



RIDGEWATER COLLEGE

2018 Annual Campus Crime and Security Report

(covering the 2017 calendar year)

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Table of Contents

Welcome..... 4

Introduction/Policy for Preparing the Annual Disclosure of Crime Statistics..... 5

Types of Crimes/Definitions 6

Crime Statistics for Ridgewater College 11

Off Campus Locations Monitoring and Records 13

Safety and Security Programs and Services..... 13

Emergency Response and Timely Warning 14

Campus Security and Access..... 22

Relationship with Law Enforcement Agencies 23

Star Alert System..... 23

Crime Reporting 24

Sexual Assault and Related Offenses 25

Drug and Alcohol Free Campus Policy - Statement of Compliance 37

Firearms Policy..... 40

Equal Opportunity and Nondiscrimination in Employment and Educational Opportunity..... 42

Appendix 1 - Crime Prevention Tips..... 43

Appendix 2 - Reducing the Risk of Sexual Assault..... 45

Appendix 3 - Warning Signs of an Abusive Relationship 47

Appendix 4 - Ridgewater College Student Code of Conduct 48

Appendix 5 - Minnesota State Board Policy -1B.1 - Equal Opportunity and Nondiscrimination in
Employment and Education..... 55

Appendix 6 - Minnesota State Board Procedure -1B.1.1 - Report/Complaint of Discrimination/Harassment
Investigation and Resolution..... 59

Appendix 7 - Minnesota State Board Policy - 1B.3 - Sexual Violence Policy 67

Appendix 8 - Minnesota State Board Procedure - 1B.3.1 - Response to Sexual Violence Procedure 70

Welcome:

Ridgewater College is committed to providing you with a quality education. The faculty, administration and staff are partners with students in this effort. There are many services and resources available to assist you and we encourage you to check them out and utilize them. The following pages contain Ridgewater's annual campus crime and security report. All students and staff are encouraged to familiarize themselves with the contents of this document as it contains information about topics that contribute to a positive campus environment. I encourage you to also refer to the Student Handbook (which can be found at: https://www.ridgewater.edu/wp-content/uploads/2018/05/Student_Handbook.pdf) for additional information about other services at the College. We sincerely want you to have a positive learning experience at the College. If you have any questions about this document or other issues related to the College, please feel free to contact me at: heidi.olson@ridgewater.edu or #320-222-5209. We are so glad that you chose Ridgewater College!

Heidi Olson, Dean of Student Services

Ridgewater College Vision:

Ridgewater College will be a dynamic educational leader exemplifying innovation and excellence within a student-centered learning environment.

Ridgewater College Mission:

Ridgewater provides quality educational opportunities for diverse student learners in an inclusive, supportive, and accessible environment.

Ridgewater College Values:

Ridgewater College values a learning environment that:

- Focuses on student needs and student success
- Equips students to think critically and creatively, solve problems, and adapt to a rapidly changing world
- Embraces diversity of thought, diversity of individual background, and affirms the worth and dignity of each individual
- Focuses on continuous improvement by establishing success indicators, measuring against those indicators, and using the results to make strategic decisions
- Promotes ethical and honest behavior and accountability at both an institutional and individual level
- Demonstrates and reinforces the value of lifelong learning
- Reaches beyond the College's walls to the community, the region, and the world.

Introduction/Policy for Preparing the Annual Disclosure of Crime Statistics:

It is up to each one of us to help foster a secure and supportive environment at Ridgewater College — an environment where individuals can feel safe to visit, learn and work. Primary to this goal are the principles of responsibility, respect, and integrity. These values are essential to any community, and serve as the foundation for the success and productivity of our students, faculty, and staff. Safety on campus is one of the highest concerns. A truly safe campus can only be achieved through the cooperation of everyone. This publication contains information about campus safety measures and reports statistics about crime in our College communities. It also describes our efforts to combat alcohol and drug abuse. Please take the time to read it and help foster a more caring and safe environment.

Ridgewater College encourages all members (students, employees, and visitors) of our College community to become fully aware of safety and security issues, campus-related departments and services and to take action to prevent and report illegal and other unsafe activities should they occur. We systematically review our services, facilities and policies relating to safety and count on each individual to review this information for their own personal safety and security, as well.

Ridgewater College does not have a security department on campus but works closely with the local police departments to ensure safety and security on our campuses. While your safety is certainly our concern but it also must be your concern. Personal awareness, practicing personal safety, and reporting incidents of concern are the foundation of a safe community.

In accordance with: the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (a/k/a The Clery Act) of 1998 (previously known as the Crime Awareness and Campus Security Act of 1990); the Higher Education Amendments of 1992; as well as the Higher Education Opportunity Act: New and Changed Obligations Relating to Campus Security and Fire Safety as set forth in 34 CFR Part 668 (published Register 55954, Oct. 29, 2009) and other updates and additions to the Act, Ridgewater College monitors criminal activity and publishes this annual report, maintaining a three-year statistical history on the specified crimes defined within this document. Ridgewater College distributes a copy of this report to each current student and employee by October 1st and maintains a current copy of the report on our website. Ridgewater College will notify prospective students and employees of its availability and will provide a copy of the report upon request. You may also view Ridgewater College's statistics by going to the Department of Education's Security Statistics search site at <http://www.ope.ed.gov/security>.

This report is prepared in cooperation with local law enforcement agencies responsible for providing service to our campus locations, including the Hutchinson Police Department and Willmar Police Department. Internally, departments such as Student Affairs, Academic Affairs, Human Resources and others provide information to comply with the Act.

The annual report includes a three year statistical history of reported crimes alleged to have occurred on the campus, at facilities owned or leased by Ridgewater College and the immediately adjacent surrounding public area.

Information on Ridgewater College's Campus Security Report is distributed via email in the Annual Notification to all students and employees with an online link to the report. If you wish to

have a paper copy of this report, they are available upon request and may also be printed from our website. Security reports and statistics for previous years are also available by request.

Please note that email is used as the official method for communication at Ridgewater College. If you do not have access to email or are unable to comply with this policy, please make a written request to the Dean of Student Services, Ridgewater College, 2101 15th Avenue NE, Willmar, MN 56201.

To report a security incident or for more information about anything contained in or referenced in this report (or to view past reports or records), please contact:

Heidi Olson, Dean of Student Services at 320-222-5209, Office 212 (Hutchinson); H166 (Willmar). If she is unavailable, please contact any administrator on duty.

Types of Crimes/Definitions:

Ridgewater College must report statistics for the three most recent calendar years concerning the occurrence on campus, in or on non-campus buildings or property, and on public property of the following that are reported to local police agencies or to a campus security authority:

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 displays weapon in a threatening manner) or by means likely to produce death or great bodily harm (e.g. victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness).

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 with the intent to commit a felony or theft.

Affirmative 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.

Criminal Homicide - Negligent Manslaughter

The killing of another person through gross negligence.

As a general rule, any death caused by the gross negligence of another is classified as Criminal Homicide—Manslaughter by Negligence (b).

Dating and Relationship Violence

Dating and relationship violence includes physical harm or abuse, and threats of physical harm or abuse, arising out of a personal intimate relationship. This violence also may be called domestic abuse or spousal/partner abuse and may be subject to criminal prosecution under Minnesota state law.

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.

Drug law violations

Arrests or referrals for the violation of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

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 actual physical attack. Note: This offense includes stalking.

Larceny-theft - The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another person.

Liquor law violations

Arrests or referrals for the violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, or possessing of intoxicating liquor.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle.

Note: A motor vehicle is a self-propelled vehicle that runs on the surface of land and not on rails and that fits one of the following property descriptions:

- Automobiles - sedans, coupes, station wagons, convertibles, taxicabs, or other similar motor vehicles that serve the primary purpose of transporting people
- Buses - motor vehicles that are specifically designed (but not necessarily used) to transport groups of people on a commercial basis
- Recreational Vehicles - motor vehicles that are specifically designed (but not necessarily used) to transport people and also provide them temporary lodging for recreational purposes

- Trucks - motor vehicles that are specifically designed (but not necessarily used) to transport cargo
- Other Motor Vehicles - any other motor vehicles, e.g., motorcycles, motor scooters, trail bikes, mopeds, snowmobiles, or golf carts.

Murder and Non-negligent Manslaughter

The willful (non-negligent) killing of one human being by another.

As a general rule, any death caused by injuries received in a fight, argument, quarrel, assault, or commission of a crime is classified as Murder and Non-negligent Manslaughter (1a).

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 by putting the victim in fear that force will be used.

Robbery is a vicious type of theft in that it is committed in the presence of the victim. The victim, who usually is the owner or person having custody of the property, is directly confronted by the perpetrator and is threatened with force or is put in fear that force will be used. Robbery involves a theft or larceny but is aggravated by the element of force or threat of force.

Sexual Assault

“Sexual assault” means an actual, attempted, or threatened sexual act with another person without that person’s consent. Sexual assault is often a criminal act that can be prosecuted under Minnesota law, as well as form the basis for discipline under student conduct codes and employee disciplinary standards. Sexual assault includes but is not limited to:

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

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 consciousness.

Sex Offenses – Defined

Forcible Sex Offenses.

Any sexual act directed against another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent.

Reported offenses may include:

- **Forcible Rape** - The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
- **Forcible Sodomy** - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Sexual Assault with an Object** - To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will where in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Note: An object or instrument is anything used by the offender other than the offender's genitalia. Examples include but are not limited to a finger, bottle, handgun, or a stick.

- **Forcible Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Note: Forcible Fondling includes Indecent Liberties and Child Molesting. Because Forcible Fondling is an element of Forcible Rape, Forcible Sodomy, and Sexual Assault with an Object, it should be reported only if it is the sole Forcible Sex Offense committed against a victim.

Sex Offenses, Non-forcible.

Unlawful, non-forcible sexual intercourse. Reported offenses may include:

- **Incest** - non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** - non-forcible sexual intercourse with a person who is under the statutory age of consent.

Note: If force was used or threatened, or if the victim was incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity, then the offense should be classified as forcible rape, not statutory rape.

Sexual Violence

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

Stalking

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

Weapons law violations

Arrests or referrals for the violation of laws or ordinances dealing with weapon offenses.

Note: These definitions come from the most current copy of the Handbook for Campus Safety and Security Reporting (2016).

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crime on and around their campuses. Our campus locations are: 2101 15th Avenue NW, Willmar, MN 56201, 2 Century Avenue, Hutchinson, MN 55355 and 980 2nd Avenue SE, Hutchinson, MN 55355. Ridgewater College maintains a close relationship with all police departments where we own or control property to ensure that crimes reported directly to these police departments that may involve the College are brought to our attention. We also have College staff, faculty and administrators serve in a variety of capacities on County level initiatives and committees with a focus on security and drug free communities.

The College collects the crime statistics disclosed in the following charts through a number of methods (primarily from direct reporting), as well as annually, receive statistical reports from the local Police Departments. All reasonable attempts have been made to identify all reported criminal activity and to present the crime statistics in this report in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and its amendments.

We annually examine the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (sex offenses only).

