



2021 ANNUAL SECURITY
AND FIRE SAFETY REPORT
WITH 2020, 2019 AND 2018 STATISTICS

History.....	3	609.345 Criminal Sexual Conduct in the Fourth Degree.....	19
College Security Procedures	3	609.3451 Criminal Sexual Conduct in the Fifth Degree.....	20
Policy for Off-campus Criminal Activity.....	4	609.2242 Domestic Assault.....	20
Crime Reporting Policy and Procedures.....	4	609.749 Stalking; Penalties.....	22
Confidential and Anonymous Reporting.....	5	Safe and Postitive Options	25
Timely Warnings.....	5	State of Minnesota Crime Victim Rights.....	29
Campus Crime Log.....	6	Disciplinary Processes for Sexual Violence Procedures.....	31
Safety of and Access to College/Campus Facilities Policies.....	6	M State Designated Officers	41
Emergency Notification.....	6	Sex Offender Registry and Community	
Emergency Procedures and Policies	7	Notification of Sexual Offenders	41
Drills	7	Sexual Offender Levels.....	41
Evacuation Procedures.....	8	Crime Definitions.....	42
Shelter in Place	8	Hate Crimes	43
Security, Access and Maintenance of Campus Facilities.....	9	Hate Crime Definitions	43
Policies and Procedures for Safe Access to College Facilities	9	Crime Report Categories.....	43
Education Programs – Security Awareness		Crime Statistics.....	44
and Crime Prevention Programs.....	9	Policy for Preparing Annual Disclosure of Crime Statistics	44
Programs to Educate M State Community Regarding Security.....	10	Procedure for Distributing the Annual Security	
Programs to Inform the M State Community		and Fire Safety Report.....	44
Regarding Prevention of Crimes	10	Crime Statistics	45
Personal Safety Recommendations.....	10	Detroit Lakes Campus	45
Policies Concerning Law Enforcement	11	Fergus Falls Campus	46
Report All Crime Immediately.....	11	Moorhead Campus	47
Missing Student Notification Policy and Procedures.....	12	Wadena Campus	48
Monitoring and Recording Activity at Off-campus Locations	12	Annual Fire Safety Report	49
Policy Regarding Illegality of Alcohol and Illegal Drugs		Fire Safety Report Preparation Policies and Procedures	49
on Campus and Enforcement of Related State and Federal Laws.....	12	Fire Safety Systems.....	49
Drug and Alcohol Abuse Education Programs	13	Fire Safety Equipment Inspection.....	49
Resources for Assistance.....	13	Fire Drills	49
Sexual Assault Policies, Programs and Procedures.....	14	Fire Policy Statements.....	50
Sexual Violence Prevention and Education	15	Fire Log.....	50
Reporting Sexual Violence	16	Fire Evacuation Procedures for All Campus Facilities Including	
Sexual Assault, Domestic Violence,		Student Housing and Procedures for Students and Employees	50
Dating/Relationship Violence and Stalking	16	Fire Safety Education and Training Policy.....	51
Minnesota State Statutes for Sexual Assault, Domestic Violence,		Procedure on Reporting a Fire.....	51
Dating/Relationship Violence and Stalking	17	Reporting a Fire Policy	51
609.342 Criminal Sexual Conduct in the First Degree.....	17	Plans for Future Improvements in Fire Safety.....	51
609.343 Criminal Sexual Conduct in the Second Degree.....	18		
609.344 Criminal Sexual Conduct in the Third Degree	18		

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 AND POLICIES CONCERNING LAW ENFORCEMENT

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. M State has a memorandum of understanding (MOU) with local law enforcement agencies for offenses that are considered sexual misconduct or sexual assault. It, however, does not have MOUs for other crimes but does cooperate closely with local 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 Academic and Student Affairs.

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 security services through a Campus Security Officer available on campus during the Fall and Spring semesters at the following time:

Wednesday – Sunday, 5pm – 1am

When on duty, the Campus Security Officer 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 Campus Security Officer has no arrest authority. The patrol area for the officer is within the campus' Clery geography, there is no extended patrol area.

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 - 24 hours a day, 365 days per year. MSUM's Public Safety department has no arrest authority. MSUM Public Safety patrol the campus Clery geography, there is no extended patrol area. Security officers will provide a safety escort to a 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 Academic and Student Affairs.

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 College's compliance officer 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 College by calling 1.877.450.3322 and on the Moorhead campus to MSUM Public Safety by calling 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. In emergency situations, dial 911 (8 - 911 if using a campus phone). Individuals who make a report to M State and wish to file a complaint with local law enforcement will be provided assistance in contacting law enforcement, medical facilities, or victim advocacy 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, investigate 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.

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.

Reporting Procedures:

To report a crime:

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

Detroit Lakes Campus:

Any Campus Official 877.450.3322

Campus Security Officer 218.770.9861
(Wednesday – Sunday, 5pm – 1am)

Any Campus Official 877.450.3322

Moorhead Campus:

MSUM Public Safety 218.477.2449
(contracted to provide security services on the Moorhead campus 24 hours per day, 365 days per year)

Any Campus Official 877.450.3322

Wadena Campus:

Any Campus Official 877.450.3322

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 or social workers) must report potential criminal activity to their supervisor, campus compliance officer, campus administration and/or local law enforcement: academic deans, dean of students, director of student success, student life/engagement directors, athletic/coaching staff, professional housing and residential life staff, club/organization advisors and security officers.

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 through the College's compliance officer. Campus security authorities are trained as required by the 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) the following staff are considered confidential resources for victims of sexual violence or sexual harassment.

Counselor	218.299.6516
counselors@minnesota.edu	
Counselor	218.736.1539
counselors@minnesota.edu	
Counselor	218.299.6618
counselors@minnesota.edu	
Social Worker	218.846.3687
Social Worker	218.299.6839

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).

The college counselors and social workers are confidential employees, meaning that victims or witnesses of crimes can report those crimes voluntarily and confidentially. Crimes reported to the confidential employees are shared as a number with no personal identifying information so the crime can be included in the annual crime statistic count.

Students, faculty and staff may also report crimes of sexual misconduct anonymously via the Campus Eye mobile application (information on how to access Campus Eye is listed below).

