Portal. The college will also, when appropriate, utilize the college email system to send specific emergency information to students and employees. Students, faculty and staff are able to select the formats they wish to receive emergency notifications. Available formats are: telephone call, email and text messaging.
- **Emergency System Testing and Safety Drills** – The emergency notification system is required to be tested annually during the academic year in conjunction with our planned emergency evacuation and emergency response drills.

The College facilitates the following safety drills on each campus throughout the year\*:

- 4 Fire drills
- 1 Tornado drill
- 1 Lockdown drill
- Monthly testing of the emergency notification system

\*For safety drills related to the college’s residential facilities (Fergus Falls campus), please see the Annual Fire Report on page 46

## CAMPUS CRIME LOG

A Campus Crime Log is required for all campuses that have security or police. The Fergus Falls, Moorhead and Wadena campuses are required by Department of Education definition to keep a Campus Crime Log, and the Detroit Lakes campus is not required to keep a Campus Crime Log.

The Fergus Falls, Moorhead and Wadena daily campus crime log records crimes by their nature, date, time, general location, and disposition of the complaint. The information is reported on and is made available within two business days after receipt of the information. The crime log for the most recent 60 day period is open and available for public inspection. To view a copy of the Campus Crime Log, call or visit the following:

**Fergus Falls Campus**-Director of Student Development Services, 218.736.1530, 1414 College Way, Fergus Falls, MN; Monday-Friday 8 am-4:30 pm

**Moorhead Campus**-Director of Student Development Services, 218.299.6620, 1900 28th Avenue South, Moorhead, MN; Monday-Friday 8 am-4:30 pm or MSUM Public Safety Office (provides security for Moorhead campus), 218.477.2449, 1616 9th Avenue South, Moorhead, MN; Monday-Friday 8 am-4:30 pm

**Wadena Campus**-Director of Student Development Services, 218.631.7832, 405 Colfax Avenue SW, Wadena, MN; Monday-Friday 8 am-4:30 pm.

The information is made available to the public within two business days unless disclosure of such information would:

- be prohibited by law;
- jeopardize the confidentiality of the victim;
- jeopardize an ongoing criminal investigation;
- jeopardize the safety of an individual;
- cause a suspect to flee or evade detection; or
- result in the destruction of evidence.

## SAFETY OF AND ACCESS TO COLLEGE/CAMPUS FACILITIES POLICIES

Anyone on any of the M State campuses (including visitors) is encouraged to report any emergency to campus' director of student development services. If professional emergency services (fire, ambulance, police) are needed, individuals are encouraged to dial 911 (8-911 from a campus phone). M State will, without delay and taking into account the safety of the community, determine the content of an emergency notification and initiate the campus/college emergency notification system, unless such notification will, in the professional judgment of campus security authorities and administration, compromise efforts to assist victims or to contain, respond to or otherwise mitigate an emergency.

## EMERGENCY EVACUATION PROCEDURES AND POLICIES

All college administrators are responsible for directing and/or coordinating emergency operations and may approve exception(s) to the Emergency Procedures Guide as required to fulfill the emergency response. The Emergency Procedures Guide includes information regarding shelter in place and campus evacuation guidelines.

The Emergency Procedures guide is located on the employee portal on the safety page. For students and guests, a public version of the Emergency Procedure guide is located in each class room and meeting room on campus.

M State will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on a campus. M State has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat. These methods include: Campus Public Address System, college email, and Star Alert, a system that provides email, text and telephone alerts to the campus community. Star Alert is an "opt out" system. Instructions on how to modify your personal Star Alert preferences can be found:

- **Students** – Log into your SpartanNet account and click on the Star Alert link that can be found on the left hand side of the page to modify your Star Alert preferences.
- **Employees** – Log into the Employee Portal and go to the Resources tab and click on the Star Alert section to modify your Star Alert message preferences.

In the event of a significant emergency or dangerous situation, college administrators, with the assistance of local first responders and/or the National Weather Service will attempt to collect information to validate or confirm the threat. This may include surveillance cameras, going near the area, or communicating with law enforcement who will be responding directly to the affected area. M State has requested from local police their cooperation in informing the institution about situations reported to them that may warrant an emergency response.

If college administration believes that a significant emergency or dangerous situation exists, they will activate emergency notification procedures to provide immediate notification of the threat to the campus community, or to the appropriate segment of the community if the threat is limited to a particular building or segment of the population. Typically, college administration will create, authorize and send the message.

College administration will, without delay and taking into account the safety of the community, determine if the content of the notification and initiate the notification, unless issuing a notification will, in the professional judgement of the responsible authorities, compromise the efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency. The college administration will provide timely updates. Timely updates may be released to the campus community via the college website, college email, or Star Alert.

Members of the community who are interested in receiving information about emergencies on campus may monitor the college website.

An evacuation drill is coordinated at least once per semester by Residential Life and Housing and Facilities personnel for all on-campus residential facilities (Fergus Falls Campus only). The evacuation drill provides building occupants the experience of a building evacuation. The evacuation drill also provide the college an opportunity to test the operation of fire alarm system components. Evacuation drills are monitored by Residential Life and Housing and Facilities personnel to evaluate egress and behavioral patterns. Reports of deficient equipment are prepared and submitted to Facilities personnel so repairs can be made. Recommendations for improvements are also submitted to the Facilities Director and/or Chief Financial Officer for consideration.

The college conducts numerous emergency evacuation response exercises each year. As part of the exercise, the campus public address system and the Star Alert system (immediate notification) are used and tested on each campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution and the tests may be announced or unannounced. For each test the campus Facilities Supervisor will document the date and time, and whether it was announced or unannounced.

When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually the Supervisor In Charge (a member of college administration), local law enforcement, local fire department, and emergency medical services. All departments typically respond and work together to manage the incident. Depending on the nature of the incident, other college departments and other local or federal agencies could also be involved in responding to the incident. General information about the emergency response and evacuation procedures for M State are publicized each year in conjunction with a test of these procedures and as a part of the institution's Clery Act compliance efforts (Annual Security and Fire Safety Report), and that information is available on the college website at <http://www.minnesota.edu/?id=389>.

## EVACUATION PROCEDURES

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the fire alarm, evacuate to a safe location using the nearest exit, and notify the Supervisor in Charge for that day.

The campus buildings may be evacuated for a variety of reasons (fire, hazardous material, etc.) When a campus building alarm sounds, all occupants must follow the evacuation instructions in the announcement and use the posted exit routes. In accordance with Minnesota State Law, when a building alarm sounds, all occupants are required to exit the building.

Occupants can only re-enter a campus building when notified by a campus/college official and/or fire department personnel.

Electrical devices and lights should be turned off before exiting the building. Occupants should wear clothing appropriate for the weather. Employees should close office and classroom areas as they exit the building.

Once outside move away from the building and keep streets, fire lanes, hydrant areas, and walkway areas clear for emergency vehicles and personnel.

- Remain Calm
- Do NOT use elevators, use the stairs
- Assist the physically impaired. If he/she is unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform the responding emergency responders of the individual's location.
- Proceed to a clear area at least 50 feet or more from the building. Keep all walkways clear for emergency vehicles.
- Make sure all personnel are out of the building
- Do not re-enter the building.

Students receive information about evacuation and shelter-in-place procedures during their Residential Life and Housing welcome and orientation. Residential Life and Housing personnel are trained in these procedures and act as an on-going resource for the students living in residential facilities (Fergus Falls Campus only).

## Sheltering in Place

Because sheltering in place may be the protective action recommendation for several emergencies with differing risks, and because sometimes the initial recommendation is to shelter in place followed by relocation, there is no single set of shelter in place procedures. Based on the type of emergency, such as tornado, hostile intruder, or hazardous material release outside, you should consult each relevant section of the Emergency Procedures Tools guide for guidance.

Emergencies change as they progress. The questions to ask yourself are: Am I safer inside or outside? Where am I safest inside? Where am I safest outside?

The Star Alert System is tested monthly (now on the last Wednesday of the month). The Public Address system is tested annually.

## Supervisor in Charge

The college assigns an administrator to serve as a Supervisor in Charge each business day. That individual is who employees should contact if an emergency situation is brought to their attention. Each week an email is sent to all campus employees noting who the Supervisor in Charge is with their contact information.

College administrators and directors have the authority to manage emergency situations. Contact the college's Support Center (1.877.450.3322) if you need to reach the Supervisor in Charge. This information is sent from the college president's office/designee.

## SECURITY, ACCESS AND MAINTENANCE OF CAMPUS FACILITIES

The M State campuses and facilities are for the use of students, employees and visitors and those on official business with the college. Access to college buildings is limited to normal business hours unless otherwise authorized. Emergencies may necessitate changes or alterations to any posted schedule.



Staff in the Facilities Department monitor building maintenance on each campus as a part of the regular cleaning schedule. Recognizing that issues can occur around that regular schedule, all employees are encouraged to submit a work order request via the employee portal to report any needed repairs. Students are encouraged to report any needed repairs to Student Development Services. Each campus has a Safety Committee chaired by a faculty or staff member. These individual committees meet a minimum of quarterly and assess if there are safety issues or concerns that require addressing. M State has a Director of Safety and Emergency Preparedness who is responsible for OSHA compliance, environmental health and safety concerns, and emergency preparedness planning and training. Additionally, the college contracts with Lakes Country Service Cooperative for health and safety consultation on all M State campuses.

## POLICIES AND PROCEDURES FOR SAFE ACCESS TO COLLEGE FACILITIES (ALL FOUR M STATE CAMPUSES):

- Keys are issued to authorized employees and students only.
- Exterior building doors should not be propped open when the doors are locked.
- Building evacuation is mandatory for all fire alarms.
- Building doors are normally unlocked for the posted hours of operation and for scheduled after-hours and weekend events.
- Problems with unauthorized individuals in college facilities after hours should be immediately reported to local law enforcement.
- Fergus Falls Campus Only (Detroit Lakes, Moorhead and Wadena Campus' do not have residence halls)Residence Halls are secured 24 hours a day.

**Williams Hillside Village**-Students are issued the following for access:

- Exterior door key
- Apartment key (issued to all residents of each individual apartment)
- Individual room key

**College Manor**-Residents are issued the following for access:

- electronic key fob for building access
- Apartment key (issued to all residents of each individual apartment)
- Individual room key

## EDUCATION PROGRAMS-SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

M State encourages all students and employees to be responsible for their own safety and for the safety of others on campus. Below are a number of recommendations that you can use to in making decisions about your personal safety.

PERSONAL SAFETY PROGRAMS			
The following are specific examples of programs offered by the college. This list is a sample and is not exhaustive.			
Date	Event Title	Location	Additional Information
10/9/17	RAD Self Defense Training, Session 1	Fitness Center Studio	RAD self-defense course. Curriculum delivered by Sgt. Stenger, MSUM Public Safety.
10/16/17	Fire Extinguisher Training	Tennis Court Parking Lot	Dean Anderson, Fergus Falls Fire Department, will conduct a training session on how to properly use a fire extinguisher.
10/16/17	RAD Self Defense Training, Session 2	Fitness Center Studio	RAD self-defense course. Curriculum delivered by Sgt. Stenger, MSUM Public Safety.
10/23/17	RAD Self Defense Training, Session 3	Fitness Center Studio	RAD self-defense course. Curriculum delivered by Sgt. Stenger, MSUM Public Safety.
10/30/17	Self-Defense Class (also a Sexual Violence Prevention Program)	Legacy Hall	Sponsored by Emily Hendrickson, Health Educator, open to all.
11/7/17	Spartan Wellness Day	Fireplace Lounge	Sponsored by the Wellness Coalition featuring representatives from various community and regional agencies.
Ongoing	Active Shooter Training (employee training)	Employee Portal	<ul style="list-style-type: none"> <li>• Run. Hide. Fight. Surviving an Active Shooter</li> <li>• Shots Fired, When Lightning Strikes</li> <li>• Surviving an Active Shooter, presented by the LA County Sheriff's Dept.</li> <li>• Surviving an Active Shooter, University of Alberta</li> </ul>

## PERSONAL SAFETY RECOMMENDATIONS

M State will assist you in protecting yourself by providing safety and security programs which may include safety and security brochures and posters, and live and recorded trainings opportunities. Only you can protect yourself by being aware of your surroundings and taking appropriate measures in preventing crime from happening. Never leave personal items unattended or offices unoccupied with unlocked doors.

### Help M State protect you

Watch for suspicious people in and around college facilities and in parking lots. Do not pursue them; report them to the campus director of student development services or campus security (Moorhead campus only).

### Suspicious Activity

If you see suspicious activity or people on campus, report it to the campus director of student development services or campus security (Moorhead campus 24 hours a day, 7 days a week; Fergus Falls campus has security personnel available Sunday-Thursday 4 pm-Midnight and Friday-Saturday, 4 pm-2 am). Do not assume what you're seeing is innocent activity or that it has already been reported. Do not assume the person is a visitor or college employee that you have not seen before.

### Be Aware of Who's on Duty During Evening Hours

Most college offices are open between the hours of 8 a.m. and 5 p.m. There are a number of personnel across the college whose scheduled work hours fall outside of that time frame. Please see Student Development Services for details on patrol and escort services relevant to your campus.

### Protect Yourself Walking/Jogging/Running

- Avoid walking/jogging/running alone after dark.
- Use routes that have ample lighting.
- Be alert to your surroundings. If you suspect you are being followed, run in a different direction, cross the street and yell for help or quickly head to a lighted area or a group of people.
- Have your keys ready when returning to your automobile or home/apartment and keep your personal or valuable items concealed and close to your body.

### Protect Your Automobile

- Always lock your automobile doors and never leave keys in your vehicle.
- Park in a well-lit area.
- Avoid leaving personal belongings or valuable items where visible.

### Protect Your Property

- Participate in Operation Identification by engraving your Operation Identification number on your valuables. (for information on Operation Identification visit: [www.opid.org](http://www.opid.org)).
- Personal property (purses, backpacks, briefcases, electronic devices, etc.) should never be left unattended. Take such items with you if you are leaving a classroom, unlocked office or meeting room.
- Lock your door whenever leaving your home/apartment or office. Always lock your door when sleeping. Always lock your car doors.
- Protect all valuables in your home or office. Do not leave valuables in plain view.
- Do not keep large sums of cash in your home/apartment. Consider opening an account at a local bank.