Crime Statistics for Ridgewater College (W=Willmar Campus, H=Hutchinson Campus):

<u>Offenses*:</u>	01/01/2017 – 12/31/2017			01/01/2016 – 12/31/2016			01/01/2015 – 12/31/2015		
	W	H	Bias Motivated Crimes*	W	H	Bias Motivate d Crimes*	W	H	Bias Motivated Crimes*
Aggravated Assault	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
<i>Destruction/Damage/ Vandalism of Property*</i>	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
<i>Intimidation*</i>	0	0	0	0	0	0	0	0	0
<i>Larceny Theft*</i>	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Sex Offenses-Forcible	0	0	0	0	0	0	0	0	0
Sex Offenses-Non-forcible	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
<i>Simple Assault*</i>	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<i>* these crimes are reported on only if found to have been motivated by bias</i>									

<u>Arrests for:</u>									
Drug Abuse Violations	0	0	N/A	0	0	N/A	0	0	N/A
Liquor Law Violations	0	0	N/A	0	0	N/A	0	0	N/A
Weapon Law Violations	0	0	N/A	0	0	N/A	0	0	N/A
Totals	0								

** If any Bias Motivated Crimes were reported, we would report them by category of prejudice (Ra=Race, G=Gender, Re=Religion, S=Sexual Orientation, E=Ethnicity, and D=Disability).*

Ridgewater College does not have any dormitories or residential facilities for students on campus. The College collects information on the above crimes to determine if the victim was intentionally selected because of actual or perceived bias.

Bias motivated crimes are crimes that manifest evidence that the victim was intentionally selected because of the perpetrator's bias. Under regulations that have been in place for some time, institutions must report, by category of prejudice, crimes to local agencies that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity or disability. We report the following crimes in this area: arson, aggravated assault, burglary, criminal homicide, dating or domestic violence, motor vehicle theft, robbery, sex offenses, stalking and any other crime including bodily injury, destruction/damage/vandalism of property, intimidation, larceny-theft and simple assault.

Definitions:

Race - A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of 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, whites).

Gender - A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

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, Jews, Protestants, atheists).

Sexual Orientation/Gender Identity - A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals) and/or their outward identity as either a male or a female.

Ethnicity/national origin – A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).

Disability – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

None of the crimes in the three years noted above have been identified as bias motivated crimes based on the reporting requirements.

Off Campus Locations Monitoring and Records:

The Hutchinson and Willmar Police Departments collect crime statistics for organizations that are recognized as part of Ridgewater College. These statistics are included in this report. The same procedures are followed for any college-approved off-campus student organization activity. We regularly communicate and work with the appropriate Police Department to solve community issues, as well. If our students are found to be acting inappropriately in the community, we work together to address the issue(s) whenever possible.

Safety and Security Programs and Services:

The College takes great pride in the community at Ridgewater College and has many advantages for students, faculty, and staff. This community is a great place to learn, work, and study; however, this does not mean that the campus community is immune from problems. With that in mind, Ridgewater College has taken measures to create and maintain a reasonably safety environment on campus. Though the College is progressive with its policies, programs, and education, it is up to each of us to live with a sense of awareness and use reasonable judgment when working or visiting on campus.

Ridgewater College has developed crime prevention programs and services based upon the dual concepts of eliminating or minimizing criminal opportunities and encouraging students and employees to be responsible for their own security and the security of others.

1. Emergency/courtesy and pay phones are located around the campus at multiple locations.
2. College buildings are normally open from 6:30 a.m. until after evening classes conclude. Access to the buildings outside of normal service hours requires approval and helps maintain a more safe and secure environment. We have also installed several video surveillance cameras throughout the campuses.
3. All college buildings were rekeyed in 2006. Keys are issued to authorized faculty and staff only.
4. Students, faculty, staff and visitors are encouraged to report needed repairs to the Maintenance Department at 320-222-6930.
5. We publish safety newsletters and a safety link on our staff website help to inform staff and faculty of safety issues and concerns. We have available, at no cost, brochures, flyers, pamphlets and posters concerning various safety and security issues and crime prevention.
6. We have a counselor available on each campus who can provide referrals and assistance to students coping with alcohol and drug abuse, as well as other issues.

7. Monthly subscription and information are sent out to students called Student Health 101. Information on important health and safety topics are also posted in all restrooms on campus.
8. Beginning in the fall of 2014 we are offering training on awareness of sexual violence prevention measures and procedures for responding to incidents to all new employees and incoming students. This training is available through D2L beginning the first week of classes each semester and remains available all year.
9. Ridgewater College prohibits the crimes of dating violence, domestic violence, sexual assault and stalking as defined for purposes of the Clery Act.
10. Prevention and referral information is presented and otherwise available throughout the academic year in the following forms:
 - * To new students during student orientation.
 - * To students and employees through special workshops, speakers and activities.
 - * To college community members through the publication of relevant policies and services in the college catalog, student handbook and on our website.
 - * To all employees and students through information shared in person or via email (ex: Duty Day trainings on sheltering in place or Run, Hide, Fight).

Emergency Response/Evacuation/Timely Warnings:

Ridgewater College has outlined its approach to emergency response in its published Emergency Response, Notification and Evacuation policy and procedures posted on the College's website. We also have pages on the website devoted to training students and staff on safety issues as well as lots of information on emergency and other responses to critical situations and safety and security.

Our policy and procedure document defines our commitment to safety and security during emergency response efforts. This document also defines how we respond to emergency situations; indicates our notification protocol; includes a flowchart of responsibilities and also indicates that we test our notification systems at least annually. We have a well-trained group of individuals on campus called the Incident Management Team. Depending on the nature of the reported emergency, College Incident Management Team members implement the College Emergency Preparedness Plan and if needed, the Continuity of Operations Plan. College employees implement the College Emergency Procedures manual which is updated and distributed annually. Our policy statement regarding notification of the campus community upon confirmation of an emergency or threat reads: "Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, the College will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency" (page 2 of the Emergency Response, Notification and Evacuation policy and procedures document). Through that process we strive to withhold the identity of any victim as confidential information.

In order to make timely warnings to the College community, it is important for all faculty, staff and students, and visitors to report crimes to the proper authorities and the College when a crime occurs.

Additional efforts are made to inform the campus community in a timely manner about and crime or suspicious activity or personal safety issues or other concerns on campus or in the neighboring areas. We feel that sharing this type of information educates the college community and aids in the prevention of similar incidents.

The following is language copied directly from our policy and procedure documents:

Reporting an Emergency on a Ridgewater College Campus

Individuals shall report all campus emergencies by calling 911 from any telephone, whether landline, campus extension or cellular.

Any employee or student may initiate the internal notification process by calling Campus Assistance or a point person as listed in the Ridgewater College Emergency Procedures Manual, on the Emergency Procedures poster, or on the safety website. Campus Assistance is available during normal business hours. Every building occupant has the ability to send a campus-wide alert by dialing a 4 digit code from any campus phone. The 4 digit code is printed on a glow-in-the-dark sticker and posted on each campus phone. This broadcast will also serve to alert Campus Incident Management Team members to any event regardless of the building location.

Campus Assistance will notify the point person and/or College President, who will notify the College Incident Management Team (IMT) using Star Alert text messaging, the college telephone broadcast system, two-way radios or personal contact, local emergency providers, and as indicated by the incident, activate the Emergency Notification System (ENS) to the campus community. All members of the IMT carry cards with telephone numbers for office, home and cell phones of the team members for the purpose of immediate notification.

Each campus has multiple VHS/UHF two-way radios. Extra two-way radios are available on each campus for use by IMT members and local emergency providers for emergency relay communication.

After contacting the appropriate authorities and as soon as safely possible, students and staff should file an incident report with the Safety, Health and Emergency Preparedness Coordinator.

Responsibilities for Emergency Response and Notification

Upon notification of a campus disaster or campus emergency, a member of the College Incident Management Team (IMT) will immediately contact local emergency response agencies, such as law enforcement, fire department, EMS, etc., as well as the College President and/or Vice Presidents.

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, the College will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional

judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

A member of the College IMT participating in the emergency mitigation efforts will continue the notification process as deemed appropriate for the incident, utilizing the flowchart and protocol that follow:

Notification Methods:

1. **Active broadcast:** This method is emergency notification through the use of public address system, telephone broadcast system, loudspeaker/bullhorn, etc., specific to each campus technical capabilities.
2. **Passive Broadcast:** This method is emergency notification through the use of closed circuit television, E-mail, website, etc., specific to each campus technical capabilities
3. **Individual Messaging:** This method is emergency communication through use of cell phone, instant messaging and text messaging. Ridgewater College will use the Star Alert notification system for text messaging to students/faculty/staff opting to participate in individual messaging.

All three methods of emergency notification and communication are available for incorporation into the Warning and Notification Annex of Ridgewater College plans. Some methods may be more practical than others depending on the individual campus environment so a combination of methods best suited to the unique campus environment is warranted. The Ridgewater College President and campus representatives will work diligently to ensure adequate notification considerations are included in future plans.

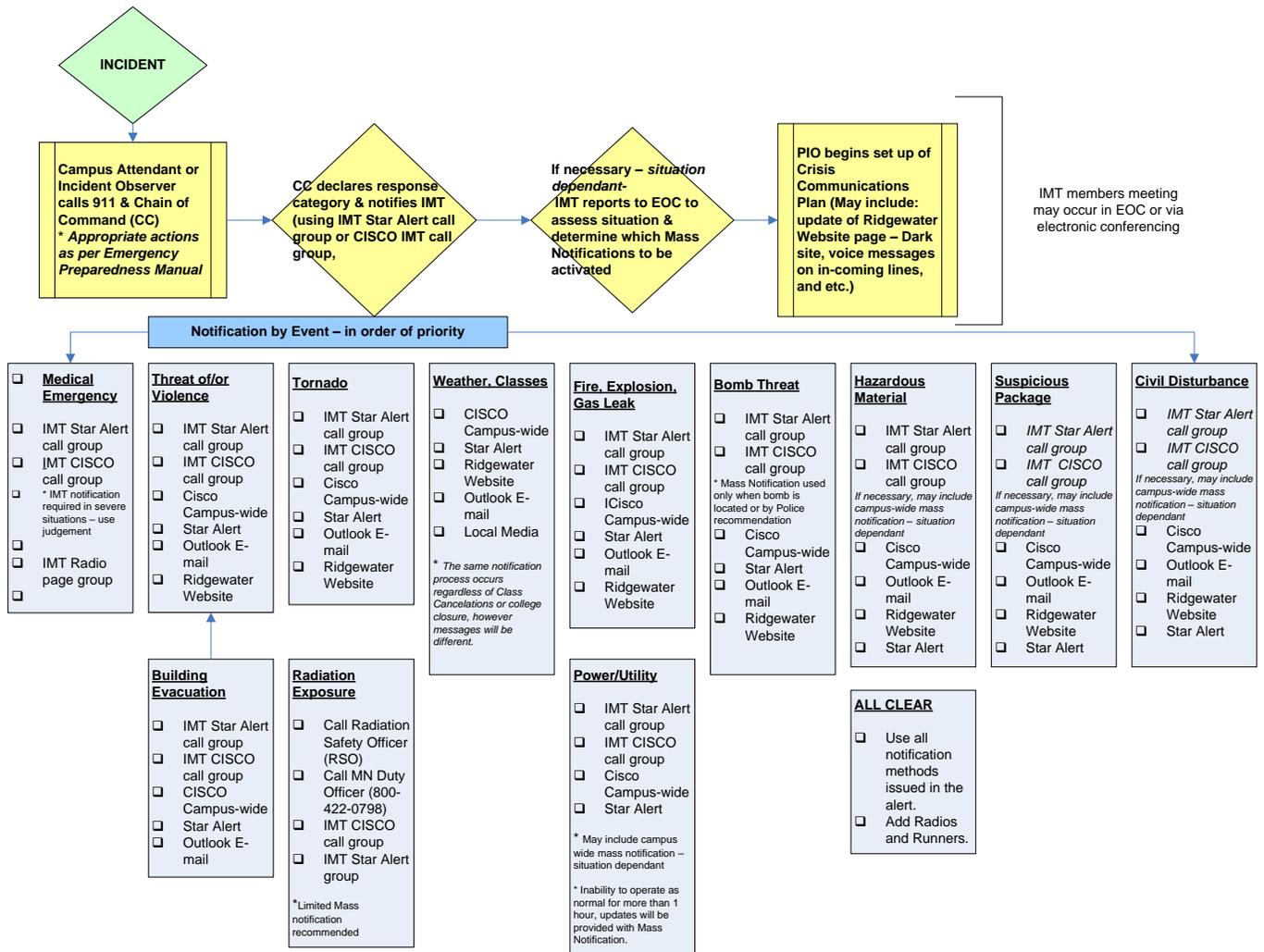
Ridgewater College is also part of a system office initiative using the following software:



Alertus Desktop Notification grabs the attention of computer users immediately with a full screen pop-up alert. Recipients click an acknowledgment button at the bottom of their screen to close the alert. The alert looks something like this:



Emergency Notification Chart



1. The first informed Ridgewater College IMT member will notify all IMT members using; IMT Star Alert notify group for cell phone text notification of the incident. The redundant notification of IMT members is the CISCO telephone page feature, E-mail and personal contact. Campus assistant lines have been established on each campus for the purpose of expediting the notification process. Should an emergency occur during normal business hours any person from any college phone can call 6099 for Willmar campus assistance and 8555 for Hutchinson Campus assistance. The Campus Assistant Attendant will assist the caller by notifying emergency responders if not already notified, contacting key Ridgewater officials, and other services as needed to allow the caller to pursue safe actions.