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 to students and employees 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 occurring on campus, in non-campus buildings or property, on public property immediately adjacent to and accessible from the campus that, in the judgment of the Vice President of Academic and Student Affairs or designee, constitutes an immediate or continuing threat to students, faculty, staff, or visitors, a campus wide Timely Warning will be issued. 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. A report that is filed more than five days after the date of the alleged incident may not allow for the college to send a 'timely' warning to the campus community. This type of situation will be evaluated on a case-by-case basis. 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 know 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 Academic and Student Affairs 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. The college is not required to send timely warnings with respect to crimes reported to professional counselors. 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 Academic and Student Affairs or designee for crimes occurring within M State Clery geography or near a campus and the crime poses a threat or danger to the college community.

The executive cabinet 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 or by college email. All members of the executive cabinet, members of campus emergency response teams and the director of safety and emergency preparedness can send timely warnings. College community members can manage how they receive Star Alert messages. Students can access their Star Alert account via SpartanNet. Employees can access their Star Alert account via the Employee Portal.

CAMPUS CRIME LOG

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

The Fergus Falls and Moorhead 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 Campus Life and Housing, 218.736.1635, 1414 College Way, Fergus Falls, MN; Monday-Friday 8 am-4:30 pm

Moorhead Campus- 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

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 any campus official. 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 NOTIFICATION

- 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 groups, individual campus or to the entire college. This is determined by the type of situation predicating the warning or notification. The designated College official will initiate the emergency notification process as needed.

- **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 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. Star Alert and Alertus system is tested monthly.

EMERGENCY POLICIES AND PROCEDURES

All college administrators in conjunction with director of safety and emergency preparedness 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 classroom and meeting room on campus. Students in the residence halls (Fergus Falls campus only) 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 the residential facilities on the Fergus Falls campus. Each living unit in the residential facilities has an evacuation and shelter map and quick reference emergency guide installed on the inside of the unit's main door.

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, and all students and employees are automatically enrolled in the 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.

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.

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.

College administration will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification, unless issuing a notification will, in the professional judgment 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, as the situation warrants.

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

If needed, the college will provide follow-up information to the college and greater community. This information may be shared via the college's website, college email or Star Alert, as the situation warrants.

DRILLS

An evacuation drill is coordinated at least two times per semester by Residential Life and Housing, Director of Safety and Emergency Preparedness 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 provides the college an opportunity to test the operation of fire alarm system components.

Evacuation drills are monitored by Residential Life and Housing, Director of Safety and Emergency Preparedness 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 each 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.

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 49.

When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene is usually a member of college administration, local law enforcement, local fire department or 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, 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 a campus administrator.

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 re-enter a campus building only 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 an individual 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 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. The public address system is tested annually.

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 a College official.

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 trains and advises on OSHA compliance, environmental health and safety concerns, and emergency preparedness.

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 residence halls are secured 24 hours a day (Detroit Lakes, Moorhead and Wadena campuses do not have residence halls).

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 is a table outlining previous programs and resources that were offered to our College communities.

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
August 2020	Safety and Emergency Preparedness for College Housing Presentation	Housing	Online Presentation to student living on campus which provided information for college housing safety procedures and protocols
August 2020	Safety and Emergency Preparedness for College Housing Presentation	Housing	Online presentation to student living on campus which provided information for college housing safety procedures and protocols
August 2020	Safety and Emergency Preparedness for College Housing Presentation	Housing	Online presentation to student living on campus which provided information for college housing safety procedures and protocols
8/18/2020	Staying Safe Presentation	Zoom	Faculty and staff presentation.
Ongoing	Various Safety Trainings	Online	Required trainings for all employees: <ul style="list-style-type: none"> • Campus Coronavirus Info • Ergonomics • Emergency Action Plan • Slips, Trips, and Falls • Electrical Safety • Accident Prevention
Ongoing	Active Shooter Training	Employee Portal	<ul style="list-style-type: none"> • Run. Hide. Fight. Surviving and Active Shooter • Shots Fired, When Lightning Strikes • Surviving and Active Shooter presentation by LA County Sheriff's Dept. • Surviving an Active Shooter, University of Alberta
Ongoing as required	OSHA Training Requirements	In Person	Based on job roles employees are trained in person on various related safety topics.

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.

PERSONAL SAFETY RECOMMENDATIONS

Below are a number of recommendations that you can use to make decisions about your personal safety.

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 a campus official or campus security (Moorhead campus 24 hours a day, 7 days a week; Fergus Falls campus Security Officer, Wednesday – Sunday, 5:30pm – 2am).

Suspicious Activity

If you see suspicious activity or people on campus, report it to a campus official or campus security (Moorhead campus 24 hours a day, 7 days a week; Fergus Falls campus Security Officer, Wednesday – Sunday, 5:30pm – 2am). 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 refer to your campus resources 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).
- 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 a campus official or campus security (Moorhead campus 24 hours a day, 7 days a week; Fergus Falls campus has security personnel available Wednesday – Sunday, 5:30 pm – 2 am) and/or local law enforcement.

Detroit Lakes

Any Campus Official	877.450.3322
City Police Non-Emergency	218.847.4222
County Sheriff	218.847.5421

Fergus Falls

Any Campus Official	877.450.3322
City Police Non-Emergency	218.736.5438
County Sheriff	218.998.8555

Moorhead

Any Campus Official	877.450.3322
City Police Non-Emergency	218.299.5120
County Sheriff	218.299.5151

Wadena

Any Campus Official	877.450.3322
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 campuses with on-campus housing facilities to establish a notification policy and related procedures for students 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 Campus Life and Housing by calling 218.736.1635 or emailing housing@minnesota.edu or notifying the campus's front desk 218.736.1533.
- The Director Campus Life and Housing will consult with the Vice President of Academic and Student Affairs or designee regarding the notification of a missing student.
- The Director of Campus Life and Housing 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 Campus Life and Housing 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 Campus Life and Housing 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 Campus Life and Housing will notify the student's custodial 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 Services or found on the college's website (minnesota.edu/housing) or by using this link https://minnesota.az1.qualtrics.com/jfe/form/SV_0dIxWIEF20M3iGF. Completed forms should be:
 - returned to the Director of Campus Life and Housing on the Fergus Falls campus. The electronic form is automatically routed to Housing and Residential Life staff.
- Reports of students 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.

MONITORING AND RECORDING ACTIVITY AT NON-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 Security and Fire Safety Report that is published on the college website. M State owns no non-campus housing facilities.

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).