### Protect Your Home/Apartment

- Lock your door, even if you are only going out for a short time. It can take less than 10 seconds for an intruder to access an unlocked space and steal valuables.
- Always lock your door when sleeping. It's advised to keep your door locked at all times, even when awake.

- Do not loan your keys to anyone, even a classmate or friend. They may not be careful with them and lose or misplace them, providing an opportunity for the wrong person to have access to your space.
- Do not leave keys lying in public spaces or in a jacket pocket when you're not wearing the jacket.
- Do not put your name or address on your key ring. Doing so can place you and your property at risk if the keys are lost and found by the wrong person.

### Protect Yourself at Night

- Avoid walking/jogging/running alone at night.
- Be aware of your surroundings at all times
- Suspicious people may:
  - Be loitering about at unusual hours and locations.
  - Exhibiting unusual behavior
  - Be under the influence of alcohol or other drugs

## POLICIES CONCERNING LAW ENFORCEMENT

Employees of M State are NOT certified or sworn peace officers. M State works closely with local law enforcement, Sheriff's office and state and federal law enforcement agencies to track and respond to criminal activity.

### REPORT ALL CRIME IMMEDIATELY

**Emergencies dial 911 or 8-911** (from a campus phone). All criminal activity on any M State campus should be immediately reported to the director of student development services or campus security (Moorhead campus 24 hours a day, 7 days a week; Fergus Falls campus has security personnel available Sunday-Thursday 4 pm-Midnight and Friday-Saturday, 4 pm-2 am) and/or local law enforcement.

#### Detroit Lakes

Director of Student Development Services, E101 ..... 218.846.3714  
 City Police Non-Emergency ..... 218.847.4222  
 County Sheriff ..... 218.847.5421

#### Fergus Falls

Director of Student Development Services, C341 ..... 218.736.1530  
 City Police Non-Emergency ..... 218.736.5438  
 County Sheriff ..... 218.998.8555

#### Moorhead

Director of Student Development Services, D120 ..... 218.299.6620  
 City Police Non-Emergency ..... 218.299.5120  
 County Sheriff ..... 218.299.5151

#### Wadena

Director of Student Development Services, M26 ..... 218.846.3714  
 City Police Non-Emergency ..... 218.631.7700  
 County Sheriff ..... 218.631.7600

## Report as Much Detail as Possible to Ensure Accuracy

If you are the victim of a crime, write down as much information as you can as soon as possible. If you cannot identify the perpetrator by name, try to recall as many details as possible, including gender, approximate age, height, weight/build; facial description including eye color, hair color/style (short, curly, etc.), jaw line, facial hair, glasses, nose; dress/clothing, and any other distinguishing marks such as a scar, tattoo or piercing.

## MISSING STUDENT NOTIFICATION POLICY AND PROCEDURE-FERGUS FALLS CAMPUS

This policy and procedure apply only to the Fergus Falls campus as the Higher Education Opportunity Act of 2008 requires campus' with on-campus housing facilities to establish a notification policy and related procedures for student who reside in campus housing and are determined to have been missing for a minimum of 24 hours. It is the policy of M State –Fergus Falls campus to actively investigate any report of a missing student who is enrolled at the campus.

Members of the college community should immediately report missing persons to the Director of Housing and Residential Life by calling (218) 736-1635 or emailing at [housing@minnesota.edu](mailto:housing@minnesota.edu). The Director of Housing and Residential Life will consult with the Vice President of Student Development Services or designee regarding the notification of a missing student. The Director of Housing and Residential Life will notify the Fergus Falls Police Department immediately if an on-campus resident has been missing for more than 24 hours. Regardless of whether the student has identified a missing person emergency contact, is above the age of 18, or is an emancipated minor, the Director of Housing and Residential Life will inform the local law enforcement agency that has jurisdiction in the area that the student is missing within 24 hours. If an on-campus resident has identified a missing person emergency contact, the Director of Housing and Residential Life will notify the contact within 24 hours after receiving the report. If the student is under 18 years of age and is not emancipated, the Director of Housing and Residential Life will notify the student's parent or legal guardian, as well as any designated contact person immediately after determining that the student has been missing for 24 hours or more.

Students residing in on-campus housing have the option to identify an individual as their missing person contact to be notified in the event the student is determined to be missing for more than 24 hours. Contact information will be registered confidentially and will be accessible to authorized college officials only. If accessed, the information will not be disclosed, except to law enforcement personnel as a part of a missing person investigation. Notice to all other parties will be in compliance with applicable FERPA regulations.

Students who wish to register an emergency contact can do so by completing an "Emergency Contact Registration Form"; which is available at Student Development Services or found on the college's website at [minnesota.edu/housing](http://minnesota.edu/housing). Completed forms should be returned to the Director of Housing and Residential Life.

Reports of student missing from off-campus residences will be referred to the police department having jurisdiction over the student's local residence, if known, or the student's permanent residence if a local residence cannot be determined.

Missing Person Form: [www.minnesota.edu/?id=22741](http://www.minnesota.edu/?id=22741).

## PROGRAMS TO EDUCATE M STATE COMMUNITY REGARDING SECURITY

Information concerning campus security is presented annually as a part of the student orientation process and at employee meetings on each campus. Information to promote awareness of crime prevention tactics and to encourage students and employees to be responsible for their own security and the security of others is presented a various times throughout the academic year. This information may be disseminated via official college emails, flyers, brochures, presentations and trainings.

## PROGRAMS TO INFORM THE M STATE COMMUNITY REGARDING PREVENTION OF CRIMES

Each campus safety committee may present workshops on all aspects of safety including the prevention of crimes. These workshops may utilize a variety of speakers from local/regional agencies with expertise in the topic area. Members of the M State community are encouraged to participate.

## MONITORING AND RECORDING ACTIVITY AT OFF-CAMPUS LOCATIONS

All officially recognized M State activities that occur off-campus are subject to the campus policies related to safety, security and the student code of conduct, and the events are supervised/monitored. The college will work with local law enforcement agencies as necessary related to criminal activity at such activities. M State does include the off-campus student club/organization crime statistics in the annual Campus Crime Report that is published on the college website.

## POLICY REGARDING ILLEGALITY OF ALCOHOL AND ILLEGAL DRUGS ON CAMPUS AND ENFORCEMENT OF RELATED STATE AND FEDERAL LAWS

M State is committed to providing an environment free of alcohol and illegal drugs for its students, employees and visitors. Therefore, the College prohibits the unlawful possession, use, manufacture or distribution of controlled substances, including alcohol and illegal drugs, by students and

employees on its property, in college- or state-owned vehicles, or as part of any of its activities. Except as permitted by Minnesota State Board Policy 5.18, the possession, use, sale or distribution of alcoholic beverages and 3.2 percent malt liquor is prohibited at college-sponsored events on or off -campus.

## Standards of Conduct

The college standards of conduct prohibit the unlawful possession, use, manufacture or distribution of illegal drugs and alcohol by students and employees at all on-campus activities and off-campus activities that are considered to be school-sponsored. Foreign study programs, field trips, etc., also fall under these requirements.

## Disciplinary Sanctions

The college shall impose appropriate disciplinary sanctions on students and employees who are found to have violated this policy, up to and including expulsion or termination. Individuals who violate this policy may additionally be subject to legal sanctions, including criminal prosecution, under federal, state or local law. Summary information on legal penalties for violating controlled substance law is found below. Students working as employees are covered while on duty under the employee sanctions; otherwise, they are covered under the student sanctions.

M State enforces the Minnesota drinking laws, including the prohibition of use by persons under the legal drinking age, and college policy. Possession or consumption of alcohol on campus is prohibited by M State and may result in disciplinary action.

If the accused is not cooperative or is underage, local law enforcement may be called to assist.

M State enforces both Minnesota and federal drug laws regarding the use, possession and sale of illegal drugs. M State utilizes local law enforcement agencies as necessary for suspicion of drug related activity on campus. Upon written request, the college will provide the outcome of a campus disciplinary proceeding/hearing to the victim of a violent crime or non-forcible sex offense.

## DRUG AND ALCOHOL ABUSE EDUCATION PROGRAMS

Information concerning the possession, use and sale of alcoholic beverages and illegal drugs, enforcement of federal and state drug laws and descriptions of drug and alcohol abuse education programs is provided to students in a variety of ways: informational emails, orientation and co-curricular programs, workshops and seminars in compliance with Section 1213 of the Higher Education Act of 1965 as amended (PL 101-266).

M State recognizes that the reality of chemical dependency and is aware of its occasional presence in the college community. As a safeguard against this dependency, there are a number of local agencies that provide services to members of the M State community.

<b>DRUG AND ALCOHOL PREVENTION PROGRAMS</b>			
<b>The following are some specific examples of programs offered by the college. This list is a sample and is not exhaustive.</b>			
<b>Date</b>	<b>Event Title</b>	<b>Location</b>	<b>Additional Information</b>
8/24/17	Consequences of Drugs and Alcohol Demonstration	Student Life	Presented by Becker County Sheriff's Office and Minnesota State Patrol. Coordinated by College Social Worker.
9/7/17	Recovery Month	Community Event at the Fargo Theatre	Community event sponsored by Prairie St. John's, Lost and Found Recovery Center and ReGROUP, with dedicated tickets for M State students. Coordinated by SPF PFS Project Coordinator.
9/19/17	Consequences of Drugs, Alcohol, Texting While Driving	Cafeteria	Presented by Wadena County Sheriff's Office and Minnesota State Patrol. Coordinated by College Social Worker.
9/25/17	Motivational Interviewing (MI) training	A 117 & A 119	Presented by Jason Anderson, MI Trainer, sponsored by the SPF PFS project
11/8-9/2017	Motivational Interviewing (MI) training	A 115 & A 117	Presented by Jason Anderson, MI Trainer, sponsored by the SPF PFS project

## RESOURCES FOR ASSISTANCE

Students and/or employees seeking assistance with an alcohol or drug problem may contact the following resources for assistance:

### State Employee Assistance Program

Counseling Services ..... 1.800.657.3719  
Website ..... [mylifematters.com](http://mylifematters.com)  
(password required, contact Human Resources or view the EAP Brochure for additional information)

### Community Resources for Students and Employees

#### Detroit Lakes

Alcoholics Anonymous..... 1.877.833.2327  
Drake Counseling Services..... 218.844.5191  
Glenmore Recovery Center ..... 218.846.1605

#### Fergus Falls

Alcoholics Anonymous..... 218.739.9887  
Lakeland Mental Health Center ..... 218.736.6987  
Narcotics Anonymous ..... 800.407.7195

#### Moorhead

Alcoholics Anonymous..... 701.235.7335  
Anchorage Recovery ..... 218.287.1500  
Clay County Social Services ..... 218.299.5200  
Drake Counseling Services..... 701.293.5429  
Lost and Found Ministry ..... 218.287.2089  
Narcotics Anonymous ..... 701.234.9330  
Prairie St. Johns..... 701.476.7200  
Regroup..... 218.477.0288

#### Wadena

Alcoholics Anonymous..... 218.631.3828  
Northern Pine Mental Health ..... 218.631.1714

## SEXUAL ASSAULT POLICY, PROGRAMS AND PROCEDURES

M State's policy on sexual abuse and harassment is governed by the Minnesota State Colleges and Universities System's policy (1B.3) In support of the system policy, M State will not tolerate sexual abuse and harassment. Every effort will be made to ensure that the college provides an atmosphere free from sexual abuse and harassment for all members of the college community. The college will provide information to employees and students about their responsibilities regarding such behavior, including identifying and eliminating potential sexual abuse and harassment and the steps that can be taken if sexual abuse or harassment does occur.

M State conducts a number of programs designed to prevent sexual offenses and make the community aware of the potential of such crimes. These programs may include inspecting the campuses for potentially dangerous areas and inspecting landscaping and lighting. In addition, educational programs concerning sexual assault are provided through various college offices (student engagement, counseling, housing and residential life, etc.). To arrange for a specific topic or program, contact the M State counselors for assistance: [counselors@minnesota.edu](mailto:counselors@minnesota.edu)

A guiding principle in the reporting of sexual assault is to avoid re-victimizing the sexual assault survivor by forcing the person into any plan of action. Sexual assault survivors may report online, contact student development services directors, college administrators, counselors, Title IX coordinators or community agencies for assistance in reporting.

The following are agencies in our communities:

Detroit Lakes:

**DOVE (White Earth Reservation)**

White Earth Reservation Tribal Council  
Human Services Division  
PO Box 418  
White Earth, MN 56591  
daytime office ..... 218.983.4656  
24-hour crisis line..... 877.830.3683

**Essential Health St. Mary's-Detroit Lakes**

1027 Washington Avenue  
Detroit Lakes, MN 56501 ..... 218-847-5611

**Lakes Crisis & Resource Center**

(Becker County and White Earth Reservation)PO Box 394  
Detroit Lakes, MN 56501 ..... 218-847-7446  
24 hour/7 days a week crisis line ..... 877.754.9683

Fergus Falls:

**Lake Region Health Care**

712 Cascade Street S.  
Fergus Falls, MN 56537 ..... 218.736.8000

**Someplace Safe**

106 South Union Avenue  
Fergus Falls, MN 56538..... 218.739.2853

Moorhead:

**Essentia Health**

3000 32nd Avenue South  
Fargo, ND 58103..... 701.364.8000

**Rape and Abuse Crisis Center**

317 8th St N, Fargo, ND 58102  
[www.raccfm.com](http://www.raccfm.com)  
24 Hour Crisis Contact ..... 701.293.7273 | 800.344.7273

**Sanford Health Emergency Center**

720 4th Street N.  
Fargo, ND 58102..... 701.234.2000

Wadena

**Someplace Safe**

318 Jefferson Street S.  
Wadena, MN 56482 ..... 218.631.3311

**Tri-County Health Care**

415 Jefferson Street N.  
Wadena, MN 56482 ..... 218.631-.3510

**Wadena County Crisis Program**

206 1st Street SE, #2  
Wadena, MN 56482 ..... 218.631.1127

## SEXUAL VIOLENCE PREVENTION AND EDUCATION

College-wide efforts include but are not limited to the following (trainings are held annually and on an ongoing basis):

**Student Education:** Sexual Violence Prevention is a training course, developed by Minnesota State Colleges and Universities system office. The course focuses on promoting intellectual awareness of all students offering accessible resources and services from the college regarding sexual violence. The college believes that students need to be actively engaged in their education and engaged in contributing to keeping the college campuses safe.