2. Key Ridgewater Officials will notify all affected campus facilities by one of the mass notification systems of CISCO telephone broadcast system, Star Alert cell phone text message, public address, e-mail, and/or personal contact.

3. Notification of an emergency situation should be accompanied by direction to take specific action. This action should involve one of three activities:

- a. **Evacuate** indicates the urgent removal of people from an area or facility due to an ongoing or evolving hazard. It also includes warning others to stay away from the area until notified otherwise.
- b. **Secure** indicates the necessity for people to remain at their present location and secure themselves in a room/office until further notification.

Secure an Area/Shelter-in-place/Lockdown entails all students/faculty/staff secure themselves in a locked or barricaded room or area until contacted by law enforcement authorities and given the “all clear”.

Secure immediate area:

- Lock and/or barricade doors
- If you are in an open area that cannot be secured, for example the commons, cafeteria or the library, use tables, or secure objects as barricades.
- Turn off lights and all audio equipment.
- Block windows if possible, otherwise stay away from the windows.
- Do not try to “see what’s happening.”
- Do not sound the fire alarm. A fire alarm would signal the occupants to evacuate the building and thus place them in potential harm as they exit.
- Remain calm and quiet and out of sight.
- Take adequate cover/protection i.e. concrete walls, thick desks, filing cabinets (cover may protect you from bullets).
- Silence cell phones.
- Place signs in exterior windows to identify the location of injured persons.

If it becomes necessary to shut down the Heating, Ventilation and Air Conditioning (HVAC) system, during an order to shelter in place, campus physical plant personnel will individually shut off each HVAC unit by activating the safety switch.

- c. **Shelter** indicates students/faculty/staff move to a safer location inside a facility which provides structural stability in the case of weather or other event. This may also include moving to another area for isolation purposes or accountability. Campus occupants are to remain inside the building; proceed quickly and calmly to the nearest shelter area indicated on the Evacuation Route and Severe Weather Shelter maps located near the doors inside most labs and classrooms. Alert others to do the same. If time permits, close all doors and fire doors.

If a tornado is actually striking, get into a crouched position near a concrete supporting wall and cover your head. Stay away from windows and overhead equipment.

- Remain sheltered until the “all clear” is announced.
- Search for and report all injuries and/or physical damage to a supervisor.
- Call 9-1-1 if injuries require medical attention or physical damage results in fire or flood.

Method of Notification

1. There are several levels of notification to be made during an emergency. First Responders must be notified to resolve the hazards, students/faculty/staff must be notified as to what actions they are required to take, and higher authority must be notified that an event has occurred in order to begin recovery, coordinate resources or provide assistance.
2. The Ridgewater College Emergency Procedures Manual the college employees are directed to call 9-1-1 for all emergencies, then call appropriate key college officials.
3. Internal notification for any Ridgewater College campus will vary based on capability and technology available. All available means will be utilized effectively for the notification process to include local radio and television, phone, facsimile, E-mail and text message, as well as any other available media.
4. The Ridgewater College President (or designated representatives) should notify the System Office through whatever means available as soon as possible. This can be done by calling:
 - 1) The Public Safety and Compliance Unit at #651-649-5454 during normal business hours; or
 - 2) The State Director Public Safety and Compliance Unit at #651-201-1790; or
 - 3) The Minnesota State Colleges and Universities Emergency Preparedness/Security Manager at #651-201-1797.

Immediate notification to other departments might delay coordination of resources and other assistance.

Warning Point/Emergency Notification protocol:

	Authorized and have access to initiate activation of MNS
CISCO Telephone Broadcast <i>Mass Notification Method</i> <i>Group Notification Method</i>	IMT Members: Craig Johnson, Betty Strehlow, Heidi Olson, Dan Holtz, Liz VanDerBill, Beth Hepola, Debbie Becker, Tim Furr, Kip Oveson, Mike Kutzke, Matt Feuerborn, Alan Stage, Keith Balaski, Cheryl Norlien. In accord with Emergency Notification Chart or as directed by Incident Command.
Microsoft Outlook E-Mail <i>Mass Notification Method</i> <i>Group Notification Method</i>	IMT Members: Craig Johnson, Betty Strehlow, Heidi Olson, Dan Holtz, Liz VanDerBill, Beth Hepola, Debbie Becker, Tim Furr, Kip Oveson, Mike Kutzke, Matt Feuerborn, Alan Stage, Keith Balaski, Cheryl Norlien. In accord with Emergency Notification Chart or as directed by Incident Command.
Ridgewater Website <i>Mass Notification Method</i>	Liz VanDerBill, Tim Furr. In accord with Emergency Notification Chart or as directed by Incident Command.
Star Alert <i>Mass Notification Method</i>	IMT Members: Craig Johnson, Betty Strehlow, Heidi Olson, Dan Holtz, Liz VanDerBill, Beth Hepola, Debbie Becker, Tim Furr, Kip Oveson, Mike Kutzke, Matt Feuerborn, Alan Stage, Keith Balaski, Cheryl Norlien. In accord with Emergency Notification Chart or as directed by Incident Command.
Voice Message on Incoming lines <i>(Crisis Communication Plan tool)</i>	Liz VanDerBill <i>(Communication tool – used only when needed in rare situations i.e. after event that might require campus closure)</i>
Ridgewater Facebook <i>(Crisis Communication Plan tool)</i>	Liz VanDerBill <i>(Communication tool – used only when needed in rare situations i.e. campus closure or media event)</i>
Call Center <i>(Crisis Communication Plan tool)</i>	Logistics, establish only as needed <i>(Communication tool – used only when needed in rare situations i.e. after large scale or violence event with heavy media coverage)</i>
Notify Media <i>(Crisis Communication Plan tool)</i>	Liz VanDerBill

It is anticipated that initial community notifications may be the responsibility of the appropriate local law enforcement agency. However, it is recognized that any number of circumstances may cause this responsibility to fall to the President’s Office or Director of Communication and Marketing.

Additional messages may be released as the incident or situation dictates and as time permits. In situations where initial emergency notification is made by a member of the College Incident Management Team or law enforcement, the President or designee will have the responsibility for broadcasting further messages to the campus community.

Notification System Test

The College will test its notification systems at least annually.

The Director of Safety, Health and Emergency Preparedness, along with Incident Management Team members, will monitor the effectiveness of the tests and conduct appropriate follow-up activities.

Publication/Communication of Policy and Procedures

This policy and procedures will be published and communicated annually in the Campus Crime and Security Report, at the College emergency and safety web pages, at new student orientation, and annually at the College's fall employee in-service.

Other Response Efforts

Depending on the nature of the reported emergency, local law enforcement will initiate the securing of buildings by notifying other college offices and departments, such as physical plant personnel, and request they secure the exterior doors to their assigned buildings.

Depending on the nature of the reported emergency, College Incident Management Team members shall implement the College Emergency Preparedness Plan and, if needed, the Continuity of Operations Plan.

College employees shall implement the College Emergency Procedures Manual.

Campus Security and Access

Our campuses exist for the use of the students, faculty, staff, visitors and those on official business with Ridgewater College.

Access to campus buildings is limited to normal hours of operation which are typically 6:30 a.m. to 10:30 p.m. Monday through Friday and as needed for events. Maintenance staff lock all exterior doors and interior doors at the end of the work day.

Department labs, facilities, classrooms, offices, etc. will not be opened for unknown individuals without prior written approval. If an individual needs access to an area to retrieve personal property a college employee will escort them and may ask for a college or other picture ID.

Keys are only issued to authorized staff. Student issued keys occurs rarely on a very limited basis and needs administrative approval.

Individual classrooms are available when the college is open and can be reserved through our room schedulers.

No student is allowed in any building after our hours of operation. Employees authorized to be in buildings after it is closed should have their college ID in their possession and be prepared to present it if requested.

Faculty or staff who believe they are the last persons in a building should make sure to lock all areas of responsibility upon departure making sure all exterior doors lock behind them. A number of our exterior doors are controlled an electronic locking system.

Relationship with Law Enforcement Agencies

Ridgewater College works closely with both the Willmar and Hutchinson Police Departments, the Kandiyohi and McLeod County Sheriff's Departments, as well as other State and Federal law enforcement agencies to track and respond to on-campus or near campus criminal activity. We have in place with the local police departments Memorandums of Understanding which spell out specifically how we will work together on issues involving sexual violence.

Star Alert (Emergency Closing) System:

Star Alert is the Ridgewater College emergency notification text message system. In the event of an emergency that threatens life, safety, or campus operations, Star Alert will deliver a text message to the cell number and/or e-mail address of registered users indicating the nature of the emergency, appropriate actions, and where to go for further information. The system will also be used to send notification of campus-wide closures or cancellations such as those due to severe winter weather. This is a critical component to the college's emergency communications plan. It is being used in conjunction with other communication tools, including campus e-mail, telephone broadcasts, public address systems (Hutchinson campus), and the college website.

Please note: While text messaging and emails from Star Alert are good, 100% delivery rates cannot be guaranteed because of uncontrollable circumstances through the wireless carriers.

All Ridgewater students and employees are urged to register for this valuable service. It not only allows emergency information to be shared with you before your arrival on campus, but if access to campus computers and telephones is compromised for any reason or not immediately available, wireless notification is a critical component of timely communication. To register for this service, you must have a phone that is capable of receiving text or e-mail messages.

Online registration can be completed by visiting the Star Alert sign-up website at www.ridgewater.edu.

Simply provide your cell phone number and/or a personal e-mail address and you're all set. When you receive a confirming message, your registration is complete. If you ever want to cancel this service, simply follow the same process to remove your data.

Crime Reporting:

In the event of a life-threatening emergency or suspected criminal activity, students and staff are encouraged to immediately and directly contact police, fire or medical assistance by calling 911.

After contacting the appropriate law enforcement officials, students and staff should immediately and promptly file an incident report with the Dean of Student Services (or any administrator if the Dean isn't available). All criminal activity occurring on campus should be reported as soon as possible. Every effort should be made to ensure that physical evidence is maintained and protected. Preserving any area believed to be a crime scene and maintaining all physical evidence by not touching any items involved in the incident is much appreciated. If possible, close off the area of any incident and do not allow anyone in the crime area until Administration or the Police Department arrives. Report as much detail as possible to ensure accurate reporting. If you are victim of a crime, your immediate recall of the event is often the best. Write down as much information as you can remember after a crime.