DRUG AND ALCOHOL PREVENTION PROGRAMS			
The following are some specific examples of programs offered by the college. This list is a sample and is not exhaustive.			
Date	Event Title	Location	Additional Information
August 2020	Alcohol 101 Housing Orientation	Fergus Falls Housing	An interactive learning experience around misconceptions of alcohol and marijuana use of M State Fergus Falls use (Social Norming) and M State student conduct violations and possible sanctions.
2/11/20	Making Wise Choices about Alcohol	Video Conference	Lunch and Learn session regarding alcohol awareness for students. Information was presented about how alcohol affects the brain.
Ongoing	Employee Assistance Program	Employee Assistance Program	Webinar resource titled "Substance Misue".

RESOURCES FOR ASSISTANCE

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. 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 <https://mn.gov/mmb/segip/health-and-wellbeing/eap/eap-work-life.jsp>

Community Resources for Students and Employees

Detroit Lakes

Alcoholics Anonymous Helpline 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 701.232.9930
 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 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.

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 Academic and Student Affairs 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 Healthcare

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 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

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 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.

All new students to the college are automatically 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 office of the of Equity and Inclusion through the College’s Compliance Officer monitors the training and student completion.

The training course modules are between 5 and 15 minutes in length and each has a quiz of three to six questions. Students should plan for the training to an hour to an hour and a half to complete. The major components of the training course are divided into the following segments:

- Working together to build a safe and healthy campus
- On Our Campus, Yes Means Yes
- A safe and welcoming campus for all: Root causes of violence
- Relationship violence, stalking and sexual violence
- How do campuses respond to sexual violence?
- A course completion quiz

Campus, community, state and national resources for sexual violence prevention and support are also available in this training.

Employee Training: New employees are enrolled in Sexual Violence Prevention-Employee Training through (PETSA) Personal Empowerment Through Self-Awareness. This training was developed by Minnesota State 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.

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
August 2020	Bystander Intervention Presentation	Online	Green Dot Bystander Intervention Program presentation for all incoming students during orientation. Covering topics of sexual assault, stalking, dating and domestic violence.
4/15/2020	Healthy Relationships	Video Conferencing	Lunch and Learn session for students regarding safe and healthy relationships. The session was presented by staff from the Rape and Abuse Crisis Center. Information about the Power and Control Wheel was discussed along with dating violence.
11/18/2020	Healthy Relationships	Video Conferencing	Lunch and Learn session for students regarding safe and healthy relationships. The session was presented by staff from the Rape and Abuse Crisis Center. Information about the Power and Control Wheel was discussed along with dating violence.
Semesterly	Sexual Violence Prevention Course	Online	All incoming student receive an online Sexual Violence Prevention Course that is to be completed before tenth day of classes.
Ongoing	Sexual Violence Prevention – Employee Training	Employee Portal	Training through Personal Empowerment Through Self-Awareness focusing on sexual violence prevention provided to all new employees at the institution.

Investigator and Decision-maker Training: The Minnesota State system office and Minnesota State Management and Budget, Labor Relations delivers training through classes offered several times throughout the year.

Campus Security Authority Training: The Compliance Officer 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 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

Definitions: Below are definitions that are used by M State in our policies and procedures:

Affirmed Consent: Consent is informed, freely given, and mutually understood willingness to participate in sexual activity that is expressed by clear, unambiguous, and affirmative words or actions. It is the responsibility of the person who wants to engage in sexual activity to ensure that the other person has consented to engage in the sexual activity. Consent must be present throughout the entire sexual activity and can be revoked at any time. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the complainant is mentally or physically 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. A lack of protest, absence of resistance, or silence alone does not constitute consent, and past consent to sexual activities does not imply ongoing future consent. The existence of a dating relationship between the people involved or the existence of a past sexual relationship does not prove the presence of, or otherwise provide the basis for, an assumption of consent.

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

Dating, intimate partner, and relationship Violence: Violence including 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 law.

Non-forcible sex acts: Non-forcible acts include unlawful sexual acts where consent is not relevant, such as sexual contact with an individual under the statutory age of consent, as defined by Minnesota law, or between persons who are related to each other within degrees wherein marriage is prohibited by law.

Sexual Assault: An actual, attempted, or threatened sexual act with another person without that person's affirmative consent. Sexual assault is often a criminal act that can be prosecuted under Minnesota law, as well as form the basis for discipline under Minnesota State student codes of conduct 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 of a person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast); or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts.
4. Offensive sexual behavior directed at another, such as indecent exposure or voyeurism.

Sexual Violence: A continuum of conduct that includes sexual assault, non-forcible sex acts, dating and relationship violence, stalking, as well as aiding acts of sexual violence.

Stalking: Conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause reasonable people to fear for their safety or the safety of others or to suffer substantial emotional distress.

MINNESOTA STATE STATUTES FOR SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING/RELATIONSHIP VIOLENCE AND STALKING

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 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;
- (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.

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 62A.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 im-

minent 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.

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):

- 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 don't 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.

Sexual Misconduct 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 incoming students 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.
- 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 page 44) or online at: https://cm.maxient.com/reportingform.php?MNStateCTC&layout_id=6, (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 on page 40).

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 supportive measures, such as housing or class schedule changes, mutual "No Contact" directive between both parties, etc.
- The college will provide a copy of the 1B.3 Sexual Violence policy and the correlating 1B.3.1 procedures to complainant and respondent and inform both of the timelines for inquiry, investigation, live hearing 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 who in good faith reports incidents of sex-based discrimination or for participation in an investigation of such cases.

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 supportive measures, 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, live hearing, 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 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/Consumer/Publications/VictimsOfStalking.asp>

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 supportive measures, 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, live hearing 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 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 supportive 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 supportive 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"> Harassment Restraining Orders Orders for Protection No Contact Order Domestic Abuse No Contact Order <p>Please note: M State does not have the authority to issue any of the orders listed above.</p>	<ul style="list-style-type: none"> 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. 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 ability to terminate lease without penalty or payment Sexual assault victims can make confidential request for HIV testing of offender. Sexual assault victims do not have to pay the cost of sexual assault examination Sexual assault victims may not be required to undergo a polygraph examination in order for an investigation or prosecution to proceed. 	<ul style="list-style-type: none"> Notify law enforcement if aware of violation 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.