SEXUAL VIOLENCE PREVENTION PROGRAMS			
The following are specific examples of programs offered by the college. This list is a sample and is not exhaustive.			
Date	Event Title	Location	Additional Information
10/9/17	RAD Self Defense Training, Session 1	Fitness Center Studio	RAD self-defense course. Curriculum delivered by Sgt. Stenger, MSUM Public Safety.
10/16/17	Fire Extinguisher Training	Tennis Court Parking Lot	Dean Anderson, Fergus Falls Fire Department, will conduct a training session on how to properly use a fire extinguisher.
10/16/17	RAD Self Defense Training, Session 2	Fitness Center Studio	RAD self-defense course. Curriculum delivered by Sgt. Stenger, MSUM Public Safety.
10/23/17	RAD Self Defense Training, Session 3	Fitness Center Studio	RAD self-defense course. Curriculum delivered by Sgt. Stenger, MSUM Public Safety.
10/30/17	Self-Defense Class (also a Sexual Violence Prevention Program)	Legacy Hall	Sponsored by Emily Hendrickson, Health Educator, open to all.
11/7/17	Spartan Wellness Day	Fireplace Lounge	Sponsored by the Wellness Coalition featuring representatives from various community and regional agencies.

All new students to the college are automatically (beginning Fall 2015) enrolled Sexual Violence Prevention training course in D2L Brightspace (online course platform) upon registering for their first credit at the college. Upon registering for a single (or more) credit, students are enrolled and notified of this enrollment via individualized email with an explanation of the training course's purpose and intent. Students are sent periodic reminders via email if they have not completed the training course. Upon completion of the training the student receives an individualized email indicating they've completed the training. The Dean of Student Success Office monitors the training and student completion.

The training course module videos are under 10 minutes and the quizzes have three-six questions. A student should tentatively plan for the training course to take an hour to an hour and a half to complete. The major components covered in the training course are divided into the following segments: 1) broad information about the seriousness of rape on college campuses, information regarding Minnesota state law, Minnesota State Board of Regents Policy and Procedure (which prohibits all acts of sexual violence including sexual assault, dating and domestic violence, and stalking), defining consent, policy jurisdiction, and predatory behavior; 2) identifying harmful stereotypes, relationship and dating violence, and stalking; and 3) personal empowerment of actions students can take (including risk reduction), as well as bystander awareness; 4) resources that are available at the college and in each of the college's campus communities.

**Employee Training:** New employees beginning in the Fall of 2015 are enrolled in Sexual Violence Prevention-Employee Training through (PETS) Personal Empowerment Through Self-Awareness. This training was developed by Minnesota State Colleges and Universities system office focusing on intellectual awareness and offering resources regarding sexual violence. The intent is that employees will complete this training within 30 days from the initial date of hire. The major components of this training are similar to the student module highlighting the prohibition of sexual violence, dating violence, domestic violence, sexual assault, and stalking. The course has a quiz at the end and completion is tracked by Human Resources. All employees of the college were required to complete this training beginning in the Fall of 2015.

**Investigator and Decision-maker Training:** The Minnesota State Colleges and Universities system office delivers in-person training through classes offered several times throughout the year.

**Campus Security Authority Training:** The Dean of Student Success coordinates the annual training of the Campus Security Authorities for the college. The training is facilitated through a training course in D2L Brightspace. The training includes education regarding the specifics of this policy and procedure.

## REPORTING SEXUAL VIOLENCE

Please remember it is essential to preserve evidence. Do not bathe, douche, use the toilet, or change clothing. Note everything about the location. If you have been sexually assaulted, it's important to seek medical attention immediately regardless of whether you report the matter to the police. Timely reporting aids in prosecution; however, sexual assaults may be reported at any time. If you believe that you have been given a drug to attempt to facilitate a sexual assault, visit the closest emergency room immediately.

In cases of sexual violence reported to college staff, the staff will offer to call law enforcement authorities for the victim. The victim has the option to



decline to notify such authorities. College staff (except confidential employees) will report sexual violence incidents to M State Title IX coordinators. Reports of sexual violence may also be received directly by the Title IX coordinators. College staff will notify law enforcement anytime at that it is requested by a student.

Student complaints and student respondents have the same opportunity to have an appropriate support person or advisor present at any interview or hearing, in a manner consistent with the governing procedures and applicable data practices law.

Student complaints and student respondents will be simultaneously informed of the outcome in a timely manner, as permitted by applicable privacy laws.

## Possible Sanctions

Sanctions may be imposed if a finding is made that sexual violence has occurred. These Sanctions may include, but are not limited to, suspension, expulsion of students or termination from employment. The appropriate sanction will be determined on a case-by-case basis, taking into account the severity of the conduct, the student's or employee's previous disciplinary history, and other factors as appropriate.

The college will, upon written request, disclose to the alleged victim of a crime of violence or non-forcible sex-offense, the report on the results of a college disciplinary proceeding against a student who is the alleged perpetrator. If the victim is deceased as a result of such crime or offense, the next of kin of such victim will be treated as the victim if so requested.

## SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING/RELATIONSHIP VIOLENCE, AND STALKING

M State does not discriminate on the basis of sex in its education programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be considered sex discrimination and are prohibited whether sexually based or not and include dating/relationship violence, domestic violence, and stalking. As a result, M State issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating/relationship violence, and stalking, whether the incident occurs on or off campus and when it is reported to a college official. In this context, M State prohibits the offenses of domestic violence, dating violence, dating/relationship violence, sexual assault and stalking and reaffirms its commitment to maintain an environment emphasizing the dignity and worth of all members of the college community.

For a complete copy of M State's 1B.3 Sexual Violence Policy governing sexual misconduct, visit [http://www.minnesota.edu/policies/#College\\_Organization\\_and\\_Administrative\\_Policies](http://www.minnesota.edu/policies/#College_Organization_and_Administrative_Policies)

**Definitions:** There are numerous terms used by M State in our policy and procedures.

**Consent:** is defined in the state of Minnesota's state statute code 609.341 as words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act. A person who is mentally incapacitated or physically helpless as defined by this section cannot consent to a sexual act. Corroboration of the victim's testimony is not required to show lack of consent.

Consent is also defined at M State under the 1B.3 Sexual Violence Policy. Consent is informed, freely given and mutually understood. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the complainant is mentally or physical incapacitated or impaired so that the complainant cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. Silence does not necessarily constitute consent, and past consent of sexual activities does not imply ongoing future consent.

Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

**Sexual Assault:** An offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

- **Sexual Assault** – An offense that meets the definition of rape, fondling, incest, or statutory rape are used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."
  - **Rape** is defined as 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.
  - **Fondling** is defined as the touching of the private 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.
  - **Incest** is defined as sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.
  - **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

Under Minnesota State System Board Policy and M State's 1B.3 Sexual Violence Policy, Subpart B., "Sexual Assault" means an actual, attempted, or threatened sexual act with another person without that person's consent. Sexual assault is often a criminal act that can be prosecuted under

Minnesota law, as well as form the basis of discipline under Minnesota State College's and Universities student conduct codes and employee disciplinary standards.

Sexual assault includes, but is not limited to:

1. Involvement without consent in any sexual act in which there is force, expressed or implied, or use of duress or deception upon the victim. Forced sexual intercourse is included in this definition, as are the acts commonly referred to as "date rape" or "acquaintance rape." This definition also includes the coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another.
2. Involvement in any sexual act when the victim is unable to give consent.
3. Intentional and unwelcome touching, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast).
4. Offensive sexual behavior that is directed at another such as indecent exposure or voyeurism.

In Minnesota state statutes, the phrase sexual assault is not specifically used, but would generally fall within the Criminal Sexual Conduct Code statutes (609.342-609.3451) of the Minnesota Criminal Code.

## 609.342 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE

### Subdivision 1. **Crime defined.**

A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case if the actor is no more than 120 months older than the complainant, it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense. Consent by the complainant is not a defense;

(c) the actor uses force or coercion to accomplish the penetration;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual penetration, and:

(i) the actor or an accomplice used force or coercion to accomplish the penetration;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual penetration occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists.

Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual penetration occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual penetration by means of deception or false representation that the penetration is for a bona fide medical purpose. Consent by the complainant is not a defense;

(1) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual penetration occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual penetration occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense;

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, and the sexual penetration occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense; or

(o) the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and nonconsensual sexual penetration occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant.

## 609.343 CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE

### Subdivision 1. **Crime defined.**

A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the second degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) the actor uses force or coercion to accomplish the sexual contact; or

(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

## 609.344 CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE

### Subdivision 1. **Crime defined.**

A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case if the actor is no more than 120 months older than the complainant, it shall be an affirmative defense, which must be proved by a prepon-

derance of the evidence, that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense. Consent by the complainant is not a defense;

(c) the actor uses force or coercion to accomplish the penetration;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual penetration, and:

(i) the actor or an accomplice used force or coercion to accomplish the penetration;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual penetration occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists.

Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual penetration occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual penetration by means of deception or false representation that the penetration is for a bona fide medical purpose. Consent by the complainant is not a defense;

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual penetration occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual penetration occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense;

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, and the sexual penetration occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense; or

(o) the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and nonconsensual sexual penetration occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant.

## 609.345 CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE

### Subdivision 1. **Crime defined.**

A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant. Consent by the complainant to the act is not a defense. In any such case, if the actor is no more than 120 months older than the complainant, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor reasonably

believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense;

(c) the actor uses force or coercion to accomplish the sexual contact;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists. Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual contact by means of deception or false representation that the contact is for a bona fide medical purpose. Consent by the complainant is not a defense;

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual contact occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual contact occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense;

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, the complainant is not married to the actor, and the sexual contact occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense; or

(o) the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and nonconsensual sexual contact occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant.

## 609.3451 CRIMINAL SEXUAL CONDUCT IN THE FIFTH DEGREE

### Subdivision 1. **Crime defined.**

A person is guilty of criminal sexual conduct in the fifth degree:

(1) if the person engages in nonconsensual sexual contact; or

(2) the person engages in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16, knowing or having reason to know the minor is present.

For purposes of this section, "sexual contact" has the meaning given in section 609.341, subdivision 11, paragraph (a), clauses (i), (iv), and (v), but does not include the intentional touching of the clothing covering the immediate area of the buttocks. Sexual contact also includes the intentional removal or attempted removal of clothing covering the complainant's intimate parts or undergarments, and the nonconsensual touching by the complainant of the actor's intimate parts, effected by the actor, if the action is performed with sexual or aggressive intent.

**Dating Violence:** Means violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with

the victim; and (b) where the existence of such a relationship will be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship. For the purposes of this definition –

A. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

B. Dating Violence does not include acts covered under the definition of domestic violence.

According to Minnesota State System Board/M State’s 1B.3 Sexual Violence Policy, dating and relationship violence includes physical harm or abuse, and threats of physical harm or abuse, arising out of a personal intimate relationship. This violence also may be called domestic abuse or spousal/partner abuse and may be subject to criminal prosecution under Minnesota state law.

In Minnesota state statutes, dating violence would generally fall within the Domestic Assault statute (609.2242) of the Minnesota Criminal Code. (This statute is provided after the section titled Domestic Violence.)

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred or by any other person against an adult or youth victim who is protected from that person’s act under the domestic or family violence laws of the jurisdiction.

Domestic violence would also fall within the Minnesota State System Board/M State’s 1B.3 Policy of dating and relationship violence. Dating and relationship violence includes physical harm or abuse, and threats of physical harm or abuse, arising out of a personal intimate relationship. This violence also may be called domestic abuse or spousal/partner abuse and may be subject to criminal prosecution under Minnesota state law.

In Minnesota state statutes, domestic violence would generally fall within the Domestic Assault statute (609.2242) of the Minnesota Criminal Code.

## 609.2242 DOMESTIC ASSAULT.

### Subdivision 1. **Misdemeanor.**

Whoever does any of the following against a family or household member as defined in section 518B.01, subdivision 2, commits an assault and is guilty of a misdemeanor:

- (1) commits an act with intent to cause fear in another of immediate bodily harm or death; or
- (2) intentionally inflicts or attempts to inflict bodily harm upon another.

### Subd. 2. **Gross misdemeanor.**

Whoever violates subdivision 1 within ten years of a previous qualified domestic violence-related offense conviction or an adjudication of delinquency is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

### Subd. 3. **Domestic assaults; firearms.**

(a) When a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247, the court shall determine and make written findings on the record as to whether:

- (1) the assault was committed against a family or household member, as defined in section 518B.01, subdivision 2;
- (2) the defendant owns or possesses a firearm; and
- (3) the firearm was used in any way during the commission of the assault.

(b) If the court determines that the assault was of a family or household member, and that the offender owns or possesses a firearm and used it in any way during the commission of the assault, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.

(c) When a person is convicted of assaulting a family or household member and is determined by the court to have used a firearm in any way during commission of the assault, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person’s life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(d) Except as otherwise provided in paragraph (c), when a person is convicted of a violation of this section or section 609.224 and the court determines that the victim was a family or household member, the court shall inform the defendant that the defendant is prohibited from possessing a firearm for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(e) Except as otherwise provided in paragraph (c), a person is not entitled to possess a pistol if the person has been convicted after August 1, 1992, or a firearm if a person has been convicted on or after August 1, 2014, of domestic assault under this section or assault in the fifth degree under section 609.224 and the assault victim was a family or household member as defined in section 518B.01, subdivision 2, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section or section 609.224. Property rights may not be abated but access may be restricted by the courts. A person who possesses a firearm in violation of this paragraph is guilty of a gross misdemeanor.