If you cannot identify the perpetrator by name, try to recall as many details as possible, including:

- Gender
- Description of face, including eye color, hair color and style, jaw, nose, glasses, facial hair, etc.
- Approximate age
- Height/weight (build)
- Dress/clothing
- Voice
- Other distinguishing or identifying characteristics (tattoos, the way they walked, jewelry, etc.)
- If a vehicle was involved, year, make model, color and license plate number and state
- Note the direction of travel of offenders or vehicles

Suspected criminal activity occurring at any extended campus site should be reported to the instructor or the person in charge. The employee shall contact the Dean of Student Services and/or local police department, as appropriate.

Ridgewater College does not limit the time reporting for a crime, however, we strongly encourage you to report a crime immediately or as soon as it is possible for you to do so. This timeframe gives the best opportunity to collect evidence which can form a stronger case for potential prosecution and greatly assists the college or law enforcement in performing a better investigation into the allegation.

Ridgewater College will accept third reports in certain cases, like sex offenses. The College prefers a written complaint from the victim, witness or advocate in order to adequately intervene and to involve the police department. This process also ensures that the detail is most accurate. If a disciplinary process is invoked on campus, the assistance of the complainant is required. Exceptions are granted, when necessary, in cases presenting clear danger to the victim and/or the college community.

Please note – If you report any crimes to a pastoral or professional counselor, the official is not considered to be a campus security authority when acting as a pastoral or professional counselor.

Counselors are encouraged to provide their clients with information and resources if they are made aware of any alleged crimes but can still maintain their client’s confidentiality. They are, however, required to provide any relevant statistical information relating to crimes on campus.

Voluntary Confidential Reporting:

What if I want to make a report, but don’t want the college to take cation or file a police report?

If you are a victim of a crime and do not want to pursue action through the college disciplinary process or through the criminal justice system you may still file a report. You may file this report with a college counselor, the Dean of Student Services or any administrator on duty.

Reports made in this manner can be made anonymously and do not have to include the reporting party’s information. While we cannot guarantee confidentiality, we will make every effort possible to maintain it to the extent allowable under the law. The purpose of reports made in this manner help the college to more accurately assess and track the nature of crime in the area of the campuses.

The College is obligated to report crimes back to the college community which pose a serious or on-going threat in the form of “Timely warnings” or crime alerts. Any crime alert made will not identify the reporting person or victim.

If a crime is determined to pose a serious or on-going threat to the campus community, the college reserves the right to investigate the report to the extent possible with the information available. You will never be required to file a police report.

In appropriate cases, incident reports are referred to the Campus Conduct Officer and/or the Sexual Harassment Officer in accordance with the Student Code of Conduct and the college Discrimination/Harassment Policies.

Information and suggestions on important Crime Prevention items can be viewed in Appendix 1.

Sexual Assault and Related Offenses:

Ridgewater College does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Sexual violence includes a continuum of conduct that includes sexual assault, non-forcible sex acts, dating and relations violence, stalking, as well as aiding acts of sexual violence. Sexual assault and related offenses are governed and adjudicated under Minnesota State Board Policy 1B.3 Sexual Violence Policy, the Violence Against Women Act as amended and the Clery Act as amended. As a result, Ridgewater College 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 violence, and stalking, whether the incident occurs on or off campus and when it is reported to a Ridgewater College official. In this context, Ridgewater College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its

commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

For a complete copy of Minnesota State Board Policy 1B.3 Sexual Violence Policy, visit <http://www.minnstate.edu/board/policy/1b03.html>. Other policies, such as Student Code of Conduct (can be viewed in Appendix 5) and employee contracts, may apply.

Definitions: The following definitions apply:

Affirmative 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.

Sexual Assault: an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. An actual, attempted, or threatened sexual act with another person without that person's consent. Sexual assault is often a criminal act that can be prosecuted under Minnesota law, as well as form the basis for discipline under Minnesota State student conduct codes and employee disciplinary standards. Sexual assault includes but is not limited to:

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

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

Fondling: is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: is defined a nonforcible sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence: The term “domestic violence” means felony or misdemeanor crimes of violence committed—

1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
5. 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 in which the crime of violence occurred.

Dating Violence: The term “dating violence” means violence committed by a person – who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Stalking: The term “stalking” means engaging in a course of conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated; and that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

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

2. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
3. Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

As described earlier in this report, Ridgewater College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking. Ridgewater College has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students and participating in and presenting information and materials during new employee orientation. Primary prevention and awareness programs 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. Environmental risk and protective factors are considered as they occur on the individual, relationship, institutional, community and societal levels.

Procedures for Reporting a Complaint: Ridgewater College has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. Ridgewater College will make such accommodations, if the complainant requests them and if they are reasonably available, regardless of whether the complainant chooses to report the crime to the College or local law enforcement. As stated earlier, Ridgewater College does not have a campus security department but encourages individuals alleging sexual violence to promptly report any concerns to the College's designated officer, Jay Morrison. He can be reached by phone at 320-222-8040 or by email at jay.morrison@ridgewater.edu. Reports can also be submitted anonymously or by name using the following form found at the following link: <https://mycampuseye.com/web/KD6H> or by downloading Campus Eye mobile application on your mobile device. Once you install the mobile application, you will need to enter a unique 4-digit sign up code, which is KD6H.

After an incident of sexual assault or domestic violence, the victim should consider seeking medical attention as soon as possible at one of the local hospitals or clinics.

In Minnesota, evidence may be collected even if you chose not to make a report to law enforcement. Evidence collected during a medical forensic exam will only be tested if a report is made to law enforcement.

Under Minnesota law, the county in which the sexual assault or rape occurred is responsible for the cost of collecting evidence during your medical forensic examination. The county must pay regardless of whether or not you report to law enforcement. After your medical forensic examination has been performed, the county may be reimbursed from your insurance with your

permission. Counties must obtain your approval prior to billing your insurance. Whether or not the county uses your insurance is your choice. 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 may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims of sexual assault, domestic violence, stalking, and dating 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 Ridgewater College investigators or police. Although Ridgewater 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 the police. Ridgewater College will assist any victim with notifying local police if they so desire. The local Police Department may also be reached directly by calling: #320-587-2242, in person at: 10 Franklin St SW, Hutchinson, MN 55350 (for the Hutchinson area) or #320-214-6700, in person at: 2201 23rd St NE #102, Willmar, MN 56201 (for the Willmar area).

Additional information about the Police Department in each city may be found online at:

Hutchinson PD - <https://www.ci.hutchinson.mn.us/departmentsfacilities/police-services/>

Willmar PD - https://www.willmarmn.gov/departments/willmar_police_department/index.php

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Jay Morrison, by calling, writing, going online or coming into the office to report in person. Ridgewater College will provide resources, on campus, off campus or both, to include medical, health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating 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 the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Ridgewater College or law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the institution, below are the procedures that the institution will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

When informed of an alleged incident of sexual violence, shall promptly assist the complainant, as requested. Ridgewater College may:

1. Provide complainant with written information to access medical care, depending on when reported (immediate vs. delayed report).
2. Assess immediate safety needs of complainant.
3. Assist complainant with contacting local police if complainant requests and provide contact information for local police department.
4. Provide complainant with referrals to on and off campus mental health providers.
5. Assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, “No Contact” directive between both parties
6. Provide a “No Trespass” directive to accused party if deemed appropriate
7. Provide written instructions on how to apply for an Order of Protection
8. Provide a copy of the Sexual Violence Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution
9. Inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is
10. 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 assisting in the investigation.

When appropriate, Ridgewater College 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.

Assistance for Victims - Rights and Options: Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, Ridgewater College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. In Minnesota, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

1. 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
2. Protection against employer retaliation for victims to take reasonable time off to attend order for protection or harassment restraining order proceedings
3. Domestic abuse victims have the ability to terminate a lease without penalty
4. Sexual assault victims can make a confidential request for HIV testing of a convicted offender
5. Sexual assault victims do not have to pay the cost of a sexual assault examination
6. Sexual assault victims may not be required to undergo a polygraph examination in order for an investigation or prosecution to proceed.

Further, Ridgewater College complies with Minnesota law in recognizing Orders of Protection and Harassment Restraining Orders. Any person who obtains an order of protection from Minnesota or any reciprocal state should provide a copy to a Ridgewater College Counselor and the Office of the Title IX Coordinator. A complainant may then meet with one of those individuals to develop a

plan, which is a plan for campus officials and the victim to reduce risk of harm while on campus or coming and going from campus. Ridgewater College cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services. Protection from abuse orders may be available through the local county court at no cost. Ridgewater College may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. To the extent of the victim's cooperation and consent, Ridgewater College offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal investigation of the complaint. The victim will be provided written notification about options for or available assistance in, and how to request changes to changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/ adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, Ridgewater College will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Type of Order	Who Can File For One	Where to go for assistance	Criteria for Order
Order for Protection (OFP) Domestic Abuse	<ul style="list-style-type: none"> • Spouses • Former Spouses • Parents and Children • Persons related by blood • Persons who live together or who have lived together in the past • Persons who have a child in common, even if they have not 	Visit the <i>(Insert County)</i> County Courthouse. District Court staff will help you complete the paperwork (Affidavit and Petition) needed to ask for a temporary "ex parte" Order for Protection. You are called the "Petitioner" and the person you are filing against is called the "Respondent." <i>(State who or what office)</i> can assist students in completing and filing OFP's and harassment orders.	<ul style="list-style-type: none"> • physical harm, bodily injury, or assault; • the infliction of fear of imminent physical harm, bodily injury, or assault; or • terroristic threats, within the meaning of section 609.713, subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344,

	<p>been married or lived together</p> <ul style="list-style-type: none"> • Persons who have an unborn child in common • Persons involved in a significant romantic or sexual relationship 		<p>609.345, or 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2.</p>
<p>Harassment Restraining Order (HRO)</p>	<p>Anybody who does not fall under the criteria for the Order for Protection.</p>	<p>To file a Harassment Restraining Order, you must first fill out a Court Administration form titled "Petitioner's Affidavit and Petition for Harassment Restraining Order." You may pick up a copy of this form from the <i>(Insert County)</i> County Service Center, or download it from the Minnesota Court System's web site. Provide as many details as possible on the form, and return it to Court Administration.</p>	<p>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 or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target.</p>

* Criteria for Order reflects Minnesota Statutes

The institution does not publish the name of crime victims nor house identifiable information regarding victims in the Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request.

As stated earlier, Ridgewater College does not have a campus security department but encourages individuals alleging sexual violence to promptly report any concerns to the College's designated officer, Jay Morrison. He can be reached by phone at 320-222-8040 or by email at jay.morrison@ridgewater.edu. Reports can also be submitted anonymously or by name using the following form found at the following link: <https://mycampuseye.com/web/KD6H> or by

downloading Campus Eye mobile application on your mobile device. Once you install the mobile application, you will need to enter a unique 4-digit sing up code, which is KD6H.