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 Title IX Coordinator (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 Supportive Measures Available for Victims

College officials will change a victim's academic, living, transportation/parking and working situations and take supportive 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 supportive measures if they are 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 supportive measures, a victim should begin by contacting a Title IX Coordinator who can assist them with options available for assistance in and how to request changes to academic, living, transportation/parking, working, or protective measures. The Title IX Coordinator or designee will manage requests by collaborating with respective college departments, such as: Academic Affairs, Human Resources, Housing and Residential Life, Student Affairs 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 page 40) To the extent of the victim's cooperation and consent, college offices, including Academic and Student Affairs, Housing and Residential Life, Facilities, Social Work 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 www.minnesota.edu/forms. Assistance with this form can be obtained at Academic and Student Affairs 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 supportive measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodation or supportive 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.

Response to Sexual Violence and Title IX Sexual Harassment

(in accordance with Minnesota State Board/M State 1B.3.1 Procedure)

Part 1. Purpose

This procedure provides a process through which individuals alleging sexual violence may pursue a complaint, pursuant to Board Policy 1B.3 Sexual Violence Policy prohibiting sexual violence.

This procedure is intended to protect the rights and privacy of both the complainant and respondent and other involved individuals, as well as to prevent retaliation and reprisal.

Part 2. Definitions

The definitions in Policies 1B.3 and 1B.1 also apply to this procedure.

Campus security authority

Campus security authority includes the following categories of individuals at a college or university:

1. A college or university security department;
2. Any individual who has campus security responsibilities in addition to a college or university security department;
3. Any individual or organization identified in a college or university security policy as an individual or organization to which students and employees should report criminal offenses;
4. An official of a college or university who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings; advisors to recognized student organizations; and athletic coaches. Professional counselors, whose official responsibilities include providing mental health counseling, and who are functioning within the scope of their license or certification, are not included in this definition.

Complainant

An individual who is alleged to be the victim of conduct that could constitute sexual harassment (as defined by Title IX).

Educational program or activity

Includes locations, events, or circumstances over which the college or university exercised substantial control over both the respondent and the context in which the sexual harassment (as defined by Title IX) occurs, and also includes any building owned or controlled by any officially recognized student organization of the college or university.

Formal complaint

A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment (as defined by Title IX) against a respondent and requesting that the college or university investigate the allegation of sexual harassment. At the time of filing the formal complaint of sexual harassment (as defined by Title IX), a complainant must be participating in or attempting to participate in the education program or activity of the college or university with which the formal complaint is filed.

Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment (as defined by Title IX).

Supportive measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or respondent before or after the filing of a formal Title IX complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Title IX Coordinator

Employee(s) designated by the president to coordinate the college or university's efforts to comply with its Title IX responsibilities and Board Policies 1B.1 and 1B.3. A campus can delegate Title IX responsibilities to, for example, a deputy or deputies, and/or an investigator.

Title IX sexual harassment

For purposes of Title IX, sexual harassment means conduct on the basis of sex that occurs in a college or university's program or activity in the United States that satisfies one or more of the following:

1. An employee of the college or university conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the college or university's education program or activity; or
3. Sexual assault; dating, intimate partner, and relationship violence; and stalking as defined in Board Policy 1B.3

Part 3. Reporting Incidents of Sexual Violence**Subpart A. Prompt reporting encouraged**

Complainants of sexual violence and sexual harassment (as defined by Title IX) may report incidents at any time, but are strongly encouraged to make reports promptly in order to best preserve evidence for a potential legal or disciplinary proceeding.

Complainants are strongly encouraged to report incidents of sexual violence to law enforcement for the location where the incident occurred. Complainants are also encouraged to contact the local victim/survivor services office, counseling and health care providers, campus Title IX coordinators, or Minnesota State Colleges and Universities campus security authorities for appropriate action.

Subpart B. Assistance in reporting

When informed of an alleged incident of sexual violence and sexual harassment (as defined by Title IX), all Minnesota State Colleges and Universities students and employees are urged to encourage and assist complainants, as needed, to report the incident to local law enforcement, local victim/survivor services, campus Title IX coordinator, or campus security authorities.

Campus security authorities, when informed of an alleged incident of sexual violence and sexual harassment (as defined by Title IX), shall promptly assist the complainant, as requested, including providing guidance in filing complaints with outside agencies, such as law enforcement; obtaining appropriate assistance from victim/survivor services or medical treatment professionals; and filing a complaint with the Title IX Coordinator.

When appropriate, Minnesota State Colleges and Universities may pursue legal action against a respondent, including, but not limited to, trespass or restraining orders, in addition to disciplinary action under the applicable student or employee conduct standard. A college or university may take actions it deems necessary or appropriate in response to all protection, restraining, or no-contact orders.

Subpart C. Required reports

Any campus security authority or any college or university employee with supervisory or student-advising responsibility who has been informed of an alleged incident of sexual violence and sexual harassment (as defined by Title IX), shall follow college or university procedures for making a report for the annual crime statistics report. In addition, the campus security authority or any college or university employee with supervisory or student-advising responsibility who has been informed of an alleged incident of sexual violence and sexual harassment (as defined by Title IX) shall report to the Title IX Coordinator, in order to initiate any applicable investigative or other resolution procedures.

Campus security authorities may be obligated to report to law enforcement the fact that a sexual assault has occurred, but the name of or other personally identifiable information about the complainant will be provided only with the consent of the complainant, except as may be required or permitted by law.

Subpart D. Mandatory reporting of abuse or neglect of children or vulnerable adults

Minnesota law provides special protection for children under 18 and vulnerable adults. These laws, Minnesota Statutes sections 626.556 and 626.557, identify those who are mandated to report neglect or abuse of children under 18 and maltreatment of vulnerable adults. Faculty, student teachers or clinical participants, day care personnel, and others involved in education or services to children or vulnerable adults may be considered mandated reporters under both of these laws. Reports of abuse or neglect of a child or vulnerable adult, must be made to law enforcement or state or county social service agencies.

Part 4. Confidentiality of reporting

Confidential reports

Because of laws concerning government data contained in Minn. Stat. Ch. 13 Government Data Practices, colleges and universities cannot guarantee confidentiality to those who report incidents of sexual violence except where those reports are privileged communications with licensed healthcare professionals. Some off-campus reports also may be legally privileged by law, such as reports to clergy, private legal counsel, or healthcare professionals.