(f) Except as otherwise provided in paragraphs (b) and (h), when a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247 and the court determines that the assault was against a family or household member, the court shall order the defendant to transfer any firearms that the person possesses, within three business days, to a federally licensed firearms dealer, a law enforcement agency, or a third party who may lawfully receive them. The transfer may be permanent or temporary, unless the court prohibits the person from possessing a firearm for the remainder of the person's life under paragraph (c). A temporary firearm transfer only entitles the receiving party to possess the firearm. A temporary transfer does not transfer ownership or title. A defendant may not transfer firearms to a third party who resides with the defendant. If a defendant makes a temporary transfer, a federally licensed firearms dealer or law enforcement agency may charge the defendant a reasonable fee to store the person's firearms and may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified by certified mail prior to disposal of abandoned firearms. For temporary firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms dealer, or third party shall exercise due care to preserve the quality and function of the transferred firearms and shall return the transferred firearms to the person upon request after the expiration of the prohibiting time period imposed under this subdivision, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The return of temporarily transferred firearms to a person shall comply with state and federal law. If a defendant permanently transfers the defendant's firearms to a law enforcement agency, the agency is not required to compensate the defendant and may charge the defendant a reasonable processing fee. A law enforcement agency is not required to accept a person's firearm under this paragraph. The court shall order that the person surrender all permits to carry and purchase firearms to the sheriff.

(g) A defendant who is ordered to transfer firearms under paragraph (f) must file proof of transfer as provided for in this paragraph. If the transfer is made to a third party, the third party must sign an affidavit under oath before a notary public either acknowledging that the defendant permanently transferred the defendant's firearms to the third party or agreeing to temporarily store the defendant's firearms until such time as the defendant is legally permitted to possess firearms. The affidavit shall indicate the serial number, make, and model of all firearms transferred by the defendant to the third party. The third party shall acknowledge in the affidavit that the third party may be held criminally and civilly responsible under section 624.7144 if the defendant gains access to a transferred firearm while the firearm is in the custody of the third party. If the transfer is to a law enforcement agency or federally licensed firearms dealer, the law enforcement agency or federally licensed firearms dealer shall provide proof of transfer to the defendant. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and include the name of the defendant, date of transfer, and the serial number, make, and model of all transferred firearms. The defendant shall provide the court with a signed and notarized affidavit or proof of transfer as described in this section within two business days of the firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this paragraph.

(h) When a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, 609.224, or 609.2247, and the court determines that the assault was against a family or household member, the court shall determine by a preponderance of the evidence if the person poses an imminent risk of causing another person substantial bodily harm. Upon a finding of imminent risk, the court shall order that the local law enforcement agency take immediate possession of all firearms in the person's possession. The local law enforcement agency shall exercise due care to preserve the quality and function of the defendant's firearms and shall return the firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The local law enforcement agency shall, upon written notice from the person, transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully receive them. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the third party or federally licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that complies with the requirements for affidavits or proofs of transfer established in paragraph (g). The agency shall file all affidavits or proofs of transfer received with the court within two business days of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (f) and (g) as if accepting transfer from the defendant. If the law enforcement agency does not receive written notice from the defendant within three business days, the agency may charge a reasonable fee to store the defendant's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms.

#### Subd. 4. **Felony.**

Whoever violates the provisions of this section or section 609.224, subdivision 1, within ten years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

**Stalking:** Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of this definition:

A. Course of Conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

B. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

C. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Under Minnesota State System Board/M State's 1B.3 Sexual Violence Policy, stalking is conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause a reasonable person to fear for her or his safety or the safety of others or to suffer substantial emotional distress.

In Minnesota state statutes, stalking would generally fall within the Stalking statute (609.749) of the Minnesota Criminal Code.

## 609.749 STALKING; PENALTIES

### Subdivision 1. **Definition.**

As used in this section, "stalking" means to engage in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.

#### Subd. 1a. **No proof of specific intent required.**

In a prosecution under this section, the state is not required to prove that the actor intended to cause the victim to feel frightened, threatened, oppressed, persecuted, or intimidated, or except as otherwise provided in subdivision 3, paragraph (a), clause (4), or paragraph (b), that the actor intended to cause any other result.

#### Subd. 1b. **Venue.**

(a) When acts constituting a violation of this section are committed in two or more counties, the accused may be prosecuted in any county in which one of the acts was committed for all acts in violation of this section.

(b) The conduct described in subdivision 2, clauses (4) and (5), may be prosecuted at the place where any call is made or received or, in the case of wireless or electronic communication or any communication made through any available technologies, where the actor or victim resides or in the jurisdiction of the victim's designated address if the victim participates in the address confidentiality program established by chapter 5B. The conduct described in subdivision 2, clause (2), may be prosecuted where the actor or victim resides. The conduct described in subdivision 2, clause (6), may be prosecuted where any letter, telegram, message, package, or other object is sent or received or, in the case of wireless or electronic communication or communication made through other available technologies, where the actor or victim resides or in the jurisdiction of the victim's designated address if the victim participates in the address confidentiality program established by chapter 5B.

#### Subd. 1c. **Arrest.**

For all violations under this section, except a violation of subdivision 2, clause (7), a peace officer may make an arrest under the provisions of section 629.34. A peace officer may not make a warrantless, custodial arrest of any person for a violation of subdivision 2, clause (7).

### Subd. 2. **Stalking crimes.**

A person who stalks another by committing any of the following acts is guilty of a gross misdemeanor:

- (1) directly or indirectly, or through third parties, manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;
- (2) follows, monitors, or pursues another, whether in person or through any available technological or other means;
- (3) returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;
- (4) repeatedly makes telephone calls, sends text messages, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;
- (5) makes or causes the telephone of another repeatedly or continuously to ring;
- (6) repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, through assistive devices for people with vision impairments or hearing loss, or any communication made through any available technologies or other objects;
- (7) knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties; or
- (8) uses another's personal information, without consent, to invite, encourage, or solicit a third party to engage in a sexual act with the person.



For purposes of this clause, “personal information” and “sexual act” have the meanings given in section 617.261, subdivision 7.

**Subd. 3. Aggravated violations.**

(a) A person who commits any of the following acts is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:

- (1) commits any offense described in subdivision 2 because of the victim’s or another’s actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin;
- (2) commits any offense described in subdivision 2 by falsely impersonating another;
- (3) commits any offense described in subdivision 2 and possesses a dangerous weapon at the time of the offense;
- (4) stalks another, as defined in subdivision 1, with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person’s performance of official duties in connection with a judicial proceeding; or
- (5) commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim.

(b) A person who commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim, and the act is committed with sexual or aggressive intent, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

**Subd. 4. Second or subsequent violations; felony.**

(a) A person is guilty of a felony who violates any provision of subdivision 2 within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency, and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(b) A person is guilty of a felony who violates any provision of subdivision 2 within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency, and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

**Subd. 5. Pattern of stalking conduct.**

(a) A person who engages in a pattern of stalking conduct with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause the victim under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) For purposes of this subdivision, a “pattern of stalking conduct” means two or more acts within a five-year period that violate or attempt to violate the provisions of any of the following or a similar law of another state, the United States, the District of Columbia, tribe, or United States territories:

- (1) this section;
- (2) sections 609.185 to 609.205 (first- to third-degree murder and first- and second-degree manslaughter);
- (3) section 609.713 (terroristic threats);
- (4) section 609.224 (fifth-degree assault);
- (5) section 609.2242 (domestic assault);
- (6) section 518B.01, subdivision 14 (violations of domestic abuse orders for protection);
- (7) section 609.748, subdivision 6 (violations of harassment restraining orders);
- (8) section 609.605, subdivision 1, paragraph (b), clauses (3), (4), and (7) (certain trespass offenses);
- (9) section 609.78, subdivision 2 (interference with an emergency call);
- (10) section 609.79 (obscene or harassing telephone calls);
- (11) section 609.795 (letter, telegram, or package; opening; harassment);
- (12) section 609.582 (burglary);
- (13) section 609.595 (damage to property);
- (14) section 609.765 (criminal defamation);
- (15) sections 609.342 to 609.3451 (first- to fifth-degree criminal sexual conduct); or

(16) section 629.75, subdivision 2 (violations of domestic abuse no contact orders).

(c) Words set forth in parentheses after references to statutory sections in paragraph (b) are mere catchwords included solely for convenience in reference. They are not substantive and may not be used to construe or limit the meaning of the cited statutory provision.

**Subd. 6. Mental health assessment and treatment.**

(a) When a person is convicted of a felony offense under this section, or another felony offense arising out of a charge based on this section, the court shall order an independent professional mental health assessment of the offender's need for mental health treatment. The court may waive the assessment if an adequate assessment was conducted prior to the conviction.

(b) Notwithstanding sections 13.384, 13.85, 144.291 to 144.298, 260B.171, or 260C.171, the assessor has access to the following private or confidential data on the person if access is relevant and necessary for the assessment:

- (1) medical data under section 13.384;
- (2) welfare data under section 13.46;
- (3) corrections and detention data under section 13.85;
- (4) health records under sections 144.291 to 144.298; and
- (5) juvenile court records under sections 260B.171 and 260C.171.

Data disclosed under this section may be used only for purposes of the assessment and may not be further disclosed to any other person, except as authorized by law.

(c) If the assessment indicates that the offender is in need of and amenable to mental health treatment, the court shall include in the sentence a requirement that the offender undergo treatment.

(d) The court shall order the offender to pay the costs of assessment under this subdivision unless the offender is indigent under section 563.01.

**Subd. 7. Exception.**

Conduct is not a crime under this section if it is performed under terms of a valid license, to ensure compliance with a court order, or to carry out a specific lawful commercial purpose or employment duty, is authorized or required by a valid contract, or is authorized, required, or protected by state, federal, or tribal law or the state, federal, or tribal constitutions. Subdivision 2, clause (2), does not impair the right of any individual or group to engage in speech protected by the federal, state, or tribal constitutions, or federal, state, or tribal law, including peaceful and lawful handbilling and picketing.

**Subd. 8. Stalking; firearms.**

(a) When a person is convicted of a stalking crime under this section and the court determines that the person used a firearm in any way during commission of the crime, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(b) Except as otherwise provided in paragraph (a), when a person is convicted of a stalking crime under this section, the court shall inform the defendant that the defendant is prohibited from possessing a firearm for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(c) Except as otherwise provided in paragraph (a), a person is not entitled to possess a pistol if the person has been convicted after August 1, 1996, of a stalking crime under this section, or to possess a firearm if the person has been convicted on or after August 1, 2014, of a stalking crime under this section, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but access may be restricted by the courts. A person who possesses a firearm in violation of this paragraph is guilty of a gross misdemeanor.

(d) If the court determines that a person convicted of a stalking crime under this section owns or possesses a firearm and used it in any way during the commission of the crime, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.

(e) Except as otherwise provided in paragraphs (d) and (g), when a person is convicted of a stalking crime under this section, the court shall order the defendant to transfer any firearms that the person possesses, within three business days, to a federally licensed firearms dealer, a law enforcement agency, or a third party who may lawfully receive them. The transfer may be permanent or temporary. A temporary firearm transfer only entitles the receiving party to possess the firearm. A temporary transfer does not transfer ownership or title. A defendant may not transfer firearms to a third party who resides with the defendant. If a defendant makes a temporary transfer, a federally licensed firearms dealer or law enforcement agency may charge the defendant a reasonable fee to store the person's firearms and may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms. For temporary firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms dealer, or third party

shall exercise due care to preserve the quality and function of the transferred firearms and shall return the transferred firearms to the person upon request after the expiration of the prohibiting time period imposed under this subdivision, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The return of temporarily transferred firearms to a defendant shall comply with state and federal law. If a defendant permanently transfers the defendant's firearms to a law enforcement agency, the agency is not required to compensate the defendant and may charge the defendant a reasonable processing fee. A law enforcement agency is not required to accept a person's firearm under this paragraph. The court shall order that the person surrender all permits to carry and purchase firearms to the sheriff.

(f) A defendant who is ordered to transfer firearms under paragraph (e) must file proof of transfer as provided for in this paragraph. If the transfer is made to a third party, the third party must sign an affidavit under oath before a notary public either acknowledging that the defendant permanently transferred the defendant's firearms to the third party or agreeing to temporarily store the defendant's firearms until such time as the defendant is legally permitted to possess firearms. The affidavit shall indicate the serial number, make, and model of all firearms transferred by the defendant to the third party. The third party shall acknowledge in the affidavit that the third party may be held criminally and civilly responsible under section 624.7144 if the defendant gains access to a transferred firearm while the firearm is in the custody of the third party. If the transfer is to a law enforcement agency or federally licensed firearms dealer, the law enforcement agency or federally licensed firearms dealer shall provide proof of transfer to the defendant. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and include the name of the defendant, date of transfer, and the serial number, make, and model of all transferred firearms. The defendant shall provide the court with a signed and notarized affidavit or proof of transfer as described in this section within two business days of the firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this paragraph.

(g) When a person is convicted of a stalking crime under this section, the court shall determine by a preponderance of the evidence if the person poses an imminent risk of causing another person substantial bodily harm. Upon a finding of imminent risk, the court shall order that the local law enforcement agency take immediate possession of all firearms in the person's possession. The local law enforcement agency shall exercise due care to preserve the quality and function of the defendant's firearms and shall return the firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The local law enforcement agency shall, upon written notice from the person, transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully receive them. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the third party or federally licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that complies with the requirements for affidavits or proofs of transfer established in paragraph (f). The agency shall file all affidavits or proofs of transfer received with the court within two business days of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (e) and (f) as if accepting transfer from the defendant. If the law enforcement agency does not receive written notice from the defendant within three business days, the agency may charge a reasonable fee to store the defendant's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms.

## SAFE AND POSITIVE OPTIONS

### How to Be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals" who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it." M State wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911 (8-911 from a campus phone). This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

### Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.

- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place for you to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don't trust or someone you know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately. [local authorities can be reached by calling 911 in most areas of the U.S.]
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately [local authorities can be reached by calling 911 in most areas of the U.S.]. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - o Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - o Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - o Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up a good excuse for you to leave.
  - o Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until your both have your full judgement before doing anything you may regret later.

## Education and Prevention Programs

M State engages in comprehensive, intentional, and integrated programming initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

The College engages in educational programming to prevent domestic violence, dating/relationship violence, sexual assault and stalking. Educational programming consists of primary prevention and awareness programs for all student and new employees and ongoing awareness and prevention campaigns for students and employees that:

- Identifies domestic violence, dating/relationship violence, sexual assault and stalking as prohibited conduct;
- Defines what behavior constitutes domestic violence, dating/relationship violence, sexual assault, and stalking
- Defines what behavior and actions constitute consent to sexual activity in the state of Minnesota and at M State.
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating/relationship violence, sexual assault, or stalking against a person other than the bystander;
- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks;
- Provides an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act.

G. Provides procedures for reporting campus sexual assault; and,

H. Provides information on campus resources on sexual assault and organizations that support victims of sexual assault.

M State has developed an annual educational campaign consisting of presentations that include distribution of educational materials to students and new employees; providing student's online consent and respect training; presenting programs throughout the year, including information on Sexual Violence Prevention and available resources.

## Procedures for Reporting a Complaint

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at a local medical facility. In Minnesota, evidence may be collected even if you choose not to make a report to law enforcement. Evidence will be collected by the hospital and released to law enforcement upon consent of the victim. The hospital must have the name of the victim to collect and hold evidence. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence as may be necessary to the proof of criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and can take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating/relationship violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to college officials or law enforcement. Although the college strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with law enforcement. College personnel will assist any victim in notifying local law enforcement if they so desire.

If you have been the victim of domestic violence, dating/relationship violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinators (contact information on pages 35-37) or online at: <https://mycampuseye.com/web/Y9HB>, (if the victim so desires.) M State will provide resources to person who have been victims of sexual assault, domestic violence, dating/relationship violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. These procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating/relationship violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to an incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with a confidential employee or law enforcement to preserve evidence in the event that the victim changes their mind at a later date.

## Procedures M State will Follow with a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported

M State has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating/relationship violence and stalking, including informing the individuals of their right to file criminal charges as well as the availability of medical, counseling and support services, and additional remedies to prevent contact between a complainant and respondent, such as housing, academic, transportation/parking and working accommodations, if reasonably available. Students and employees should contact the Title IX Coordinator (contact information below.)

If a report of domestic violence, dating/relationship violence, sexual assault or stalking is reported to the college, the college will follow the procedures and standard of evidence as noted below:

### Sexual Assault:

- Depending on when reported (immediate vs. delayed report), the college will provide complainant with appropriate medical care referral.
- The college will assess immediate safety needs of complainant.
- The college will assist the complainant with contacting local law enforcement if complainant requests and provide complainant with contact information for local law enforcement.
- The college will provide complainant with referrals to on and off campus confidential sources and mental health providers.
- The college will assess need to implement interim or long-term protective measures, such a housing changes, change in class schedule, "No Contact" directive between both parties.
- The college will prove a "No Trespass" directive to respondent if deemed appropriate.
- The college will provide complainant with referrals on how to apply for Protective Order or Harassment Restraining Order.
- The college will provide a copy of the 1B.3 Sexual Violence policy and procedures to complainant and respondent and inform both of the time-lines for inquiry, investigation and resolution.

- The college will inform the complainant and respondent of the outcome of the investigation and resolution.
- The college will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for participating in the investigation.

Sexual assault cases are referred to a Title IX Coordinator and are determined by the college's 1B.3 Sexual Violence Policy using the preponderance of the evidence standard.

### Stalking:

- The college will assess immediate safety needs of complainant.
- The college will assist the complainant with contacting local law enforcement if complainant requests and provide complainant with contact information for local law enforcement.
- The college will provide complainant with referrals on how to apply for Protective Order or Harassment Restraining Order.
- The college will provide complainant with referrals to on and off campus confidential sources and mental health providers.
- The college will provide written information to complainant on how to preserve evidence.
- The college will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
- The college will provide a "No Trespass" directive to the respondent if deemed appropriate.
- The college will provide a copy of the 1B.3 Sexual Violence policy and procedures to complainant and respondent and inform both of the time-lines for inquiry, investigation and resolution.
- The college will inform the complainant and respondent of the outcome of the investigation and resolution.
- The college will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for participating in the investigation

Stalking cases are referred to the a Title IX Coordinator and are determined by the college's 1B.3 Sexual Violence Policy using the preponderance of the evidence standard.

Guide for Stalking Victims: <https://www.ag.state.mn.us/Brochures/pubGuideforStalkingVictims.pdf>

### Domestic/Dating/Relationship Violence

- The college will assess immediate safety needs of complainant.
- The college will assist the complainant with contacting local law enforcement if complainant requests and provide complainant with contact information for local law enforcement.
- The college will provide complainant with referrals on how to apply for Protective Order or Harassment Restraining Order.
- The college will provide complainant with referrals to on and off campus confidential sources and mental health providers.
- The college will provide written information to complainant on how to preserve evidence.
- The college will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
- The college will provide a "No Trespass" directive to the respondent if deemed appropriate.
- The college will provide a copy of the 1B.3 Sexual Violence policy and procedures to complainant and respondent and inform both of the time-lines for inquiry, investigation and resolution.
- The college will inform the complainant and respondent of the outcome of the investigation and resolution.
- The college will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for participating in the investigation

Domestic/dating/relationship violence cases are referred to a Title IX Coordinator and are determined by the college's 1B.3 Sexual Violence Policy using the preponderance of the evidence standard.

### Assistance for Victims: Rights and Options

Regardless of whether a victim elects to pursue a criminal complaint, the college will assist victims of sexual assault, domestic violence, dating/relationship violence, and stalking and will provide each victim with a written explanation of their rights, such written information will include:

- The procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- Information about how the college will protect the confidentiality of victims and other necessary parties;

- A statement that the institution will provide written notification to students and employees about victim services within the college and the campus communities;
- A statement regarding the college’s provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- An explanation of the procedures for institutional disciplinary action
- Options for, available assistance in, and how to request changes to academic, living, transportation/parking, and work situations or protective measures.

In Minnesota, a victim of domestic violence, dating/relationship violence, sexual assault or stalking has the rights listed in the following table:

Type of Order	Rights of Victim	Institutions Responsibilities
<ul style="list-style-type: none"> <li>• Harassment Restraining Orders</li> <li>• Orders for Protection</li> <li>• No Contact Order</li> <li>• Domestic Abuse No Contact Order</li> </ul> <p><b>Please note:</b> M State does not have the authority to issue any of the orders listed above.</p>	<ul style="list-style-type: none"> <li>• Right to be informed of prosecutor’s decision to decline prosecution or dismiss case along with information about seeking a protective or harassment order at no fee.</li> <li>• Protection against employer retaliation for victims to take reasonable time off to attend order for protection or harassment restraining order proceedings.</li> <li>• Domestic abuse victims have ability to terminate lease without penalty or payment</li> <li>• Sexual assault victims can make confidential request for HIV testing of offender.</li> <li>• Sexual assault victims do not have to pay the cost of sexual assault examination</li> <li>• Sexual assault victims may not be required to undergo a polygraph examination in order for an investigation or prosecution to proceed.</li> </ul>	<ul style="list-style-type: none"> <li>• Notify law enforcement if aware of violation</li> <li>• Initiate disciplinary proceedings appropriate to status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating order.</li> </ul>

Type of Order	Who can see one	Where	Based on
Harassment Restraining Orders (MN Statute 609.748)	A person who is a victim of harassment, the parent, guardian, or stepparent of a minor who is a victim of harassment.	In the county of residence of either party or in the county in which the alleged harassment occurred.	A person who is a victim of harassment, defined as: a single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target; targeted residential picketing; and a pattern of attending public events after being notified that the actor’s presence at the event is harassing another.
Orders for Protection (MN Statute 518B.01)	Any family or household member personally or by a family or household member, as a guardian as defined in section 524.1-201, clause (26) or, if the court finds that it is in the best interests of the minor, by a reputable adult age 25 or older on behalf of minor family or household members. A minor age 16 or older may make a petition on the minor’s own behalf against a spouse or former spouse, or a person with whom the minor has a child in common, if the court determines that the minor has sufficient maturity and judgment and that it is in the best interests of the minor.	The court having jurisdiction over dissolution actions, in the county of residence of either party, in the county in which a pending or completed family court proceeding involving the parties or their minor children was brought, or in the county in which the alleged domestic abuse occurred.	In cases of domestic abuse.
No Contact Order (MN Statute 629.715)	A judge in determining conditions for release from custody.	Criminal court	On its own motion or that of the prosecutor or on request of the victim.
Domestic Abuse No Contact Order	Victim/Complainant or court. (MN Statute 629.75)	Criminal court	Against a defendant in a criminal proceeding or a juvenile offender in a delinquency proceeding for domestic abuse, harassment or stalking when committed against a family or household member incident, violation of an order for protection, violation of a domestic abuse no contact order. (MN Statute 629.75)

## STATE OF MINNESOTA CRIME VICTIM RIGHTS

By law, victims of crime are to be notified of:

- Their rights
- Prosecution process and the right to participate in it
- Contents of any plea agreement
- Changes in court proceeding schedule when a victim has been subpoenaed or requested to testify
- Final disposition of the case
- Appeals filed by the defendant, the right to attend the oral argument or hearing, and the right to be notified of the final disposition
- Proposed sentence modifications for the offender, including the date, time, and location of the review and the right to provide input
- Release or escape of the offender from prison or a custodial institution or transfer to a lower security facility
- Offender's petition for expungement
- Right to request restitution
- Right to apply for reparations
- Information on the nearest crime victim assistance program or resource
- Petition to civilly commit an offender, outcome of that petition, and notice of the offender's possible discharge/release from civil commitment
- 

### Right to Protection from Harm

Victims of crime have the right to:

- A secure waiting area during court proceedings
- Request that home and employment address, telephone number, and birth date be withheld in open court
- Request that law enforcement agency withhold their identity from the public
- Protection against employer retaliation for victims and witnesses called to testify and for victims of violent crimes and their family members who take reasonable time off to attend court proceedings

Tampering with a witness is a crime and should be reported.

### Right to Participate in Prosecution

Victims of crime have the right to:

- Request a speedy trial
- Provide input in a pretrial diversion decision
- Object orally or in writing to a plea agreement at the plea presentation hearing
- Object orally or in writing to a proposed disposition or sentence
- Inform the court of the impact of crime orally or in writing at the sentencing hearing
- Inform the court at the sentencing hearing of social and economic impact of crime on persons and businesses in the community
- Be present at the sentencing and plea presentation hearings
- Submit a statement regarding the decision to discharge/release the offender from civil commitment

### Right to Apply for Financial Assistance

Victims of violent crime may:

- Apply for financial assistance (reparations) from the state if they have suffered economic loss as a result of the crime
- Request the court to order the defendant to pay restitution if the defendant is found guilty or pleads guilty
- Request that a probation violation hearing be scheduled 60 days prior to the expiration of probation if restitution has not been paid



## Domestic Violence, Sexual Assault, and Harassment Victims

These victims of crime have a right to:

- Be informed of prosecutor's decision to decline prosecution or dismiss the case along with information about seeking a protective or harassment order at no fee
- Protection against employer retaliation for victims to take reasonable time off to attend order for protection or harassment restraining order proceedings
- Domestic abuse victims have the ability to terminate a lease without penalty
- Sexual assault victims can make a confidential request for HIV testing of a convicted offender
- Sexual assault victims do not have to pay the cost of a sexual assault examination
- Sexual assault victims may not be required to undergo a polygraph examination in order for an investigation or prosecution to proceed.

Source: <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-rights.aspx>

M State complies with Minnesota law in recognizing orders of protection by notifying law enforcement upon learning of a violation. Orders may include Harassment Restraining Orders, Orders for Protection, No Contact Order, and Domestic Abuse No Contact Order. Any person who obtains an order of protection from Minnesota or any other state should provide a copy to the Dean of Student Success (or designee). A complainant may then meet with a college official to develop a safety action plan to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts to and from parking, special parking arrangements, changing classroom location or allowing a student to complete assignments from home. If you are need of a protection from abuse order, contact your local law enforcement agency for details on how request one.

The college may issue an institutional no contact order if deemed or at the request of the victim or accused. If the college receives a report that such an institutional no contact order has been violated, the college will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the institutional no contact order.

## Accommodations and Protective Measures Available for Victims

College officials will change a victim's academic, living, transportation/parking and working situations and take protective measures after an alleged sex offense, incident of domestic/dating violence or stalking if those changes are requested by the victim and are reasonably available. The college will make such accommodations or provide such protective measures if they reasonably available regardless of whether the victim chooses to report the crime to local law enforcement. Examples of options for potential change to the academic situation may be to transfer to a different section of a class, withdraw and take the class another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room, apartment or residence hall. Possible changes to work situation may include change working hours. Possible changes in transportation/parking may include having the student or employee park in a different location, assisting the student or employee with an escort, assisting the student or employee with developing a safety action plan.

To request changes to academic, living, transportation/parking, working situations or protective measures, a victim should begin by contacting a Title IX Coordinator. The Title IX Coordinator or designee will manage requested changes to academic, living, transportation/parking or protective measures by coordinating with the respective college departments, such as: Academic Affairs, Human Resources, Housing and Residential Life, Student Development Services and Facilities. If a victim wishes to receive assistance in requesting these accommodations, she/he should contact a counselor (Title IX Coordinator and Counselor contact information on pages 35-37) To the extent of the victim's cooperation and consent, college offices, including Student Development Services, Academic Affairs, Housing and Residential Life, Facilities and Counseling will work cooperatively to assist in protecting the complainant's health, physical safety, work and academic status, pending the outcome of a formal college investigation of the complaint. Further, these offices will work together to protect victim privacy and to ensure confidentiality and will assist the victim with reasonable accommodations. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling and assistance in notifying appropriate law enforcement.