Resources:

Local Assistance

- Ridgewater College Counselors, 320-234-8504 (Hutchinson), 320-222-5983 (Willmar)
- State Employee Assistance Program, 651-259-3840 or 1-800-657-3719

Community Assistance

Hutchinson

- Hutchinson Community Hospital, 1095 Highway 15 South Hutchinson, MN 55350
320-234-4600
- Hutchinson Police Department, 320-587-2242 (non-emergency calls), 911 for emergencies
- Shelter House - Renville and McLeod Counties, PO Box 65, Olivia, MN 56277
Business Phone: 320-523-1015, 24-Hour Toll-Free Crisis Phone: 1-800-792-4210
Website: www.willmarshelter.com

Willmar

- Rice Memorial Hospital, 301 Becker Avenue SW, Willmar, MN 56201
320-235-4543
- Willmar Police Department, 320-235-2244 (non-emergency calls), 911 for emergencies
- Safe Avenues - Kandiyohi County, PO Box 568, Willmar, MN 56201
Business Phone: 320-235-0962, 24-Hour Toll-Free Crisis Phone: 1-800-792-4210
Website: www.willmarshelter.com

State/National Assistance

- Department of Education, Office of Civil Rights
(<http://www2.ed.gov/about/offices/list/ocr/index.html>)
- Department of Justice (<http://ovw.usdoj.gov/sexualassault.htm>)
- Minnesota Coalition Against Sexual Assault (<http://www.mncasa.org/>), 651-209-9993
Toll-Free: 1-800-964-8847

- National Sexual Violence Resource Center (<http://www.nsvrc.org/>), 717-909-0710
Toll-Free: 1-877-739-3895
- Rape, Abuse and Incest National Network (<http://www.rainn.org>)

Additional information and suggestions on reducing the risks of Sexual Violence can be found in Appendix 2.

Complainants' rights: are as follows:

1. Complainants have the right to file criminal charges with local law enforcement officials in any sexual assault case
2. They have all of the 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
3. Complainants are afforded the 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
4. Campus Security Authorities will assist in preserving for a sexual violence complainant materials relating to a campus disciplinary proceeding
5. Complaints of incidents of sexual violence made to campus security authorities must be promptly and appropriately investigated and resolved
6. Upon a sexual assault complainant's request, Ridgewater College will take action 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. Any accommodations or protective measures provided to the victim will be maintained in confidence, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.
7. Upon the request of the complainant, students who report sexual assaults to (Minnesota
8. State) 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

Investigation and Disciplinary Procedures: Investigations and disciplinary procedures will be conducted by Ridgewater College officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. Ridgewater College officials who conduct investigations and disciplinary procedures will not have any bias or conflict of interest toward either the accuser or the accused.

Procedures used in response to a complaint of sexual violence complainants should avoid requiring complainants to follow any plan of action, to prevent the possibility of re-victimization. The process will be respectful of the needs and rights of individuals involved and they will be treated with dignity. It is never assumed or suggested that the complainant or victim was at fault for the sexual assault or should have behaved differently to prevent the assault. All proceedings will be acted on promptly and conducted within reasonable timeframes. The process will allow for extensions of those timeframes for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay. The process will be consistent with these policies and transparent to the complainant and the respondent. Student complainants and respondents will 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. Employees have the right to representation consistent with the appropriate collective bargaining agreement or personnel plan. All procedures will be conducted in accordance with applicable due process standards and privacy laws. The complainant and respondent will simultaneously be informed, in writing, of the outcome in a timely manner, as permitted by applicable privacy law. Outcomes will 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 are 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.

Ridgewater College takes allegations of sexual violence very seriously and recognizes 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.

If a complainant no longer desires to pursue a complaint through Ridgewater College proceedings, Ridgewater College still reserves the right to investigate and resolve the complaint as it deems appropriate. Ridgewater College reserves discretion whether to pursue alleged violations of policy under appropriate circumstances, including, but not limited to, a determination that an effective investigation is not feasible because of the passage of time, or because the respondent is no longer a student or employee of Ridgewater College.

The institution will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for the purposes of this paragraph.

Sanctions: Ridgewater College may, at any time during the report/complaint process, reassign or place on administrative leave an employee alleged to have violated Board Policy 1B.3, in accordance with the procedures in System Procedure 1B.1.1. Such action must be consistent with the applicable collective bargaining agreement or personnel plan.

Ridgewater College may summarily suspend or take other temporary measures against a student alleged to have committed a violation of Board Policy 1B.3, in accordance with System Procedure 1B.1.1 or Board Policy 3.6.

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

violence will not be sanctioned by Ridgewater College for admitting in the report to a violation of the student conduct policy on the use of alcohol or drugs.

Actions by a student or employee intended as retaliation, coercion, discrimination, 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.

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) business days after notification of the decision. The appeal must state specific reasons why the complainant or respondent believes the decision was 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.

For employees represented by a collective bargaining agreement, an appeal under this procedure is separate and distinct from, and is not in any way related to, any contractual protections or procedures. During the pendency of the appeal disciplinary or corrective action taken as a result of the decision shall be enforced. In addition, in cases involving sanctions of suspension for ten (10) days or longer, students shall be informed of their right to a contested case hearing under Minnesota Statutes Chapter 14.

The president or designee shall review the record and determine whether to affirm or modify the decision. 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 shall be made within a reasonable time and the complainant, respondent and designated officer shall 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 respondents administrative remedies under this procedure except as provided herein.

Sex Offenders:

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, section 121 of the Adam Walsh Child Protection and Safety Act of 2006, and the Family Educational Rights and Privacy Act of 1974, Ridgewater College is providing a link to the Minnesota Sex Offender Registry. This act requires institutions of higher education issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

General information regarding registered sex offenders in Minnesota can be viewed at the following website which is maintained by Law Enforcement agencies throughout the state:

<https://mn.gov/doc/family-visitor/search-offenders-fugitives/>.

Drug and Alcohol Free Campus Policy ~ State of Compliance:

Ridgewater College prohibits the unlawful possession, consumption (use), sale, or distribution of alcohol by all students and employees and enforces all applicable drinking/liquor laws and policies on campus, including Federal law, Minnesota State law, Ordinances and institution policy.

The possession or consumption of alcohol is prohibited in all Ridgewater College campus buildings, and applies regardless of age. Consuming alcohol and loitering with an open container of alcohol is a violation of the law and will be handled as such. The only exception is for special events authorized by the Minnesota State Colleges and Universities Board of Trustees.

Students are subject to the Student Code of Conduct while participating in school sponsored activities at off campus locations- any violations of the Student Code of Conduct while participating in any such activities will be investigated by the Dean of Student Services or another designated investigator.

Students who are found to be in possession of an open container or consuming alcohol while on campus will be subject to disciplinary action for violating the Student Code of Conduct. If students are not cooperative the local Police Department may be called to assist, and the student may be subject to citation or arrest. **Employees** who are found to be in possession of an open container or consuming alcohol while on campus will be subject to disciplinary action. **Non-students/ non-employees** who are found to be in possession of an open container or consuming alcohol while on campus may be asked to leave campus, may be prohibited from returning for one year, if uncooperative the local Police Department may be called to assist, and the individual may be subject to citation or arrest.

Students who are believed to be under the influence of alcohol may be subject to disciplinary action for violating the Student Code of Conduct. **Employees** who are believed to be under the influence of alcohol may be subject to disciplinary action. **Non-students/ non-employees** who are believed to be under the influence of alcohol may be asked to leave campus, may be prohibited from returning for one year, and if uncooperative the local Police Department may be called to assist, and the individual may be subject to citation or arrest.

Illegality of Drugs on Campus and the Enforcement of Federal and State Drug Laws: Ridgewater College enforces Federal, State, and local drug laws regarding the use, possession, and sale of illegal drugs and drug paraphernalia. Ridgewater College forbids the possession, use, or distribution of illegal drugs on campus. This includes but is not limited to possession, sale, and use, growing, manufacturing and making of narcotic drugs. Exceptions would be drugs prescribed by a doctor's order.

Students who are believed to be under the influence of a controlled substance may be subject to disciplinary action for violating the Student Code of Conduct. **Employees** who are believed to be under the influence of a controlled substance may be subject to disciplinary action. **Non-students/ non-employees** who are believed to be under the influence of a controlled substance may be asked to leave campus, may be prohibited from returning for one year, and if uncooperative the local Police Department may be called to assist, and the individual may be subject to citation or arrest.

For petty misdemeanor crimes, such as possession of marijuana, the following actions will be taken: **Students** who are found to be in violation of the law may be subject to disciplinary action for violating the Student Code of Conduct. If students are not cooperative the local Police Department may be called to assist, and the student may be subject to citation or arrest. **Employees** who are found to be in violation of the law while on campus may be subject to disciplinary action. **Non-students/ non-employees** who are found to be in violation of the law while on campus may be asked to leave campus, may be prohibited from returning for one year, if uncooperative the local Police Department may be called to assist, and the individual may be subject to citation or arrest for misdemeanor and felony level drug crimes the local Police Department will be contacted.

Drug and Alcohol Abuse Education Programs: Ridgewater College recognizes the reality of chemical dependency and is aware of its occasional presence in the higher education community. As a safeguard against this dependency, numerous campus organizations provide prevention programs to the campus community. Ridgewater College encourages and provides reasonable assistance to any student, faculty or staff member who seeks information on chemical dependency or treatment for chemical dependency. Various offices, including Counseling and Human Resources, provide information and referral to prevention programs for those seeking help with substance abuse.

Legal Sanctions:

Federal and state sanctions for illegal possession of controlled substances range from up to one year imprisonment and up to \$100,000 in fines for a first offense, to three years imprisonment and \$250,000 in fines for repeat offenders. Additional penalties include forfeiture of personal property and the denial of federal student aid benefits. Under federal laws, trafficking in drugs such as heroin or cocaine may result in sanctions up to and including life imprisonment for a first offense involving 100 gm or more. Fines for such an offense can reach \$8 million. First offenses involving lesser amounts, 10-99 gm, may result in sanctions up to and including 20 years imprisonment and fines of up to \$4 million. A first offense for trafficking in marijuana may result in up to five years imprisonment and fines up to \$500,000 for an offense involving less than 50 kg, and up to life imprisonment and fines up to \$8 million for an offense involving 1,000 kg or more.

The State of Minnesota may impose a wide range of sanctions for alcohol-related violations. For example, driving while intoxicated may result in a \$700 fine, 90 days in jail, and/or revocation of driver's license for 30 days. Possession of alcohol under age 21 or use of false identification to purchase alcohol results in \$100 fine. Furnishing alcohol to persons under 21 is punishable by up to a \$3,000 fine and/or one year imprisonment.

Health Risks/Required Education Information:

We understand the college is a time when individuals may be on their own for the first time and that many opportunities present themselves. Whether young or old, we want our students to be aware of the health risks involved in the consumption or use of alcohol and other chemicals and what you to know that it is ok to say no and chose to be healthy!

Alcohol (Beer, Distilled liquor, Ethanol, Wine, etc.) – Alcohol consumption causes a number of changes in behavior and physiology. Even low doses significantly impair judgment and vision,

coordination, and abstract mental functioning. It lowers your inhibitions, causes slurred speech and long term use can lead to dependency, cardiovascular disease, hypertension, liver damage, neurologic damage, toxic psychosis. Overdose of alcohol can lead to coma and possible death.

Cannabis (Marijuana, hash oil, hashish, grass, pot, weed, etc.) – Cannabis may impair or reduce short-term memory and comprehension, alter sense of time, and reduce coordination and energy level. Users often have a lowered immune system and an increased risk of lung cancer. Users also experience interference with psychological maturation and temporary loss of fertility. The active ingredient, THC, is stored in the fatty tissues of the brain and reproductive system for a minimum of 28 to 30 days. Overdoses of Cannabis can lead to insomnia, hyperactivity, panic attacks, paranoia, and possible toxic reaction if combined with other chemicals.