Part 5. Policy notices

Subpart A. Distribution of policy to students

Each college or university shall, at a minimum, at the time of registration make available to each student information about its sexual violence and sexual harassment (as defined by Title IX) policy and procedure), including its online reporting system that allows for anonymous reporting, and shall additionally post a copy of its policy and procedure at appropriate locations on campus and in appropriate handbooks at all times. A college or university may distribute its policy and procedure by posting on an Internet or Intranet website, provided all students are directly notified of how to access the policy by an exact address, and that they may request a paper copy.

Subpart B. Distribution of policy to employees

Colleges, universities, and the system office shall make available to all employees a copy of the sexual violence and sexual harassment (as defined by Title IX) policy and procedure. Distribution may be accomplished by posting on an Internet or Intranet website, provided all employees are directly notified of the exact address of the policy and procedure as well as the option of receiving a paper copy upon request.

Subpart C. Required notice

Each college or university shall have a sexual violence and sexual harassment (as defined by Title IX) policy, which must include the notice provisions in this part.

1. **Notice of Title IX Coordinator.** Each college and university must notify applicants for admission and employment, students, employees, and all unions holding collective bargaining agreements with the college or university of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.
2. **Notice of non-discrimination.** Each college and university must notify applicants for admission and employment, students, employees and all unions holding collective bargaining agreements with the college and university that the college or university does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. Inquiries about the application of Title IX may be referred to the Title IX Coordinator and/or to the United States Department of Education.
3. **Notice of complainant options**
Following a report of sexual violence the complainant must be promptly notified of:
 - a. Where and how to obtain immediate medical assistance. Complainants should be informed that timely reporting and a medical examination within 72 hours are critical in preserving evidence of sexual assault and proving a criminal or civil case against a perpetrator. Complainants should be told, however, that they may report incidents of sexual violence at any time.
 - b. Where and how to report incidents of sexual violence to local law enforcement officials, and/or appropriate college, university, or system contacts for employees, students, and others. Such contacts should be identified by name, location, and phone number for 24-hour availability, as applicable.
 - c. Resources for where and how complainants may obtain on- or off-campus counseling, mental health, or other support services.
4. **Notice of complainant rights**
Complainants must be notified of the following:
 - a. Their right to make a report with local law enforcement officials in sexual assault cases.
 - b. Rights under the crime victims bill of rights, Minn. Stat. §§ 611A.01 – 611A.06, including the right to assistance from the Crime Victims Reparations Board and the commissioner of public safety.
 - c. Availability of prompt assistance from campus officials, upon request, in notifying the appropriate campus investigating authorities and law enforcement officials, and, at the direction of law enforcement authorities, assistance in obtaining, securing, and maintaining evidence in connection with a sexual violence incident.
 - d. Assistance available from campus authorities in preserving for a sexual violence complainant materials relating to a campus disciplinary proceeding.
 - e. Complaints of incidents of sexual violence made to campus security authorities must be promptly and appropriately resolved.
 - f. Upon a sexual assault complainant's request, the college, university, or system office may take action and other supportive measures to prevent unwanted contact with the alleged assailant, including, but not limited to, transfer of the complainant

and/or the respondent to alternative classes, or to a work site or to alternative college-owned housing, if such alternatives are available and feasible.

- g. Upon request, students who reported sexual assaults to the college or university and subsequently chose to transfer to another college or university will be provided with information about resources for victims of sexual assault at the college or university to which the complainant is transferring.

Part 6. Investigation and Disciplinary Procedures

Subpart A. General principles

College and university investigation and disciplinary procedures concerning allegations of sexual violence and sexual harassment (as defined by Title IX) against employees or students must:

1. Be respectful of the needs and rights of individuals involved and treat them with dignity;
2. Not suggest the complainant was at fault for the sexual assault or should have behaved differently to prevent the assault;
3. Proceed as promptly as possible;
4. Permit a student complainant and a student respondent to 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;
5. Afford employees the right to representation consistent with the appropriate collective bargaining agreement or personnel plan;
6. Be conducted in accordance with applicable due process standards and privacy laws;
7. Simultaneously inform both the complainant and respondent of the outcome in a timely manner, as permitted by applicable privacy law.
8. Be based on a preponderance of evidence standard, meaning that it is more likely than not that the policy, procedure, or code has been violated.

The past sexual history of the complainant and respondent must be deemed irrelevant except as that history may directly relate to the incident being considered.

A respondent's use of any drug, including alcohol, judged to be related to an offense may be considered to be an exacerbating rather than mitigating circumstance.

Subpart B. Relationship to parallel proceedings

In general, college, university, and system office investigation and disciplinary procedures for allegations of sexual violence and sexual harassment (as defined by Title IX) will proceed independent of any action taken in criminal or civil courts. A college or university need not, and in most cases should not, delay its proceedings while a parallel legal action is ongoing. If a college or university is aware of a criminal proceeding involving the alleged incident, they may contact the prosecuting authority to coordinate when feasible. Criminal or civil court proceedings are not a substitute for college, university, and system office procedures.

Subpart C. Memorandum of understanding with local law enforcement

Each college or university shall enter into a memorandum of understanding with the primary law enforcement agencies that serve their campus(es). Prior to the start of each academic year, each college or university shall distribute an electronic copy of the MOU to all employees on the campus that are subject to the memorandum. Colleges and universities are exempt from the MOU requirement if they and local or county law enforcement agencies establish a sexual assault protocol team to facilitate effective cooperation and collaboration between the college or university and law enforcement.

Subpart D. False statements prohibited

Colleges, universities, and the system office take allegations of sexual violence and sexual harassment (as defined by Title IX) very seriously and recognize the consequences such allegations may have on a respondent as well as the complainant. Any individual who knowingly provides false information regarding the filing of a complaint or report of sexual violence, or who provides false information during the investigation of such a complaint or report, may be subject to discipline or, under certain circumstances, legal action. Complaints of conduct that are found not to violate policy are not assumed to be false.

Subpart E. Sanctions

Sanctions that may be imposed if a finding is made that sexual violence and sexual harassment (as defined by Title IX) has occurred include, but are not limited to, discipline up to and including suspension, or expulsion of students, or discipline, up to and including termination from employment, as provided in the applicable bargaining agreement or compensation plan, 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.

Subpart F. 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 this policy are prohibited and are subject to appropriate disciplinary action.

Part 7. Investigation and Resolution

The college, university or system office has a duty to take timely and appropriate action to stop behavior prohibited by Board Policy 1B.3, conduct investigations and take appropriate action to prevent recurring misconduct.