Victims may request that directory information on file with the college be withheld/suppressed by submitting a Release of Information form (<https://inoweform.campus.mnsu.edu/imagenowforms/webform/126268da-ac55-4c94-96b9-b866e5ab336e/>). Assistance with this form can be obtained at Student Development Services on any M State campus or from the Support Center at 1.877.450.3322.

Regardless of whether the victim has opted out of allowing the college to share "directory information," personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e. those who are investigating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodation or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. The college does not publish the name of crime victims nor house identifiable information regarding victims in campus' Daily Crime Log.

## Disciplinary Process Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking

(in accordance with Minnesota State Board/M State 1B.3 Sexual Violence Policy)

KEY TERMS	PROCESS	TIMELINE
Complaint	As per M STATE Sexual Violence policy, an individual may make a <b>complaint</b> . Behavior identified in the M STATE Sexual Violence Policy includes a continuum of sexual misconduct, including sexual assault, dating and domestic violence, and stalking. Individuals are encouraged to make prompt reports of sexual violence incidents; however, reports can be made at any time.	<i>Barring any unforeseen circumstances, complaints shall take 60 business days from date of complaint to date of the decision from the decision-maker. Any delays in process will be provided to each party in writing with an explanation.</i>
Complainant	The person who makes the complaint is considered the <b>complainant</b> . The designated officer will provide complainants with relevant policy, procedure, process, and resource information at the time of the complaint.	Follow up and interviews typically take one to two weeks from the reporting of the incident.
Confidential Employees	An individual may not want to make a report of an incident of sexual violence to campus authorities. A complainant may seek out a confidential employee to share their experiences. <b>Confidential employees</b> include counseling staff.	
Required Reporting	All employees who are <b>not</b> considered “confidential employees” and are made aware of a sexual violent incident are <b>required to report</b> the information to the Title IX Coordinator.	
Law Enforcement	An individual may want to report the incident to the local <b>law enforcement</b> . An M STATE Title IX Coordinator or Student Development Services Director will provide assistance to anyone who wants to report to law enforcement.	
Designated Officer Investigation Process	A <b>designated officer</b> is a neutral investigator who will initiate the <b>investigation process</b> based on the M STATE Sexual Violence Procedure, in accordance with the Minnesota State System Board 1B.3.1 Sexual Violence Procedure. Complainants will be asked for an interview of the statements made in their complaint.	<i>It is noted that timelines for the campus provided here may be influenced by law enforcement investigations as well as the availability and relevance of witnesses. The college shall strive to not impede on the investigation of law enforcement.</i>
Support Person, complainant	Complainants have a right to a <b>support person</b> (as defined in the, 1B.3 Procedure) during all parts of the investigative process.	
Protective Measures	The designated College Official/Title IX Coordinator, in consultation with the Vice President of Student Development Services/designee (students) or Chief Human Resources Officer/designee (employees), may make decisions for <b>protective measures</b> , such as no contact orders, residence hall moves, class changes, building and campus bans/ trespass orders, and for the accused student a summary suspension (temporary, immediate removal from campus as provided for in the student conduct code).	
Witnesses, complainant	Complainants may provide <b>witness information</b> for individuals who may have witnessed or observed the incident or have relevant information to the incident.	Interviews with witnesses typically take one to three weeks from the time their information is provided for by the complainant.
Summary of Allegations	The designated officer will prepare a <b>summary of allegations</b> in partnership with the complainant based on the detailed behaviors provided from the incident.	
Respondent	The accused individual is considered the <b>respondent</b> . Upon gathering all the available information from the complainant and identified witnesses, the designated officer will provide a summary of the allegations to the respondent.	Scheduling to interview the respondent typically occurs within one to four weeks following the submission of the complaint.
Support Person, respondent	Respondents have a right to a <b>support person</b> (as defined in the, 1B.3 procedure) during all parts of the investigative process.	
Witnesses, respondent	The respondent may provide information regarding <b>witnesses</b> . The designated College Official will evaluate and interview witnesses as deemed relevant.	Interviews with witnesses as provided by the respondent typically take one to two weeks from their identification by the respondent.
Investigative Report	Once it is believed that all available information regarding the incident has been gathered, the designated College Officer will write an investigative report to a decision-maker.	It typically takes two to three weeks for the investigative report to be prepared for the decision-maker.
Retaliation prohibited	Actions by a student or employee intended as retaliation, reprisal, or intimidation against an individual for making a complaint or participating in any way in a report or investigation under the 1B.3 policy are prohibited and are subject to appropriate disciplinary action.	

Decision-maker	The decision-maker is someone trained by the Minnesota State system office to serve in the role and appointed by the Chief Human Resources Officer for an individual report. The decision-maker will make a decision of responsibility of the Sexual Violence Policy based on the preponderance of evidence standard, which is used in all student disciplinary matters.	
Notice of Appointment and Receipt	The decision-maker provides simultaneous <b>notice of their appointment and receipt</b> of the investigative report to the complainant and respondent.	It typically takes two to three weeks to review the report and write a decision.
Letter of Decision	The decision-maker simultaneously sends a letter of decision to the complainant and respondent. In cases where the complainant is not the victim, the victim will also be provided a notice of the decision. Sanctions that may be imposed if a finding is made that sexual violence has occurred include, but are not limited to, suspension (academic, residential, athletic/student activities), or expulsion of students, or termination from employment for employees. The appropriate sanction will be determined on a case-by-case basis, taking into account the severity of the conduct, the student's or employee's previous disciplinary history, and other factors as appropriate.  Witnesses or victims who report in good faith an incident of sexual violence will not be sanctioned by the college, university, or system office for admitting in the report to a violation of the student conduct policy on the use of alcohol or drugs.	<i>NOTE: Notices during the investigative process are sent via college email and/or via the United States Postal Service as appropriate.</i>
Appeal	Both the complainant and the respondent have a right to appeal the decision to the college president or designee. If the decision is upheld, the matter shall be considered final and binding upon all involved. In cases involving students who are sanctioned for suspension of 10 days or longer, students shall be informed of their rights to a contested case hearing under Minnesota State Statute 14. However, the sanction of suspension for 10 days or longer will go into effect upon the decision of the appellate. The college president or designee will provide simultaneous notice to the complainant and respondent of the final decision, any changes in the outcome/ sanctions, and/or notice of further proceedings.	Appeals must be submitted within 10 days from the date of decision. The appellate typically takes two to three weeks to review the submitted appeal, review the report, review additional information that may be provided to aid in the consideration of the appeal, and write a decision. (For students) Chapter 14 administrative hearings can take 30-90 days to schedule with an administrative law judge.

## On and Off Campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking. The college will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. The resources include the following:

### On Campus

#### Emergency

Police, Fire Department, Ambulance..... 911  
(if calling from a campus phone) ..... 8-911

#### Crisis Counseling / Confidential Employee

College Counselors

Counselor ..... 218.299.6516  
counselors@minnesota.edu

Counselor ..... 218.736.1539  
counselors@minnesota.edu

Counselor ..... 218.299.6618  
counselors@minnesota.edu

#### Title IX

Title IX Coordinator, Human Resources..... 218.736.1512

Deputy Title IX Coordinator, Dean of Student Success ..... 218.299.6535  
 Deputy Title IX Coordinator, Human Resources ..... 218.299.6870

**Student Financial Aid**

Office of Financial Aid ..... 218.846.3810

**Other**

Housing and Residential Life ..... 218.736.1635  
 Human Resources ..... 218.299.1512

**Off Campus**

**Detroit Lakes**

*DOVE (White Earth Reservation)*  
 White Earth Reservation Tribal Council  
 Human Services Division  
 PO Box 418, White Earth, MN 56591  
 day-time office ..... 218.983.4656  
 24-hour crisis line ..... 877.830.3683

*Essentia Health St. Mary's-Detroit Lakes*  
 1027 Washington Avenue  
 Detroit Lakes, MN 56501 ..... 218.847.5611

*Lakes Crisis & Resource Center*  
 (Becker County and White Earth Reservation)  
 PO Box 394  
 Detroit Lakes, MN 56501 ..... 218.847.7446  
 24 hour/7 days a week crisis line ..... 877.754.9683

**Fergus Falls**

*Lake Region Health Care*  
 712 Cascade Street S.  
 Fergus Falls, MN 56537 ..... 218.736.8000

*Someplace Safe*  
 106 South Union Avenue  
 Fergus Falls, MN 56538 ..... 218.739.2853

**Moorhead**

*Essentia Health*  
 3000 32nd Avenue South  
 Fargo, ND 58103 ..... 701.364.8000

*Rape and Abuse Crisis Center*  
 317 8th St N, Fargo, ND 58102  
 www.raccfm.com  
 24 Hour Crisis Contact ..... 701.293.7273 | 800.344.7273

*Sanford Emergency Department*  
 Sanford Medical Center  
 5225 23rd Avenue South  
 Fargo, ND 58104 ..... 701.417.2100

**Wadena**

*Someplace Safe*  
 318 Jefferson Street S.  
 Wadena, MN 56482 ..... 218.631.3311

*Tri-County Health Care*  
 415 Jefferson Street N.  
 Wadena, MN 56482 ..... 218.631.3510

*Wadena County Crisis Program*  
 206 1st Street SE, #2  
 Wadena, MN 56482 ..... 218.631.1127

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence or stalking, include:

- [www.rainn.org](http://www.rainn.org)-Rape, Abuse and Incest National Network
- [www.ovw.usdoj.gov/sexassault.htm](http://www.ovw.usdoj.gov/sexassault.htm)-Department of Justice
- <https://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

### Determination of Violations

Whether or not criminal charges are filed, the college or a person may file a complaint under the Minnesota State Board/M State 1B.3 Sexual Violence Policy alleging that a student or employee violated the college’s policy. Reports of all domestic violence, dating/relationship violence, sexual assault and stalking made to anyone other than a confidential employee will automatically be referred to a Title IX Coordinator for investigation regardless of whether the complainant chooses to pursue criminal charges.

### Emergency (All campuses) – dial 911 or 8-911 (if using a campus phone)

### Online Reporting of Sexual Harassment and Violence

Minnesota State Statute 135A.15, subd.4(a) requires that all colleges and universities in Minnesota have an online reporting system for students and employees to report instances of sexual harassment and violence. Students, faculty and staff can use Campus Eye to submit reports online. Information to create a Campus Eye account is emailed to all students, faculty and staff at the beginning of the academic year and is also available on the college’s website on the Sexual Violence Prevention landing page at: <http://www.minnesota.edu/?id=19791>

Online (Campus Eye) and Web-based reporting: Campus Eye is a mobile application that can be used by M State students, faculty and staff to report incidents of sexual violence to the appropriate M State authorities. You may also use a [web-based reporting form](#) to report acts of sexual violence. Both the mobile application and web-based form allow reports of sexual violence to be submitted anonymously.

Download the Campus Eye phone app for [iPhone](#) or [Android](#). Please use sign-up code Y9HB.

### Counselors\*

Counselor ..... 218.299.6516  
 counselors@minnesota.edu

Counselor ..... 218.736.1539  
 counselors@minnesota.edu

Counselor ..... 218.299.6618  
 counselors@minnesota.edu

\*The counselors are confidential employees and provide confidential and anonymous reporting

### Student Development Service Directors

**Detroit Lakes**  
 E101 ..... 218.846.3714

**Fergus Falls**  
 C341 ..... 218.736.1530

**Moorhead**  
 D120 ..... 218.299.6620

**Wadena**  
 M26 ..... 218.846.3714

## Title IX Coordinators

Title IX Coordinator, Human Resources.....	218.736.1512
Deputy Title IX Coordinator, Dean of Student Success .....	218.299.6535
Deputy Title IX Coordinator, Human Resources.....	218.299.6870

## Confidentiality

The college will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating/relationship violence, or stalking to the fullest extent of the law. Publically available recordkeeping, including Clery Act reporting and disclosures, will not include personally identifying information about the victim.

## Sanctions, Discipline and Protective Measures

In all cases, investigations that result in a finding of more likely than not that a violation of the 1B.3 Sexual Violence Policy occurred will lead to the initiation of disciplinary procedures against the respondent. College sanctions against students may be imposed as described in the section titled “Letter of Decision” in the above table, upon those determined to have violated this policy. Employees who violate this policy will be subject to discipline that may include an oral reprimand, written reprimand, and suspension, reduction in salary, demotion, dismissal or discharge, per applicable collective bargaining agreement or personnel plan. In addition, sexual assault, domestic violence, dating/relationship violence, and stalking are criminal acts which may also subject the perpetrator to criminal and civil penalties under federal and state law.

The college may implement interim measures following the report of domestic violence, dating/relationship violence, sexual assault and/or stalking. The Title IX Coordinator will determine whether interim interventions and protective measures should be implemented and, if so, take steps to implement those protective measures as soon as possible. Interim protective measures are cited in the previous “Accommodations and Protective Measures Available for Victims” section. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator’s directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the result of an investigation or may become permanent as determined by the college.

## M STATE DESIGNATED OFFICERS

To support Minnesota State Board Policy 1B.1 and Procedure 1.B.1.1, and Minnesota State Board Policy 1B.3 and Procedure 1B.3; M State has designated officials who are trained by the system office. These individuals have the primary responsibility for investigating or coordinating the investigation of reports and complaints of discrimination/harassment and sex offenses.

## SEX OFFENDER REGISTRY AND COMMUNITY NOTIFICATION OF SEXUAL OFFENDERS

In 1996 the Minnesota Legislature passed the Community Notification Law (Minnesota Statute 244.052) that permitted the release of information about certain offenders in Minnesota. The intent of the legislature was as follows: “If members of the public are provided adequate notice and information about an offender’s release, the community can develop constructive plans to prepare themselves.”

Prior to this law, law enforcement agencies and others knew the information regarding predatory offenders within the criminal justice system, but beyond those agencies and individuals the information about offenders was classified as either private or confidential.