Depressants (Barbiturates, Date rape drug, Liquid ecstasy, GHB, Special K, Xanax, etc.) – Depressants can cause feelings of confusion and fatigue, irritability, and inability to concentrate, slurred speech and a sedated state. It lowers blood pressure and inhibitions. It can cause anxiety, dizziness, hallucinations, insomnia and several other unpleasant reactions. Overdose can lead to coma, possible death, respiratory depression and arrest, blackouts and cold/clammy skin.

Hallucinogenics (Acid, Angel Dust, Crystal, LSD, MDA, Mushrooms, PCP, Peyote, etc.) – Users may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Hallucinogens can cause liver damage, convulsion, coma and even death.

Inhalants (Gases, Solvents, etc.) – Depending on the source, inhalants can cause impaired judgment, headache, nausea, vomiting, an inability to concentrate, poor coordination and slurred speech. Long term use and overdose can cause memory impairment, muscle wasting and weakness, cardiovascular and nervous system damage that lead to an inability to walk, talk or think and worse yet, a coma or sudden death.

Narcotics (Heroin, Codeine, Demerol, HCL, Morphine, Opium, Oxycodone, Vicodin, etc.) – Narcotics cause the body to have diminished pain reactions, confusion, constipation, nausea, a sedated feeling and can lead to malnutrition. The long term use and overdose of narcotics can result in addiction, coma or death.

Stimulants (Amphetamine, Cocaine/Crack, Ecstasy, MDMA, Ritalin, etc.) – The immediate effects of use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature, paranoia and depression, along with appetite loss, paranoia, psychosis and other unpleasant side effects. These drugs are extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, psychosis, convulsions, stroke, seizures and even death.

Tobacco (Chewing/Smokeless Tobacco, Cigarettes, Cigars, Nicotine, etc.) – These products cause bad breath, decreased lung capacity, cause an increase in blood pressure and heart rate and can lead to cancer, cardiovascular disease and eventually possible death.

Notes:

- Alcohol and other drug use during pregnancy increases risk of physical harm to the fetus.
- Additional risks of harm may occur from toxic impurities present in street drugs.
- Additional risks of harm may occur from the use of prescription drugs in ways other than prescribed.
- Drugs taken by injection can increase the risk of infections (e.g. HIV, hepatitis, etc.) through needle contamination.

Additional information regarding health risks and where to get help in needed can be found online at: www.nida.nih.gov, www.drugabuse.gov or www.samhsa.gov.

Educational and Treatment Programs:

- Ridgewater College provides periodic information and training for employees and information to a student that fosters a drug and alcohol free, safe environment.
- Counselors are available to assist students in dealing with personal concerns that might interfere with their academic work while at Ridgewater College. Services are free and confidential and can be arranged by contacting the Counseling Office.
- The Employee Assistance Program (EAP) is available to all Minnesota State employees. EAP can assist employees by providing a professional assessment of a possible alcohol or drug problem. The mission of EAP is to provide confidential, accessible services to individual employees and state agencies in order to restore and strengthen the health and productivity of employees and the workplace. For additional information, contact the Human Resources Department.
- An updated list of area resources can be found in our Drug and Alcohol Policy as well as received from our Counseling Office.

Firearms Policy:

Minnesota State Board Policy 5.21 Possession or Carry of Firearms -
<http://www.minnstate.edu/board/policy/521.html>

Purpose and Scope. The purpose of this policy is to establish restrictions on possession or carry of firearms applicable to the Minnesota State Colleges and Universities System, in accordance with the Minnesota Citizens' Personal Protection Act of 2003, Minnesota Statutes section 624.714, and other applicable law.

Definitions.

Employee. "Employee" means any individual employed by Minnesota State Colleges and Universities, its colleges and universities and the system office, including student employees.

Firearm. "Firearm" means a gun, whether loaded or unloaded, that discharges shot or a projectile by means of an explosive, a gas or compressed air.

Pistol. Means a weapon as defined in Minnesota Statutes section 624.712, subd. 2

Student. "Student" means an individual who is:

1. registered to take or is taking one or more courses, classes, or seminars, credit or noncredit, at any system college or university; or
2. between terms of a continuing course of study at the college or university, such as summer break between spring and fall academic terms; or
3. expelled or suspended from enrollment as a student at the college or university, during the pendency of any adjudication of the student disciplinary action.

Campus property. "Campus property" means the facilities and land owned, leased, or under the primary control of Minnesota State, Minnesota State Colleges and Universities, its Board of Trustees, and system office.

Visitor. "Visitor" means any person who is on campus property, but does not include (1) an employee of the Minnesota State Colleges and Universities acting in the course and scope of their employment; or (2) a student, when that student is on campus property.

No person is permitted to carry or possess a firearm on campus property except as provided in this policy.

Employees.

1. **Prohibition.** Employees are prohibited from possessing or carrying a firearm while acting in the course and scope of their employment, either on or off campus property, regardless of whether the employee has a permit to carry a firearm, except as otherwise provided in this policy.
2. **Employee reporting responsibility.** An employee with a reasonable basis for believing an individual is in possession of or carrying a firearm in violation of this policy has a responsibility to report the suspected act in a timely manner, unless doing so would subject the employee or others to physical harm. Reports should be made to the official designated in the applicable policy included in this report. This policy shall not prohibit prompt notification to appropriate law enforcement authorities when an immediate threat to personal safety exists. Employees shall not make reports of a suspected violation knowing they are false or in reckless disregard of the truth.

Students. Students are prohibited from possessing or carrying a firearm while on campus property, regardless of whether the student has a permit to carry a firearm, except as otherwise provided in this policy.

Visitors. Visitors are prohibited from possessing or carrying a firearm while on system property, except as otherwise provided in this policy.

Exceptions. The following are exceptions to this policy:

Parking areas. This policy does not prohibit the lawful possession or carry of firearms in a parking area or parking facility.

Authorized uses. This policy does not prohibit:

1. Lawful possession or carry related to an academic use or use at a campus shooting range, such as law enforcement programs, approved in writing by the college or university president; or
2. Transport of an unloaded firearm directly between a parking area or parking facility and the location authorized for its use, or transport of an unloaded firearm directly between a parking area or parking facility and a storage facility provided by the college or university.
3. Possession or carry of a pistol by a visitor who has a lawful permit to carry a pistol pursuant to Minnesota Statutes section 624.714, subd. 1a ([see related documents below](#)).
4. Possession or carry of a firearm by a licensed peace officer under Minnesota Statutes section 626.84, subd.1(c) or by a qualified law enforcement officer pursuant to 18 United States Code section 926B ([see related documents below](#)), when possession or carry is otherwise authorized by law.

Violations. Violations of this policy by students or employees are misconduct subject to discipline, up to and including expulsion or termination.

Referral to Law Enforcement. Ridgewater College may refer suspected violations of weapons law to appropriate law enforcement authorities, and provide access to investigative or other data as permitted by law.

Equal Opportunity and Nondiscrimination in Employment and Educational Opportunity:

Ridgewater College is committed to a policy of nondiscrimination. We acknowledge and adhere to the definitions and processes described in Minnesota State Board Policy 1B.1-“Equal Opportunity and Nondiscrimination in Employment and Education” and Minnesota State Board Procedure 1B.1.1-“Report/Complaint of Discrimination/Harassment Investigation and Resolution.”

Ridgewater College’s designated officer per these documents is Jay Morrison. He has an office in the Student Service Office area on the Willmar Campus and will make himself available as needed to employees and students at the Hutchinson Campus. He can be reached by phone at #320-222-8040 or by email at jay.morrison@ridgewater.edu.

Ridgewater College Policies, Procedures and Plans can be viewed in their entirety on our website at www.ridgewater.edu under College Policies.

(Note: Ridgewater College has a variety of policies, procedures and plans relating to campus safety and security and expressly reserves the right to modify them or adopt additional policies or procedures at any time without notice. Such changes will appear in successive issues of this report.)



MINNESOTA STATE

A MEMBER OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES SYSTEM

Ridgewater College acknowledges its legal and moral responsibility to ensure equal employment and educational opportunities with no discrimination regarding race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, familial status or membership or activity in a local commission as defined by law. The college is in compliance with Title IX and Section 504 and will continue its affirmative action commitment to removing barriers to equal employment and educational opportunity.

Minnesota's colleges and universities have accepted special roles and responsibilities in fostering diversity in our society. We are dedicated to the search for knowledge and the rights of every individual in our learning communities to pursue that search with freedom, dignity, and security regardless of religious affiliation, race, ethnic heritage, gender, age, sexual orientation, or physical ability. Representing all sectors of higher education in Minnesota, we publicly declare our intentions:

- To continue the development of multi-cultural learning communities that will not tolerate acts of harassment and intolerance.
- To establish, communicate and enforce standards of behavior for students, staff and faculty that uphold our academic values and our legal obligations.
- To promote the acceptance and respect for individuals in an atmosphere of caring for others.

Every effort has been made to ensure the accuracy of the material contained within this report as of the date of publication. However, policies, procedures, information and deadlines are subject to change without prior notification.

This document is available in alternative formats to individuals with disabilities, consumers with hearing or speech disabilities may contact us via their preferred Telecommunications Relay Service.

Appendix 1 Crime Prevention Tips

Protect your room or apartment:

- Lock your door - even if you are only going out for a short time. It only takes 8 seconds to walk into an open room and steal your valuables.
- Always lock your door and windows when you are asleep. You are also encouraged to lock your door and windows when you are awake.
- Do not prop open locked exterior building doors. These doors are locked for your protection and protection of other residents.
- Never open exterior doors of the building for strangers or non-residents. Always escort your guests to and from the main entrance doors.
- Do not loan your keys or Student ID card swipe to anyone - even a classmate or friend. They may not be careful with them and may misplace them, giving the wrong person access.
- Do not put your name or address on key rings as they may be used to steal your property if found by the wrong person.
- Smoke detectors are provided in each housing unit for your safety. **AT NO TIME SHOULD THEY BE DISCONNECTED OR REMOVED** (or a fee may be imposed).

Protect your property:

- Personal property (purses, backpacks, calculators, cell phones, etc.) should never be left unattended. Take such items with you if you are leaving the office, classroom, or your residence.
- Take valuables home with you during vacations and school breaks.
- Park your bike where you can keep an eye on it if possible. Always lock your bike.

Protect your automobile:

- Always lock your car doors and never leave your keys or valuable items such as cameras, wallets, etc. in plain sight or on the seats in the vehicle.
- Try to park your car in a well-lit area.

Protect yourself at night:

- Avoid walking alone at night.
- Refrain from taking shortcuts; walk where there is plenty of light and traffic.
- Call for an escort in advance

Protect yourself walking and jogging:

- Avoid walking and jogging alone after dark. If you must travel alone at night, call for someone to escort you to your on-campus destination.
- Walk along well-lit routes.
- Be alert to your surroundings. If you suspect you are being followed, run in a different direction, go to the other side of the street and yell for help, or head quickly for a lighted area or a group of people.
- Have your keys ready when returning to your residence or apartment, and keep your personal or valuable items concealed and close to your body.

Help us protect you:

- Watch for suspicious persons in and around college buildings and in parking lots. Do not pursue them. Call 911 first and then
 1. Suspicious activity:

- (a) If you see any suspicious activity or people on or near campus, call law enforcement. Do not assume that what you observe is an innocent activity or that it has already been reported.
 - (b) Do not assume the person is a visitor or college staff member that you have not seen before.
2. Suspicious people may be:
- (a) Loitering about at unusual hours and locations; running, especially if something of value is being carried.
 - (b) Exhibiting unusual mental or physical symptoms. Person(s) could be under the influence of drugs or otherwise needing medical or psychiatric assistance.
 - (c) Carrying property that might be suspicious, depending on the circumstances, going from room to room trying door handles.
- Report all thefts and property loss immediately to the (Whomever designated).
 - Be security conscious at all times.