Subpart A. Informal resolution

A college or university may offer an informal resolution process if a formal complaint is filed and after providing both parties a notice of allegations. The parties must voluntarily consent, in writing, to the informal resolution process. At any time before agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the process with respect to the formal complaint. This procedure neither prevents nor requires the use of informal resolution by individuals who believe they have been subject to conduct in violation of Board Policy 1B.3. Informal resolution shall not be used to resolve allegations that an employee sexually harassed a student.

Subpart B. Information privacy

Confidentiality of information obtained during an investigation cannot be guaranteed; such information, however, will be handled in accordance with applicable federal and state data privacy laws.

Subpart C. Processing the complaint

The Title IX Coordinator must be contacted in order to initiate a complaint under this procedure. The Title IX Coordinator shall determine the process used in each complaint based on the complexity of the allegations, the number and relationship of individuals involved, and other pertinent factors.

- 1. Jurisdiction.** The Title IX Coordinator shall:
 - a. determine whether the complaint is one which should be processed through another system office, college or university procedure available to the complainant;
 - b. if appropriate, direct the complainant to that procedure as soon as possible; and
 - c. for sexual harassment complaints, (as defined by Title IX), determine whether or not the complaint involves the education program or activity of the college or university and whether the incident occurred in the United States.
- 2. Conflicts.** The Title IX Coordinator should identify to the president or chancellor/designee any real or perceived conflict of interest in proceeding as the Title IX Coordinator, for the decision-maker, and/or for any person designated to facilitate an informal resolution for a specific complaint. If the president or chancellor/designee determines that a conflict exists, another Title IX Coordinator, decision-maker, or person facilitating an informal resolution must be assigned.
- 3. Information provided to complainant.** At the time the complaint is made, the Title IX Coordinator shall:
 - a. inform the complainant of the provisions of the Board Policy 1B.3 and this procedure;
 - b. provide a copy of or Web address for Board Policy 1B.3 and this procedure to the complainant;
 - c. determine whether other individuals are permitted to accompany the complainant during investigatory interviews and the extent of their involvement;
 - d. inform the complainant of the provisions of Board Policy 1B.3 prohibiting retaliation;
 - e. discuss the availability of supportive measures; and
 - f. explain the process for filing a formal Title IX complaint
- 4. Complaint documentation.** The Title IX Coordinator shall insure that the complaint is documented in writing. The Title IX Coordinator may request, but not require the complainant to document the complaint in writing using the complaint form of the system office, college or university.
- 5. Information provided to the respondent.** At the time initial contact is made with the respondent, the Title IX Coordinator shall inform the respondent in writing of the existence and general nature of the complaint and the provisions of the sexual violence policy, including the name of the complainant. At the initial meeting with the respondent, the Title IX Coordinator shall:
 - a. provide a copy of or Web address for Board Policy 1B.3 and this procedure to the respondent;
 - b. provide sufficient information to the respondent consistent with federal and state data privacy laws to allow the respondent to respond to the substance of the complaint;
 - c. explain to the respondent that in addition to being interviewed by the Title IX Coordinator, the respondent may provide a written response to the allegations;
 - d. determine whether other individuals are permitted to accompany the respondent during investigative interviews and the extent of their involvement;
 - e. discuss the availability of supportive measures;
 - f. inform the respondent of the provisions of Board Policy 1B.3 prohibiting retaliation; and
 - g. utilize the template notice of allegations.
- 6. Investigatory process.** The Title IX Coordinator shall:
 - a. conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings;
 - b. inform the witnesses and other involved individuals of the prohibition against retaliation;
 - c. create, gather and maintain investigative documentation as appropriate;
 - d. disclose appropriate information to others only on a need to know basis consistent with state and federal law, and provide a data privacy notice in accordance with state law;

- e. handle all data in accordance with applicable federal and state privacy laws
- f. include an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence.
- g. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation process.
- h. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- i. For formal Title IX complaints, before completing the investigation report, send to both the complainant and the respondent and their advisors, if any, the evidence subject to inspection and review. Both the complainant and the respondent must have at least ten (10) calendar days to submit a written response to the evidence, which the Title IX Coordinator will consider before completing the investigative report. Both parties and their advisors may use the information solely for purposes of proceedings pursuant to this policy.
- j. Create an investigative report that fairly summarizes relevant evidence and, at least ten (10) calendar days prior to a formal hearing, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

7. Interim actions

- a. **Employee reassignment or administrative leave.** Under appropriate circumstances, the president or chancellor may, in consultation with system legal counsel and labor relations, reassign or place an employee on administrative leave at any point in time during the report/complaint process. In determining whether to place an employee on administrative leave or reassignment, consideration shall be given to the nature of the alleged behavior, the relationships between the parties, the context in which the alleged incidents occurred and other relevant factors. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.
 - b. **Student summary suspension or other action.** Under appropriate circumstances, the president or designee may summarily suspend a student at any point in time during the report/complaint process. A summary suspension may be imposed only in accordance with Board Policy 3.6 and associated system procedures. After the student has been summarily suspended, the report/complaint process should be completed within the shortest reasonable time period, not to exceed nine (9) class days. During the summary suspension, the student may not enter the campus or participate in any college or university activities without obtaining prior permission from the president or designee. Other temporary measures may be taken in lieu of summary suspension where the president or designee determines such measures are appropriate.
8. **No basis to proceed.** At any point during the processing of the complaint, the Title IX Coordinator may determine that there is no basis to proceed under Board Policy 1B.3. The Title IX Coordinator may refer the complaint as appropriate to other college or university officials. If the conduct alleged in the formal Title IX complaint would not constitute Title IX sexual harassment even if proved, did not occur in the college or university's education program or activity, or did not occur against a person in the United States, then the college or university must dismiss the formal complaint. The college or university may dismiss a formal Title IX complaint or any allegations therein any time during the investigation or hearing if a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the college or university; or specific circumstances prevent the college or university from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. The college or university must promptly notify both the complainant and the respondent of any dismissal.
9. **Timely completion.** Colleges, universities and the system office shall provide resources sufficient to complete the investigative process and issue a written response in a timely manner after a complaint is made, unless reasonable cause for delay exists. Reasonable cause may include considerations such as the absence of the party, a party's advisor or a witness; concurrent law enforcement activity or the need for language assistance or accommodation of disabilities. The Title IX Coordinator shall notify the complainant and respondent if the written response is not expected to be issued within a timely manner. The college, university or system office must meet any applicable shorter time periods, including those provided in the applicable collective bargaining agreement.