Community Notification allows some information about some offenders to be converted from private or confidential information to public information. In Minnesota the amount of information, and the scope of individuals to whom information is released, is indicated by the risk level assigned to the offender by an End of Confinement Review Committee (ECRC) established by the notification law, and operated by the Department of Corrections (DOC). The higher number risk level assigned to the offenders, the more information can be released, and the broader the audience that will receive the information. Law enforcement agencies where the offenders reside have the responsibility for the notification of their communities under this law.

The college will notify students and employees regarding enrolled Level 3 sex offenders via college official email.

Information regarding Level 3 sex offenders can be found at <https://coms.doc.state.mn.us/PublicRegistrantSearch/>

Information regarding Level 2 offenders is available at the campuses local police departments: Detroit Lakes Police Department, Fergus Falls Police Department, Moorhead Police Department, Wadena Police Department.

## SEXUAL OFFENDER LEVELS

### Level 1

Level 1 offenders are determined to be at a lower risk to re-offend. Police agencies may open a file on these offenders and may release information

about the release of the offender to victims of, and witnesses to the crime, other law enforcement agencies, and anyone identified by the prosecuting attorney to receive the information.

### Level 2

Level 2 offenders are determined to be at a moderate risk to re-offend. Police agencies may release information to anyone included in the Level 1 information release, and in addition may notify organizations about the offender's release. These organizations may include schools, daycare centers, and other organizations where individuals who may become victims of the offender are regularly found. Law enforcement will make the decision on which organizations to notify based on the offender's past pattern of behavior. Law enforcement officials may also choose to notify certain individuals that they determine to be at possibly risk from the offender, but this is not a wide spread community notification. Organizations notified about a Level 2 offender are given this information to protect individuals in their care while they are on or near the premises of those organizations. The information is not to be re-distributed by those organizations that have been notified.

### Level 3

Level 3 offenders have been determined to be at the highest risk for re-offense out of all of the three risk levels. Law enforcement may notify all individuals and agencies included in Level 1 and Level 2 notifications, and may also distribute information about the offender to everyone else in the community. In addition, officials may use the media and other distribution methods to get this information to the public. According to law enforcement policy, enforcement officials hold public meetings in the areas where Level 3 offenders reside. At those meetings, information about the notification process, about the registration of predatory offenders, and information about the general population of these offenders is distributed and discussed. In addition, information about a specific offender or offenders is released. The information includes a general area of residence, a description of the offender (with photograph), and a description of the pattern of behavior that this offender has been known to display in the past. This disclosure does not apply to offenders that are in licensed residential facilities where staff have been trained to manage sexual offenders (halfway houses), not does it apply to offenders in secure hospital facilities operated by the Department of Human Services (hospitals in Moose Lake and St. Peter, MN).

National Sex Offender Registry at: <https://www.nsopw.gov>. Additional questions may be answered by contacting local law enforcement.

In Minnesota, convicted sex offenders must register with the Minnesota Bureau of Criminal Apprehension Sex Offender Registration Unit. You can link to this information, which appears on Minnesota Bureau of Criminal Apprehension Sex Offender Registration Unit website at <https://por.state.mn.us/>

## CRIME DEFINITIONS

The definitions below are taken from the Federal Bureau of Investigation Uniform Crime Reporting (UCR) Handbook and National Incident Based Reporting System (NIBRS) and are used to classify criminal offenses.

- **Aggravated Assault** – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.
- **Arson** – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- **Burglary** – The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- **Dating Violence** – means violence committed by a person-(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship. 42 U.S.C. § 13925 (a)(10).
- **Destruction/Damage/Vandalism Of Property** – To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
- **Domestic Violence** – includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction" 42 U.S.C. §13925 (a)(8).
- **Drug Abuse Violations** – Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana, synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- **Sexual Assaults**-Any sexual act directed against another person, without the consent of the victim, including instances where the victim is capable 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.
- **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.
- **Sodomy** – Oral or any sexual intercourse with another person without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or temporary or permanent mental or physical incapacity.
- **Sexual Assault With An Object** – The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or temporary or permanent mental or physical incapacity.
- **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent.
- **Threats/Intimidation** – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to a physical attack.
- **Larceny/Theft** – The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc. are excluded.
- **Manslaughter** – The killing of a human being by another through gross negligence.
- **Liquor Law Violations** – The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence {DUI} are not included in this definition).
- **Motor Vehicle Theft** – The theft or attempted theft of a motor vehicle. For reporting purposes, motor vehicles that are taken by persons not having lawful access even though the vehicles are later abandoned including joyriding.
- **Murder** – The willful (non-negligent) killing of one human being by another.
- **Robbery** – The taking, or attempting to take, anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or putting the victim in fear.
- **Simple Assault** – An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of concentration.
- **Stalking** – means engaging in a course of conduct directed at a specific person that would cause a reasonable person to-(A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.” 42 U.S.C. § 13925 (a)(30).
- **Weapon Law Violations** – The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; possessing deadly weapons; and all attempts to commit any of the aforementioned.

## HATE CRIMES

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s prejudice. Prejudice is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin. For Clery purposes, hate crimes include any offense in the following list that is motivated by prejudice:

- Murder
- Non-forcible sex offenses
- Sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Destruction/damage/vandalism to property
- Intimidation
- Larceny/theft
- Simple assault



## HATE CRIME DEFINITIONS

- **Race**-A performed negative attitude toward a group of persons who possess common physical characteristics, e.g., color or skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g. Asians, blacks, or African Americans, whites.
- **Religion**-A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g. Catholics, Jew, Protestants, atheists.
- **Sexual Orientation**-A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.
- **Gender**-A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g. male or female.
- **Gender Identity**-A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
- **Ethnicity**-A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin**-a preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability**-A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

## CRIME REPORT CATEGORIES

- I. Campus crimes are those that occur in any building or property owned or controlled by M State within the same reasonably contiguous geographic area of the institution and are used in direct support of, or in a manner related to, the institution's educational purposes. This category should also include those crimes that occur on property within the same reasonably contiguous geographic area of the institution but controlled by another person, is used by students and supports the institutional purposes.
- II. Public Property crimes are those that occur within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and are adjacent to a facility owned or controlled by M State if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.
- III. Non-Campus Buildings or Property crimes are those that occur in: 1.) any building or property owned or controlled by a student organization recognized by M State and 2.) any building or property (other than a branch campus) owned by M State that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

## CRIME STATISTICS:

The statistics in this report are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law. A hard copy of this document is available at Student Development Services on any of the four campuses (Fergus Falls, Detroit Lakes, Moorhead, Wadena). The statistical information gathered by the Department of Education is available to the public through their website.

## PROCEDURES FOR PREPARING ANNUAL DISCLOSURE OF CRIME STATISTICS

Crime statistics are gathered from, but not limited to, the following sources: college security (Fergus Falls and Moorhead campuses), Housing and Residential Life (Fergus Falls campus only), Title IX officers, campus security authorities, student conduct officers, and local law enforcement agencies of on-campus, residential facilities (Fergus Falls campus only), non-campus, and public property locations. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A request for statistical information is made quarterly to campus security authorities.

## PROCEDURE FOR DISTRIBUTING THE ANNUAL SECURITY AND FIRE SAFETY REPORT

**Current Students and Employees**-Current students and employees are notified of the availability of the Annual Security and Fire Safety Report, a description of its contents and of the opportunity to request a paper copy via their college email address annually by October 1.

**Prospective Students**-Prospective students are notified of the availability of the Annual Security and Fire Safety Report, a description of its contents and of the opportunity to request a paper copy via The College Catalog (page 19), and a Right to Know postcard mailed to each prospective student with the *Prospective Student Letter*.

**Prospective Employees**-Prospective employees are notified of the availability of the Annual Security and Fire Safety Report, a description of its contents and of the opportunity to request a paper copy via the *Salary and Benefits Overview* information sheet provided by Human Resources to each candidate who interviews for a position at the college.

# Detroit Lakes Crime Statistics: Clery Data



The following annual security report provides crime statistics for selected crimes that have been reported to Public Safety, local law enforcement agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities.

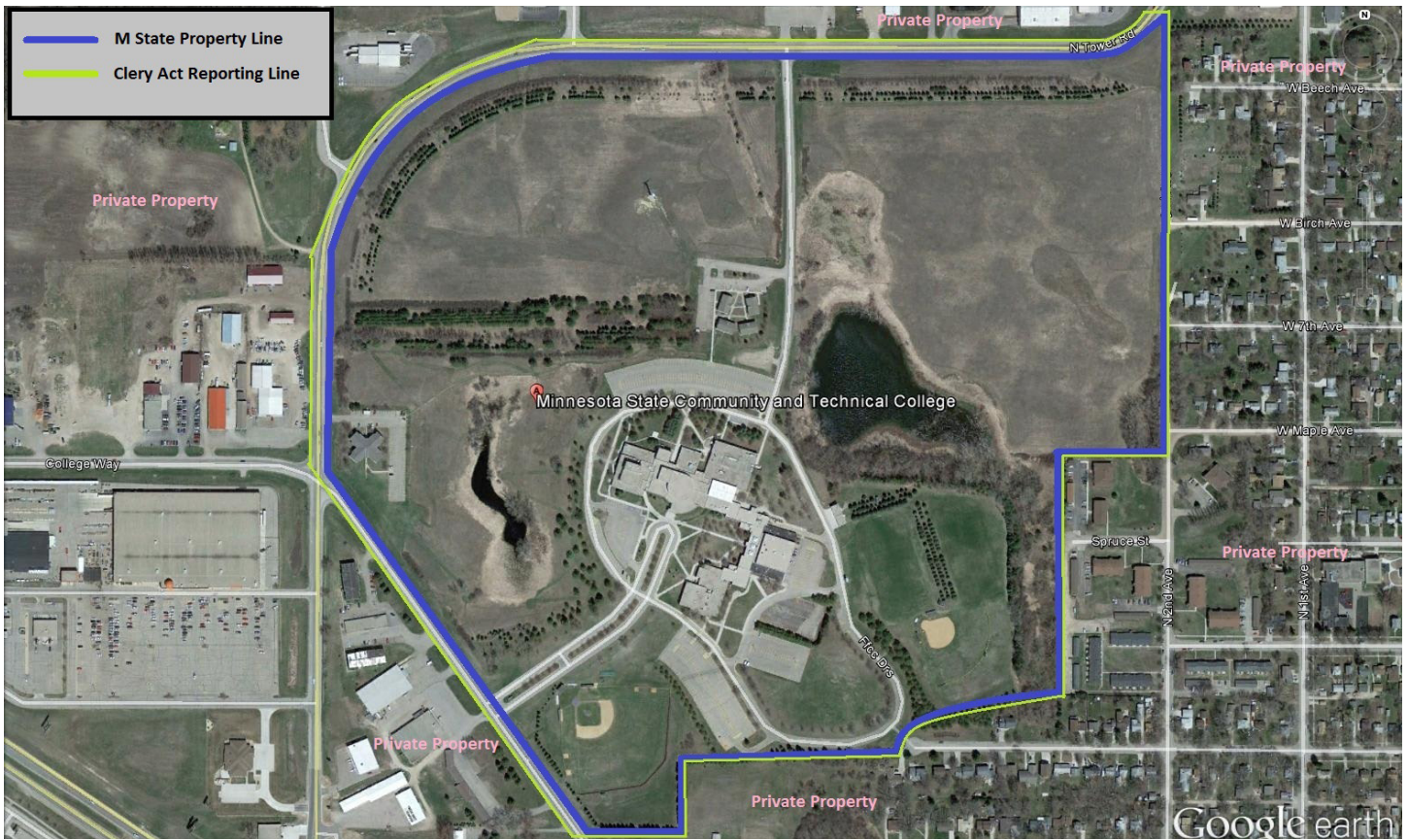
Offenses	2017			2016			2015		
	Geographic Location			Geographic Location			Geographic Location		
	On-Campus Property	Public Property	Non - Campus	On-Campus Property	Public Property	Non - Campus	On-Campus Property	Public Property	Non - Campus
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	1	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
Domestic Violence	0	0	0	0	0	1	0	0	0
Dating Violence	0	0	0	0	0	1	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>Arrests</b>									
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0
<b>Referrals</b>									
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0

**Hate Crimes:**  
There were no Hate Crimes reported for 2015, 2016 and 2017.

**Unfounded Crimes:**  
2017: Zero unfounded crimes  
2016: Zero unfounded crimes  
2015: Zero unfounded crimes

**Jurisdiction:**  
The college does not have jurisdiction outside of the M State property line.

# Fergus Falls Crime Statistics: Clery Data



The following annual security report provides crime statistics for selected crimes that have been reported to Public Safety, local law enforcement agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities.