Subpart D. Decision process

If the above methods, including the informal resolution process, have not resolved the complaint within a reasonable period of time to the satisfaction of the Title IX Coordinator, the procedures in this subpart must be followed.

- 1. **Title IX Coordinator.** The Title IX Coordinator shall:
 - a. Prepare an investigation report.
 - b. Refer the matter for a formal hearing.
- 2. **Formal Hearing.** Formal hearings for Title IX sexual harassment complaints will be conducted by the Office of Administrative Hearings pursuant to the rules for administrative hearings. If either the complainant or respondent does not have an advisor for the formal hearing, the college or university must provide an advisor without fee or charge to the complainant or respondent. Colleges and Universities shall maintain a roster of advisors for this purpose. The role of the advisor for the respondent is to conduct cross-examination on behalf of the respondent. At the conclusion of the formal hearing, the administrative law judge will issue a written recommendation for a final decision made by the college or university decision-maker.
- 3. **Decision-maker.** After receiving the report and recommendation prepared by the administrative law judge, the decision-maker shall:
 - a. Decide whether the policy has been violated; and

- b. On appropriate sanctions if the policy has been violated;
- c. Issue a written determination that must include:
 - 1. identification of the allegations potentially violating this policy;
 - 2. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearing help;
 - 3. findings of fact supporting the determination;
 - 4. conclusions regarding application of the policy to the facts;
 - 5. a statement of, and rationale, for the result as to each allegation, including determination regarding responsibility, any disciplinary sanctions the college or university imposes on the respondent, and whether remedies designed to restore or preserve equal access to the college or university's education program or activity will be provided by the college or university to the complainant; and
 - 6. the college or university's procedures and permissible bases for the complainant and respondent to appeal.

The written determination may satisfy these elements by adopting portions of the report and recommendation. The decision-maker must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the college or university provides the parties with written determination of the result of the appeal; or if an appeal is filed; or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The college, university, or system office shall take the appropriate corrective action based on results of the investigation, and the Title IX Coordinator shall make appropriate inquiries to ascertain the effectiveness of any corrective or disciplinary action. Complainants are encouraged to report any subsequent conduct that violates Board Policy 1B.3, as well as allegations of retaliation. Disciplinary action for students may include any sanctions the college or university imposes for any student conduct matters, up to and including expulsion. Disciplinary action for employees may include any discipline allowed under the applicable collective bargaining agreement or personnel plan, up to and including termination.

Written notice to parties relating to discipline, resolutions, and/or final dispositions resulting from the report/complaint process is deemed to be official correspondence from the college, university, or system office. In accordance with state law, the college, university, or system office is responsible for filing the complaint disposition concerning complaints against employees with the Commissioner of Minnesota Management and Budget within 30 days of final disposition.

Part 8. Appeal

Subpart A. Filing an appeal

The complainant or the respondent may appeal the decision of the decision-maker. An appeal must be filed in writing with the president or designee within ten (10) calendar days after notification of the decision. The appeal must state specific reasons why the complainant or respondent believes the decision or sentence were improper. In a complaint against a president or other official who reports directly to the chancellor, an appeal may be considered by the chancellor whether or not the chancellor served as the decision-maker. In addition, for a formal Title IX complaint, both the complainant and respondent may appeal a dismissal of a formal complaint.

Subpart B. Appeal process

The president or designee shall review the record and determine whether to affirm or modify the decision. Grounds for appeal include procedural irregularity that affected the outcome, new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter, and a conflict of interest or bias by the Title IX Coordinator, or decision-maker that affected the outcome of the matter. The president or designee may receive additional information if the president or designee believes such information would aid in the consideration of the appeal. The decision on appeal must be made within a reasonable time and the complainant, respondent and Title IX Coordinator must be notified in writing of the decision, consistent with applicable state and federal data privacy laws. The decision on appeal exhausts the complainant's and respondent's administrative remedies under this procedure except as provided herein.

Part 9. Education and Training

The colleges, universities, and system office shall provide education and training programs to promote awareness and prevent discrimination/harassment, such as educational seminars, peer-to-peer counseling, operation of hotlines, self-defense courses, and informational resources. Education and training programs should include education about Board Policy 1B.3 and this procedure. All colleges, universities, and the system office shall promote awareness of Board Policy 1B.3 and this procedure, and shall publicly identify the Title IX Coordinator. A college or university must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution policy, received training on Title IX sexual harassment complaints. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process on handling formal Title IX complaints must be made publicly available on the college or university's website.

Sexual Violence Prevention and Education

Subpart A. Campus-wide training

Colleges, universities, and the system office shall:

- 1. Include in their sexual violence policy a description of educational programs that they offer to students and employees to promote the awareness of sexual violence offenses, including sexual violence prevention measures and procedures for responding to incidents;
- 2. Provide training on awareness of sexual violence prevention measures and procedures for responding to incidents of sexual violence. At a minimum, all incoming students and all new employees must be provided with this training;

- Emphasize in their educational programs the importance of preserving evidence for proof of a criminal offense, safe and positive options for bystander intervention, and information on risk reduction to recognize warning signs of abusive behavior and risk associated with the perpetration of sexual violence.

Subpart B. Other training and education

Colleges and universities and affiliated student organizations are encouraged to develop educational programs, brochures, posters, and other means of information to decrease the incidence of sexual violence and advise individuals of the legal and other options available if they are the complainants of an incident or if they learn of such an incident.

Subpart C. Training for individuals charged with decision-making authority

Prior to serving as either an investigator or decision-maker for complaints under this procedure, administrators shall complete investigator or decision-maker training provided by the system office.

Investigators/decision-makers, campus security officers, and anyone else involved in the adjudication process must receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Part 10. Maintenance of Report/Complaint Procedure Documentation

During and upon the completion of the complaint process, the complaint file must be maintained in a secure location in the office of the Title IX Coordinator for the college, university or system office, for a period of seven (7) years, in accordance with the applicable records retention schedule. Access to data must be in accordance with the respective collective bargaining agreement or personnel plan, the Minnesota Government Data Practices Act, the Family Educational Rights and Privacy Act, and other applicable law. Information on reports of incidents of sexual violence that are made to campus security authorities must be documented in accordance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, codified at 20 U.S.C. § 1092 (f). The information will be used to report campus crime statistics on college and university campuses as required by the Clery Act.

Each college, university and the system office shall annually report statistics on sexual assaults to the Minnesota Office of Higher Education. Additionally, the report must be published on each college and university website in accordance with state law.

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, Office of Equity and Inclusion..... 218.299.6522
 titleIX@minnesota.edu
 Deputy Title IX Coordinator, Dean of Students 218.299.6535
 Deputy Title IX Coordinator, Human Resources 218.736.1512

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 Healthcare

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-Rape, Abuse and Incest National Network

<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 Maxient to submit reports online using this link https://cm.maxient.com/reportingform.php?MNStateCTC&layout_id=6.

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

Title IX Coordinators

Title IX Coordinator, Office of Equity and Inclusion.....	218.299.6522
titleIX@minnesota.edu	
Deputy Title IX Coordinator, Dean of Student.....	218.299.6535
Deputy Title IX Coordinator, Human Resources.....	218.736.1512

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. Publicly 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 previous table titled: Disciplinary Process Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking, 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 supportive measures following the report of domestic violence, dating/relationship violence, sexual assault and/or stalking. The Title IX Coordinator will determine whether supportive measures should be implemented and, if so, take steps to implement those measures as soon as possible. Supportive measures are cited in the previous “Accommodations and Supportive Measures Available for Victims” section. These remedies may be available 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. Supportive 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.3.1; 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), nor does it apply to offenders in secure hospital facilities operated by the Minnesota Department of Human Services in Moose Lake and St. Peter.

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, the National Incident Based Reporting System (NIBRS), and the Violence Against Women Act (VAWA) 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 incapable of giving consent. Included are the crimes of Rape, Fondling, Incest, and Statutory Rape.

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 preformed 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.

Non-campus building 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 Academic and Student Affairs 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.

POLICY 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 semesterly 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, and the Right to Know information given 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	2020			2019			2018		
	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	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
VAWA Offenses									
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
Arrests									
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
Referrals									
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 2018, 2019 and 2020.

Unfounded Crimes:

2020: Zero unfounded crimes
 2019: Zero unfounded crimes
 2018: 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	2020				2019				2018			
	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	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	1
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	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	1	1	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	1	1	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Arrests												
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	0	0	0	0	0	0	0	0	0	0	0
Referrals												
Liquor Law Violations	3	3	0	0	0	0	0	0	1	1	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 2018, 2019 and 2020.

Unfounded Crimes:

2020: Zero unfounded crimes
2019: Zero unfounded crimes
2018: Zero unfounded crimes

Jurisdiction:

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

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	2020			2019			2018		
	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	0	0	0
Motor Vehicle Theft	0	0	0	1	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
VAWA Offenses									
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	1	0	0	0	0	0
Arrests									
Liquor Law Violations	0	0	0	1	0	0	0	0	0
Drug Abuse Violations	0	0	0	1	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0
Referrals									
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 2018, 2019 and 2020.

Unfounded Crimes:

2020: Zero unfounded crimes
 2019: Zero unfounded crimes
 2018: 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	2019			2018			2017		
	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	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
VAWA Offenses									
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
Arrests									
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
Referrals									
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 2018, 2019 and 2020.

Unfounded Crimes:

2020: Zero unfounded crimes
 2019: Zero unfounded crimes
 2018: 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 compliance officer at 218.299.6522.

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 four 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	Fire Suppression/Sprinkler Systems
College Manor – 710 N. Tower Road	X	X	X	X	4	
Williams Hillside Village –801 Spartan Drive		X	X	X	4	
Williams Hillside Village – 803 Spartan Drive		X	X	X	4	
Williams Hillside Village – 805 Spartan Drive		X	X	X	4	
Williams Hillside Village – 807 Spartan Drive		X	X	X	4	

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 four 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 2020 Fire Drills			
Residence Hall	Date	Time	Unannounced
COLLEGE MANOR			
	1/22/2020	6 pm	x
	9/1/2020	8:15 am	x
	12/2/2020	5 pm	x
WILLIAMS HILLSIDE VILLAGE 801			
	x	x	x
	x	x	x
	x	x	x
WILLIAMS HILLSIDE VILLAGE 803			
	1/22/2020	6:30 pm	x
	9/1/2020	8:30 am	x
	12/2/2020	5:10 pm	x
WILLIAMS HILLSIDE VILLAGE 805			
	1/22/2020	6:30 pm	x
	9/1/2020	8:30 am	x
	12/2/2020	5:10 pm	x
WILLIAMS HILLSIDE VILLAGE 807			
	1/22/2020	6:30 pm	x
	9/1/2020	8:30 am	x
	12/2/2020	5:10 pm	x

*Due to the closing of the residence halls for the majority of Spring Semester 2020 in response to the pandemic, a fourth fire drill was not completed as no residents were in the building at the time the drill would have been conducted

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 Campus Life and Housing, 218.736.1635.

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

Current Student Housing Fire Statistics-Fergus Falls Campus			
Residence Hall	2020	2019	2018
College Manor, N. Tower Road-Number of Fires			
Resulting in treatment	0	0	0
Resulting in death	0	0	0
Damaged property value	0	0	0
801 Spartan Drive, Williams Hillside Village-Number of Fires			
Resulting in treatment	0	0	0
Resulting in death	0	0	0
Damaged property value	0	0	0
803 Spartan Drive, Williams Hillside Village-Number of Fires			
Resulting in treatment	0	0	0
Resulting in death	0	0	0
Damaged property value	0	0	0
805 Spartan Drive, Williams Hillside Village-Number of Fires			
Resulting in treatment	0	0	0
Resulting in death	0	0	0
Damaged property value	0	0	0
807 Spartan Drive, Williams Hillside Village-Number of Fires			
Resulting in treatment	0	0	0
Resulting in death	0	0	0
Damaged property value	0	0	0

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 college, fire or police department personnel 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 college, fire or police department personnel.

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 Department.

REPORTING A FIRE POLICY

If there is a fire in your residence hall room/apartment, please take appropriate precautions which may include dialing 911 and reporting a fire. Please also report the fire to one of the following college personnel:

- Director of Campus Life and Housing
- Facilities Director

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. The college will continue to monitor current fire safety systems through evacuation drills. Future improvements will be made as needed as a part of the ongoing assessment process.



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