Offenses	2017				2016				2015			
	On-Campus Property		Public Property	Non - Campus	On-Campus Property		Public Property	Non - Campus	On-Campus Property		Public Property	Non - Campus
	Residence Hall	Total On-Campus			Residence Hall	Total On-Campus			Residence Hall	Total On-Campus		
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	1	1	0	0
Fondling	0	0	0	1	1	1	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	1	1	0	0
Burglary	2	2	0	0	5	5	0	0	8	8	0	0
Motor Vehicle Theft	0	0	0	0	0*	1	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
<b>Arrests</b>												
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Violations	0	2	0	0	0	0	0	0	0	0	0	0
<b>Referrals</b>												
Liquor Law Violations	4	4	0	0	15	15	0	1	21	21	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0

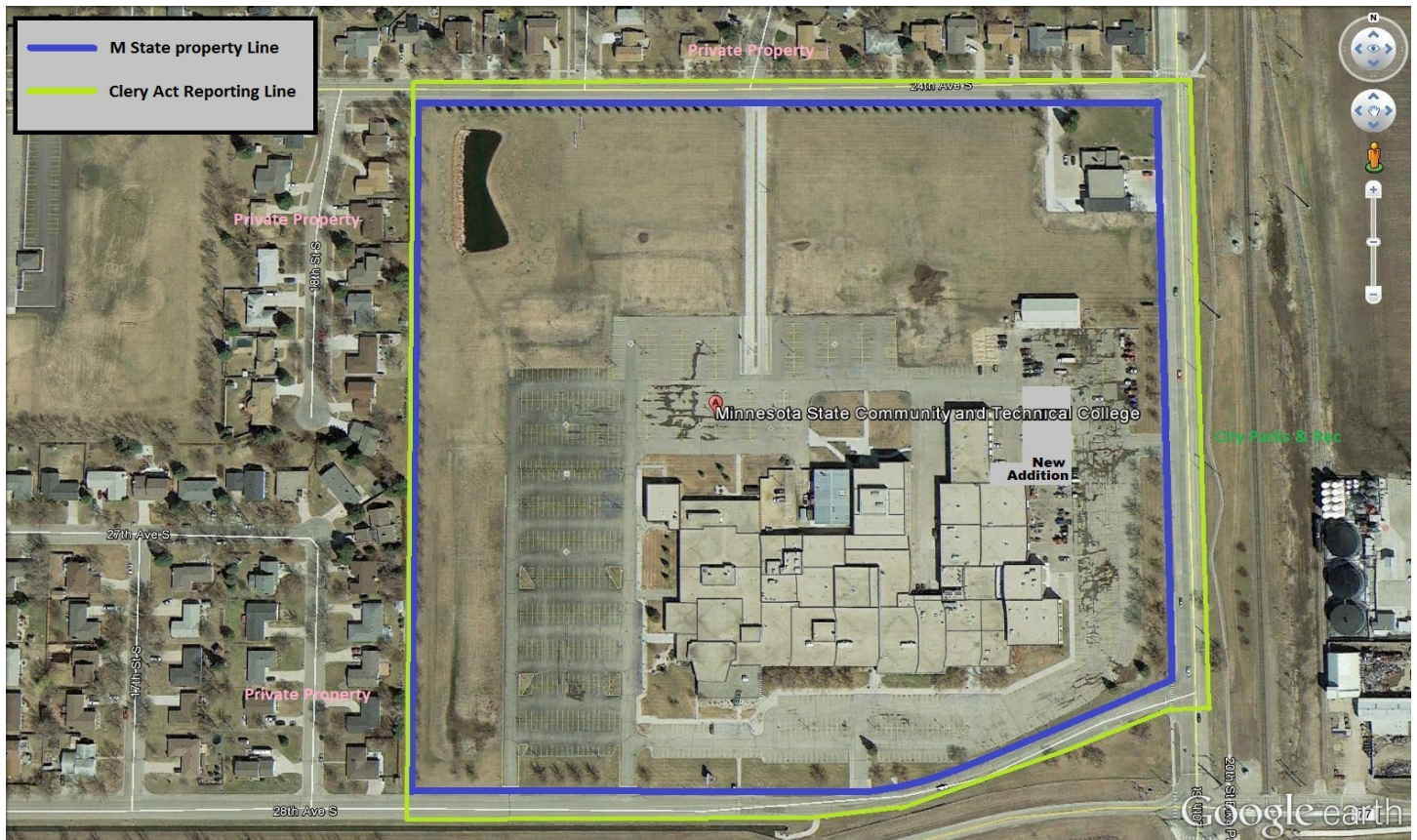
**Hate Crimes:**  
There were no Hate Crimes reported for 2015, 2016 and 2017.

**Unfounded Crimes:**  
2017: Zero unfounded crimes  
2016: Zero unfounded crimes  
2015: Zero unfounded crimes

**Jurisdiction:**  
The college does not have jurisdiction outside of the M State property line.

\* 2016 - Residence Hall Motor Vehicle Theft updated from count of 1 to count of 0. The category, Residence Hall, includes only motor vehicle thefts from parking garages that are physically attached to the facility. The motor vehicle theft occurred in a parking lot of a residence hall. The count of 1 Motor Vehicle Theft On-Campus remains.

# Moorhead Crime Statistics: Clery Data



The following annual security report provides crime statistics for selected crimes that have been reported to Public Safety, local law enforcement agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities.

Offenses	2017			2016			2015		
	Geographic Location			Geographic Location			Geographic Location		
	On-Campus Property	Public Property	Non - Campus	On-Campus Property	Public Property	Non - Campus	On-Campus Property	Public Property	Non - Campus
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	1	0	0	1	0	0	0	0	0
Burglary	0	0	0	0	0	0	1	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>Arrests</b>									
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0
<b>Referrals</b>									
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0

**Hate Crimes:**  
There were no Hate Crimes reported for 2015, 2016 and 2017.

**Unfounded Crimes:**  
2017: Zero unfounded crimes  
2016: Zero unfounded crimes  
2015: Zero unfounded crimes

**Jurisdiction:**  
The college does not have jurisdiction outside of the M State property line.

# Wadena Crime Statistics: Clery Data



The following annual security report provides crime statistics for selected crimes that have been reported to Public Safety, local law enforcement agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities.

Offenses	2017			2016			2015		
	On-Campus Property	Public Property	Non - Campus	On-Campus Property	Public Property	Non - Campus	On-Campus Property	Public Property	Non - Campus
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>Arrests</b>									
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	1	0	0	0	0	0	1	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0
<b>Referrals</b>									
Liquor Law Violations	0	0	0	0	0	1	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0

**Hate Crimes:**  
There were no Hate Crimes reported for 2015, 2016 and 2017.

**Unfounded Crimes:**  
2017: Zero unfounded crimes  
2016: Zero unfounded crimes  
2015: Zero unfounded crimes

**Jurisdiction:**  
The college does not have jurisdiction outside of the M State property line.



# Minnesota State Community and Technical College ANNUAL FIRE SAFETY REPORT

## FIRE SAFETY REPORT PREPARATION POLICIES AND PROCEDURES

M State publishes this fire safety report in conjunction with the Annual Security and Fire Safety Report and as a part of our Clery Act Compliance. This is required only for the M State Fergus Falls campus because there are two on-campus residential facilities. The college community is notified of the report annually via college email no later than October 1st of each calendar year. Information about the location of the report will also be included in correspondence with all prospective students. A copy of the report can be found at <http://www.minnesota.edu/?id=389>. This document is available in alternative format by calling the Dean of Student Success at 218.299.6535.

The two residential facilities are: Williams Hillside and College Manor. Williams Hillside has battery powered units in the common areas as well as two smoke detectors within each of the units. The College Manor has units in the hallway and two detectors in each suite all tied to a fire panel.

**Williams Hillside Village** consisting of four separate two-story structures each comprised of four apartments. Each apartment houses a maximum of four students.

**College Manor** is a single three-story structure with 22 apartments. Each apartment houses a maximum of 4 students.

Total maximum occupancy in the on-campus residential facilities is 152.

## FIRE SAFETY SYSTEMS

Fire Safety Systems in Residential Facilities*					
*The M State Fergus Falls campus is the only M State campus with residential facilities					
Residential Facility There are no sprinkler (fire suppression) system installed in any of the M State residential facilities.	Fire Alarm Monitoring Done Off-Site (Fergus Falls Dispatch who send local Fire Department to respond)	Smoke Detection	Fire Extinguisher Services	Fire Evacuation Plans and Placards	Number of Evacuation (Fire) Drills Each Calendar Year
College Manor – 710 N. Tower Road	X	X	X	X	2
Williams Hillside Village -801 Spartan Drive	X	X	X	X	2
Williams Hillside Village – 803 Spartan Drive	X	X	X	X	2
Williams Hillside Village – 805 Spartan Drive	X	X	X	X	2
Williams Hillside Village – 807 Spartan Drive	x	x	x	X	2

## FIRE SAFETY EQUIPMENT INSPECTION

The campus Facilities Director coordinates the annual inspection of the fire safety equipment. Housing and Residential Life staff test smoke detectors located in the residential buildings on a regular basis.

## FIRE DRILLS

As per fire code requirements the college shall conduct six fire drills per academic year on the Fergus Falls campus (the only campus with Residential Facilities). One of the fire drills must be within the first two weeks of the academic year. The fire drill is designed to give residents an opportunity to evacuate the residence hall in a non-emergency situation. All residents must leave the building when the alarm sounds for the drill. Any person who willfully tampers with fire alarm equipment resulting in a false fire alarm is subject to criminal punishment.

Fergus Falls Campus Residence Hall 2017 Fire Drills			
Residence Hall	Date	Time	Unannounced
<b>COLLEGE MANOR</b>			
	8/30/17	7 PM	x
	11/28/17	7:15 PM	x
<b>WILLIAMS HILLSIDE VILLAGE 801</b>			
	8/30/17	7 PM	x
	11/28/17	7:15 PM	x
<b>WILLIAMS HILLSIDE VILLAGE 803</b>			
803 Williams Hillside Village closed/no residents for the Fall 2017 term - no fire drills were conducted as the building was not occupied.			
<b>WILLIAMS HILLSIDE VILLAGE 805</b>			
	8/30/17	7 PM	x
	11/28/17	7:15 PM	x
<b>WILLIAMS HILLSIDE VILLAGE 807</b>			
	8/30/17	7 PM	x
	11/28/17	7:15 PM	x

## FIRE POLICY STATEMENTS

No Candles, incense, halogen lamps, hookahs or items that may produce open flames (lit or unlit) are allowed in the residential facilities. Barbeque grills may not be used within 20 feet of a residential facility. Charcoal, lighter fluid and compressed gas tanks are not allowed to be stored in the residential facilities.

Appliances with an open coil (other than the stoves provided by the college in the residential apartments) are not allowed in the residential apartment bedrooms. Cooking appliances such as toasters, popcorn poppers, pizza ovens, warming plates, or any other appliance that have exposed heating elements or produce excessive heat can only be used in the kitchenette/common area of the residential apartments.

The Residential facilities are 100 percent smoke and tobacco-free environments. M State is committed to providing a smoke and tobacco-free environment for students, employees and visitors. The College prohibits the use of smokeless tobacco, smoking and the use of nicotine delivery devices on College premises except in designated outdoor areas. Use of tobacco products on the premises of College facilities (including the residential facilities) is therefore prohibited except in designated outdoor areas. Use of tobacco products and nicotine delivery devices in College- or state-owned vehicles is also prohibited.

If a member of the college community finds evidence of a fire that has been extinguished and the person is not sure if campus officials have already responded, the community member should immediately notify the campus facilities director at 218.736.1560 to investigate and document the incident.

## FIRE LOG

The college maintains a Daily Fire Log. The log will contain any fires on campus and include the date of the fire, cause of the fire, number of persons who received fire related injuries that resulted in treatment at a medical facility, number of deaths from the fire, and the value of property damaged in the fire. This log is available to the public for viewing during normal business hours by contacting the Director of Housing and Residential Life, 218.736.1635.

Current Student Housing Fire Statistics-Fergus Falls Campus			
Residence Hall	2017	2016	2015
<b>College Manor, N. Tower Road-Number of Fires</b>			
Resulting in treatment	0	0	0
Resulting in death	0	0	0
Damaged property value	0	0	0
<b>801 Spartan Drive, Williams Hillside Village-Number of Fires</b>			
Resulting in treatment	0	0	0
Resulting in death	0	0	0
Damaged property value	0	0	0
<b>803 Spartan Drive, Williams Hillside Village-Number of Fires</b>			
Resulting in treatment	0	0	0
Resulting in death	0	0	0
Damaged property value	0	0	0
<b>805 Spartan Drive, Williams Hillside Village-Number of Fires</b>			
Resulting in treatment	0	0	0
Resulting in death	0	0	0
Damaged property value	0	0	0
<b>807 Spartan Drive, Williams Hillside Village-Number of Fires</b>			
Resulting in treatment	0	0	0
Resulting in death	0	0	0
Damaged property value	0	0	0

## FIRE EVACUATION PROCEDURES FOR ALL CAMPUS FACILITIES INCLUDING STUDENT HOUSING AND PROCEDURES FOR STUDENTS AND EMPLOYEES

At the first indication of a fire, whether it is persistent smoke, flame, or a fire alarm; follow the procedure outlined below:

### If you see a fire:

- Leave the area immediately.
- Contact the fire department by dialing 911 (8-911 if calling from a campus phone)

### When the Fire Alarm Sounds:

- Always assume there is a fire. Don't ignore it.

- If time permits, take a jacket and shoes, Take a towel to cover your face.
- Stay low and crawl to your door. Smoke fills a room from the ceiling down.
- Test the door with the back of your hand.
- If the door is hot, keep the door closed and stay in the room.
- If the door is cool, open it slowly. Walk quickly and calmly to the ground level, closing all doors behind you. Do not use an elevator. An elevator may open up at a floor on fire or stop working, trapping you inside.
- If there is smoke in the hallway, crawl to the stairs. Count the doors as you go so you do not get lost. If the smoke and heat are too great, try an alternate escape route. If both escape routes are blocked, return to your room.

### If You Are Trapped Inside Your Room:

- Close the door between you and the fire.
- Stop up cracks and vents to keep smoke and toxic gasses out.
- Put a wet cloth over your nose and wait at the window.
- Open the window a few inches for fresh air. DO NOT break the glass.
- Hang a sheet or some other article out of your window to signal the fire department.
- DO NOT panic. DO NOT jump. Wait for help.

### Once You Have Evacuated the Area:

- Notify civil authorities of anyone that may not be able to physically respond to the fire alarm or use sound judgment to evacuate the area (i.e. wheelchair users or someone under the influence of alcohol or drugs). Do not reenter the building until you are told to do so by civil authorities.

### If Your Clothes Catch Fire:

- Stop. DO NOT RUN. Drop to the ground or floor immediately and cover your face with your hands. Roll over back and forth to smother the flames.

## FIRE SAFETY EDUCATION AND TRAINING POLICY

Fire safety education and training is required of Housing and Residential Life (professional and student) staff. Fire Safety is a topic of discussion with all resident students at their residential life orientation session.

## PROCEDURES ON REPORTING A FIRE

1. When a fire is discovered, the nearest fire alarm should be pulled and all building occupants must evacuate.
2. Call 911 (8-911-if using campus phones) to report to the Fergus Falls Fire Dept.
3. Notify Housing and Residential Life staff.

## PLANS FOR FUTURE IMPROVEMENTS IN FIRE SAFETY

There are no plans within the next year to upgrade any of the residential facilities fire safety systems or procedures. Future improvements will be made as needed as a part of the ongoing assessment process.





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