Appendix 2

Reducing the Risk of Sexual Assault

You can reduce the chances of sexual assault by doing the following:

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas, it is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don't know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. Try not to load yourself down with packages or bags as this can appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cash money.
7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. 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.
10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (call 911)
11. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink unattended, just get a new one.
12. 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.
13. 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 have had, or is acting out of character, get him or her to a safe place immediately.
14. If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. 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.
 - b. 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.
 - c. 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 and get you or make up an excuse for you to leave.
 - d. 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.

16. 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?
17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgement before doing anything you may regret later.

Bystanders: 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. We want 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 of the ways to be an active bystander. If you or someone else is in immediate danger, call 911. 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/or 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 the Annual Security Report or other resources for support in health, counseling, or with legal assistance.

Appendix 3 Warning Signs of an Abusive Relationship

- Is your partner jealous of the time you spend with friends, family or co-workers?
- Does your partner forbid or limit your time spent with friends, family or co-workers?
- Does your partner constantly criticize and belittle things that you do or say?
- Does your partner say cruel and hurtful things to you, or make fun of you in front of others?
- Is your partner cruel to animals and/or people, and does he/she seem to enjoy or be insensitive to their emotional or physical pain and suffering?
- Does your partner tell you how to spend your money or control the amount of money you have?
- Does your partner interfere with your ability to be at school or work on time or at all and/or harass you at school or work?
- Are you sometimes afraid of your partner and what he/she might do?
- Does your partner break objects, throw objects at you or your children, or damage property?
- Does your partner threaten harm to you, your children, your family or friends?
- Does your partner cause you or your children physical pain and/or injury?
- Does your partner use force, hold or throw you down or demand sex regardless of how you feel?

If you answer yes to any of these questions, you may be in an abusive relationship or at risk of becoming involved in an abusive relationship. To be connected to your local domestic violence service agency, call the Minnesota Domestic Violence Crisis Line at 1-866-223-1111.

Source: <http://www.alexandrahouse.org/resources/domestic-violence/>

Appendix 4 Ridgewater College Student Code of Conduct Policy

Policy Statement - Ridgewater College is committed to the creation and maintenance of an academic community which fosters the intellectual, personal, social and ethical development of its students. Respect for the rights of others and self-discipline are essential for the fulfillment of these goals. This Code of Conduct is designed to explain the rights and responsibilities inherent in membership in this community. Students of Ridgewater College are expected to conduct themselves as mature citizens both on and off campus. Students are expected to comply with all regulations established by the administration, faculty and students for the benefit of the total campus community. This matter is one of individual responsibility and consideration of the rights of others.

Procedures -

Article I: Definitions

- A. "College" means Ridgewater College.
- B. "Administrator" means that person designated by the College President to be responsible for the administration of the Student Code.
- C. "Cheating" includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff; (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
- D. "Expulsion" means permanent denial of the privilege of enrollment at the College.
- E. "Hazing" means an act which endangers the mental or physical health or safety of a person, subjects a person to public humiliation or ridicule, or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a student group, organization, or athletic team.
- F. "Policy" means the written regulations of the College and Minnesota State Colleges and Universities as found in, but not limited to, the Student Code, the College and Minnesota State Board Policy 5.18 and System Procedure 5.18.1 on Alcoholic Beverages and Controlled Substances on Campus (<http://www.minnstate.edu/board/policy/518.html>) and <http://www.minnstate.edu/board/procedure/518p1.html>), Minnesota State Board Policy 5.22 and System Procedure 5.22.1 on Acceptable Use of Computers and Information Technology Resources (<http://www.minnstate.edu/board/policy/522.html>) and <http://www.minnstate.edu/board/procedure/522p1.html>), and the College Catalog.
- G. "Preponderance of evidence" means a standard of responsibility that it is more likely than not that the code has been violated.
- H. "Plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
- I. "Student" includes all persons who: 1. Are enrolled in one or more courses, either credit or non-credit, through the College. 2. Withdraw, transfer or graduate, after an alleged violation of the Student Code of Conduct. 3. Are not officially enrolled for a particular term but who have a

continuing relationship with the College. 4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid.

J. "Student organization" means any number of persons who have complied with the formal requirements for College recognition.

K. "Summary suspension" means a suspension imposed without a formal hearing to ensure the safety and well-being of members of the College community.

L. "Suspension" means denial of the privilege of enrollment for a specified period of time after which the student is eligible to return. Conditions for re-enrollment may be specified.

Article II: Proscribed Conduct

A. Jurisdiction of the College Student Code - The College Student Code shall apply to conduct that occurs on College premises, at College sponsored activities, and to off-campus conduct in the following circumstances:

1. Hazing is involved;
2. The violation is committed while participating in a College sanctioned or sponsored activity;
3. The victim of the violation is a member the College community;
4. The violation constitutes a felony under state or federal law; or
5. The violation adversely affects the educational, research, or service functions of the College.

The administrator shall decide whether the Student Code shall be applied to conduct occurring off-campus, on a case-by-case basis, in his/her sole discretion.

Allegations of discrimination, harassment, and sexual violence shall be resolved pursuant to Minnesota State Board Policy 1B.1, Nondiscrimination in Employment and Education Opportunity (<http://www.minnstate.edu/board/policy/1b01.html>), System Procedure 1B.1.1, Report/Complaint of Discrimination/Harassment Investigation and Resolution (<http://www.minnstate.edu/board/procedure/1b01p1.html>), Minnesota State Board Policy 1B.3, Sexual Violence Policy (<http://www.minnstate.edu/board/policy/1b03.html>), System Procedure 1B.3.1, Sexual Violence Procedure (<http://www.minnstate.edu/board/procedure/1b01p1.html>).

Allegations of fraud or dishonest acts shall be resolved pursuant to Minnesota State Board Policy 1C.2, Fraudulent or Other Dishonest Acts (<http://www.minnstate.edu/board/policy/1c02.html>).

B. Conduct-Rules and Regulations

Any student found to have committed or to have attempted to commit the following misconduct *in circumstances falling under the jurisdiction of this Code* may be subject to the disciplinary sanctions outlined in Article III:

1. Acts of dishonesty, including but not limited to the following: a. Cheating, plagiarism, or other forms of academic dishonesty. b. Furnishing false information to any College official, faculty member, or office. c. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College *premises*.

3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
4. Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property, on or off campus.
5. Hazing.
6. Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
7. Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College premises.
8. Violation of any College or Minnesota State Board policy, rule, or regulation published in hard copy or available electronically on the College or Minnesota State website (www.minnstate.edu).
9. Violation of any federal, state or local law.
10. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.
11. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by College or Minnesota State Board regulations), public intoxication, or violation of Minnesota State Board Policy 5.18 and System 5.18.1 on Alcoholic Beverages and Controlled Substances on Campus. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age.
12. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on College premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
13. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
14. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College-sponsored or supervised functions.
15. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in by, the College or members of the academic community. Disorderly Conduct includes, but is not limited to, any unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.
16. Any violation of the College Computer Use Policy or Minnesota State Board Policy 5.22 and System Procedure 5.22.1 on Acceptable Use of Computers and Information Technology Resources.
17. Abuse of the Student Conduct System, including but not limited to: a. Failure to obey the notice from a Student Conduct Panel or College official to appear for a meeting or hearing as part of the Student Conduct System. b. Falsification, distortion, or misrepresentation of information before a Student Conduct Panel. c. Disruption or interference with the orderly conduct of a Student Conduct Panel proceeding. d. Institution of a student conduct code proceeding in bad faith. e. Attempting to discourage an individual's proper participation in, or use of, the student conduct system. f. Attempting to influence the impartiality of a member of a Student Conduct

Panel prior to, and/or during the course of, the Student Conduct Panel proceeding. g. Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Panel prior to, during, and/or after a student conduct code proceeding. h. Failure to comply with the sanction(s) imposed under the Student Code. i. Influencing or attempting to influence another person to commit an abuse of the student conduct code system.

C. Violation of Law and College Discipline

College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of administrator. Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

Article III: Student Conduct Code Procedures

A. Investigation and Informal Process

1. Any member of the College community may file a written complaint alleging that a student or student organization has violated student conduct proscriptions. Any complaint should be submitted as soon as possible after the event takes place. Persons filing complaints shall be informed of their rights under *the Minnesota Data Practices Act*. Following the filing of a complaint against a student or student organization, the administrator shall conduct an investigation of the allegations.
2. If the complaint seems unwarranted, the administrator may discontinue proceedings.
3. If there is sufficient evidence to support the complaint, the administrator shall offer the accused student an opportunity to resolve the alleged violation at an informal meeting. Prior to this meeting, the student shall be given written notice of the specific complaint against him/her and the nature of the evidence available to support the complaint and provided with a copy of the code of conduct. During the meetings the administrator shall review the complaint and the evidence with the student and allow the student to present a defense against the complaint. Within a reasonable time period following the meeting, the administrator shall inform the accused student in writing of his/her decision whether a violation of the code was established by a preponderance of evidence and any applicable sanction as well as options available for an appeal and/or a formal hearing.
4. A student who is subject to a sanction of expulsion or suspension, except summary suspension, for more than nine (9) days may agree to accept the sanction, or may request a formal hearing. *The formal hearing should be held within a reasonable time.* Other sanctions shall be accepted or may be appealed in accordance with the College's appeal procedures.
5. If the accused student fails to appear for the informal hearing, the administrator may proceed to review and act upon the complaint in his/her absence and shall notify the student in writing of an action taken.
6. *A sanction shall not become effective during the time in which a student seeks an appeal or formal hearing, unless, in the discretion of the Administrator, it is necessary to implement an immediate sanction for the safety and welfare of the College community.*

B. Formal Hearing

1. The College President or designee determines the composition of the Student Conduct Panel. Students serving on the Student Conduct Panel shall be elected by the student body or appointed by the campus student association. Student Conduct Panel Hearings shall be conducted by a Student Conduct Panel according to the following guidelines:
 - a. Student Conduct Panel Hearings normally shall be conducted in private.
 - b. Students or organizations referred for a formal hearing shall be given adequate advance notice in writing of the time, place, and date of the hearing. A student or organization's failure to appear at the hearing shall not prevent the hearing from proceeding as scheduled.
 - c. Within a reasonable time prior to the hearing, the student must be informed in writing of: a) the complaint, b) the evidence to be presented against him/her, c) a list of witnesses, and the nature of their testimony.
 - d. In hearings involving more than one accused student or organization, the administrator, in his or her discretion, may permit the hearing concerning each student to be conducted either separately or jointly.
 - e. The student shall be given the opportunity to speak in his/her own defense, to present witnesses and to question any witnesses and to have an advocate present. The advocate may provide advice to the student, but may not participate in any questioning. When there is likelihood that a student involved in conduct proceedings will face criminal prosecution for a serious offense, it may be advisable that the student have an attorney as the advocate.
 - f. A written notice of findings and conclusions shall be provided to the student within a reasonable time after the hearing. The notice shall inform the student of any sanction to be imposed. The notice shall also contain information regarding the applicable appeal process.
 - g. The hearing may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the hearing *by providing for the presence of law enforcement and/or security*, separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the administrator to be appropriate.

C. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code:
 - a. Warning - A notice in writing to the student that the student is violating or has violated institutional regulations.
 - b. Probation - A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period. *The College may impose specific written conditions for the probation.*
 - c. Loss of Privileges - Denial of specified privileges for a designated period of time.
 - d. Restitution - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - e. Discretionary Sanctions - Work assignments, essays, service to the College, or other related discretionary assignments.
 - f. Suspension - Denial of the privilege of enrollment for a specified period of time after which the student is eligible to return. Conditions for re-enrollment may be specified.
 - g. Expulsion - Permanent denial of the privilege of enrollment at the College.

h. Revocation of Admission and/or Degree - Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

i. Withholding Degree - The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.

More than one of the sanctions listed above may be imposed for any single violation.

2. The following sanctions may be imposed upon groups or organizations:

a. Those sanctions listed above.

b. Loss of selected rights and privileges for a specified period of time.

c. Deactivation. Loss of all privileges, including College recognition, for a specified period of time.

D. Summary Suspension

In certain circumstances, the administrator may impose a summary suspension prior to the informal or formal proceedings described in the previous articles. A summary suspension may be imposed only when, in the judgment of the administrator, the accused student's presence on the College campus would constitute a threat to the safety and well-being of members of the campus community. To the greatest extent possible before implementing the summary suspension, the accused student shall be given oral or written notice of the intent to impose summary suspension and shall be given an opportunity to present oral or written arguments against the imposition of the suspension. However, the refusal of a student to accept or acknowledge this notice shall not prevent the implementation of a summary suspension. Notice of the summary suspension shall be provided in writing to the student. After the student has been summarily suspended, the student shall be provided an opportunity for a formal or informal hearing within the shortest reasonable time period, not to exceed nine (9) school or business days. During the summary suspension, the student may not enter the campus without obtaining prior permission from the administrator.

E. Appeals

1. A decision reached by the Student Conduct Panel or a sanction imposed by the administrator may be appealed by the accused student(s) or complainant(s) to the Vice President of Academic and Student Affairs within five (5) school *or business* days of the *notification of the* decision. Such appeals shall be in writing and shall be delivered to the administrator or his or her designee.

2. Except as required to explain the basis of new information, an appeal shall be limited to a review for one or more of the following purposes: a. To determine whether the Informal or Formal Hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Student Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results. b. To determine whether the decision reached regarding the accused student was based on substantial information; that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code occurred. c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed. d. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Informal or Formal Hearing.

3. If an appeal is upheld by the Vice President of Academic and Student Services, s/he may take any appropriate action. If an appeal is not upheld, the matter shall be considered final and binding upon all involved except that in cases involving sanctions of suspension for ten (10) days or longer, students shall be informed of their right to a contested case hearing under Minnesota Statutes, Chapter 14.

Appendix 5
Minnesota State Board Policy -1B.1 Equal Opportunity and
Nondiscrimination in Employment and Education

Part 1. Policy Statement.

Subpart A. Equal opportunity for students and employees. Minnesota State Colleges and Universities has an enduring commitment to enhancing Minnesota's quality of life by developing and fostering understanding and appreciation of a free and diverse society and providing equal opportunity for all its students and employees. To help effectuate these goals, Minnesota State Colleges and Universities is committed to a policy of equal opportunity and nondiscrimination in employment and education.

Subpart B. Nondiscrimination. No person shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in, programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, or gender expression. In addition, discrimination in employment based on familial status or membership or activity in a local commission as defined by law is prohibited.

Harassment on the basis of race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, or familial status is prohibited. Harassment may occur in a variety of relationships, including faculty and student, supervisor and employee, student and student, staff and student, employee and employee, and other relationships with persons having business at, or visiting the educational or working environment.

This policy is directed at verbal or physical conduct that constitutes discrimination /harassment under state and federal law and is not directed at the content of speech. In cases in which verbal statements and other forms of expression are involved, Minnesota State Colleges and Universities will give due consideration to an individual's constitutionally protected right to free speech and academic freedom. However, discrimination and harassment are not within the protections of academic freedom or free speech.

The system office, colleges, and universities shall maintain and encourage full freedom, within the law, of expression, inquiry, teaching and research. Academic freedom comes with a responsibility that all members of our education community benefit from it without intimidation, exploitation or coercion.

This policy shall apply to all individuals affiliated with Minnesota State Colleges and Universities, including but not limited to, its students, employees, applicants, volunteers, agents, and Board of Trustees, and is intended to protect the rights and privacy of both the complainant and respondent and other involved individuals, as well as to prevent retaliation or reprisal. Individuals who violate this policy shall be subject to disciplinary or other corrective action.

This policy supersedes all existing system, college, and university equal opportunity and nondiscrimination policies.

Part 2. Definitions.

Subpart A. Consensual Relationship. Consensual relationship means a sexual or romantic relationship between two persons who voluntarily enter into such a relationship. Employees who are members of the same household should also refer to the Board Policy 4.10, of Trustees Nepotism policy 4.10.

Subpart B. Discrimination. Discrimination means conduct that is directed at an individual because of his or her protected class and that subjects the individual to different treatment by agents or employees so as to interfere with or limit the ability of the individual to participate in, or benefit from, the services, activities, or privileges provided by the system or colleges and universities or otherwise adversely affects the individual's employment or education.

Subpart C. Discriminatory harassment. Discriminatory harassment means verbal or physical conduct that is directed at an individual because of his or her protected class, and that is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of creating a hostile work or educational environment.

As required by law, Minnesota State Colleges and Universities further defines sexual harassment as a form of sexual discrimination which is prohibited by state and federal law. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, evaluation of a student's academic performance, or term or condition of participation in student activities or in other events or activities sanctioned by the college or university; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions or other decisions about participation in student activities or other events or activities sanctioned by the college or university; or
3. Such conduct has the purpose or effect of threatening an individual's employment; interfering with an individual's work or academic performance; or creating an intimidating, hostile, or offensive work or educational environment.

Subpart D. Employee. Employee means any individual employed by Minnesota State Colleges and Universities, including all faculty, staff, administrators, teaching assistants, graduate assistants, residence directors and student employees.

Subpart E. Protected class. For purposes of this policy:

1. Protected class includes race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, or gender expression. In addition, familial status and membership or activity in a local human rights commission are protected classes in employment.
2. This policy prohibits use of protected class status as a factor in decisions affecting education and employment where prohibited by federal or state law.

Subpart F. Retaliation. Retaliation includes, but is not limited to, intentionally engaging in any form of intimidation, reprisal or harassment against an individual because he or she:

- a. made a complaint under this policy;
- b. assisted or participated in any manner in an investigation, or process under this policy, regardless of whether a claim of discrimination or harassment is substantiated;
- c. associated with a person or group of persons who are disabled or are of a different race, color, creed, religion, sexual orientation, gender identity, gender expression, or national origin; or
- d. Made a complaint or assisted or participated in any manner in an investigation or process with the Equal Employment Opportunity Commission, the U.S. Department of Education Office for Civil Rights, the Minnesota Department of Human Rights or other enforcement agencies, under any federal or stated nondiscrimination law, including the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; the Minnesota Human Rights Act, Minn. Stat. Ch. 363A, and their amendments.

Retaliation may occur whether or not there is a power or authority differential between the individuals involved.

Subpart G. Sexual harassment and violence as sexual abuse. Under certain circumstances, sexual harassment or violence may constitute sexual abuse according to Minnesota law. In such situations, the system office and colleges and universities shall comply with the reporting requirements in Minnesota Statutes Section 626.556 (reporting of maltreatment of minors) and Minnesota Statutes Section 626.557 (Vulnerable Adult Protection Act). Nothing in this policy will prohibit any college or university or the system office from taking immediate action to protect victims of alleged sexual abuse. Board Policy 1B.3 Sexual Violence addresses sexual violence.

Subpart H. Student. For purposes of this policy, the term “student” includes all persons who:

1. Are enrolled in one or more courses, either credit or non-credit, through a college or university;
2. Withdraw, transfer or graduate, after an alleged violation of the student conduct code;
3. Are not officially enrolled for a particular term but who have a continuing relationship with the college or university;
4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid; or
5. Are living in a college or university residence hall although not enrolled in, or employed by, the institution.

Part 3. Consensual Relationships. An employee of Minnesota State Colleges and Universities shall not enter into a consensual relationship with a student or an employee over whom he or she exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority or influence. In the event a relationship already exists, each college and university and system office shall develop a procedure to reassign evaluative authority as may be possible to avoid violations of this policy. This prohibition does not limit the right of an employee to make a recommendation on personnel matters concerning a family or household

member where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or compensation plan.

Part 4. Retaliation. Retaliation as defined in this policy is prohibited in the system office, colleges and universities. Any individual subject to this policy who intentionally engages in retaliation shall be subject to disciplinary or other corrective action as appropriate.

Part 5. Policies and procedures. The chancellor shall establish procedures to implement this policy. The equal opportunity and nondiscrimination in employment and education policy and procedures of colleges and universities shall comply with Board Policy 1B.1 and Procedure 1B.1.1.

Appendix 6
Minnesota State Board Procedure -1B.1.1
Report/Complaint of Discrimination/Harassment Investigation and Resolution

Part 1. Purpose and applicability.

Subpart A. Purpose. This procedure is designed to further implement Minnesota State Colleges and Universities policies relating to nondiscrimination by providing a process through which individuals alleging violation of Board Policy 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education may pursue a complaint. This includes allegations of retaliation, or discrimination or harassment based on sex, race, age, disability, color, creed, national origin, religion, sexual orientation, gender identity, gender expression, marital status, or status with regard to public assistance. In addition, discrimination in employment based on membership or activity in a local commission as defined by law is prohibited.

Subpart B. Applicability. This procedure shall apply to all individuals affiliated with Minnesota State Colleges and Universities, including its students, employees, and applicants for employment, and is intended to protect the rights and privacy of both the complainant and respondent and other involved individuals, as well as to prevent retaliation/reprisal. Individuals who violate this procedure shall be subject to disciplinary or other corrective action.

A single act of discrimination or harassment may be based on more than one protected class status. For example, discrimination based on anti-Semitism may relate to religion, national origin, or both; discrimination against a pregnant woman might be based on sex, marital status, or both; discrimination against a transgender or transsexual individual might be based on sex or sexual orientation.

Not every act that may be offensive to an individual or group constitutes discrimination or harassment. Harassment includes action beyond the mere expression of views, words, symbols or thoughts that another individual finds offensive. To constitute a violation of Board Policy 1B.1, conduct must be considered sufficiently serious to deny or limit a student's or employee's ability to participate in or benefit from the services, activities, or privileges provided by Minnesota State Colleges and Universities.

Subpart C. Scope. This procedure is not applicable to allegations of sexual violence; allegations of sexual violence are handled pursuant to Board Policy 1B.3 Sexual Violence and System Procedure 1B.3.1. In addition, harassment and discrimination complaints not arising from alleged violations of Board Policy 1B.1, are to be addressed under other appropriate policies and established practices.

Part 2. Definitions. The definitions in Board Policy 1B.1 also apply to this procedure.

Subpart A. Designated officer. Designated officer means an individual designated by the president or chancellor to be primarily responsible for conducting an initial inquiry, determining whether to proceed with an investigation under this procedure, and investigating or coordinating the investigation of reports and complaints of discrimination/harassment in accordance with this

procedure.

Prior to serving as the designated officer, the individual must complete investigator training provided by the system office.

Subpart B. Decisionmaker. Decisionmaker means a high level administrator designated by the president or chancellor to review investigative reports, to make findings whether Board Policy 1B.1 has been violated based upon the investigation, and to determine the appropriate action for the institution to take based upon the findings.

Prior to serving as a decisionmaker for complaints under this procedure, administrators must complete decisionmaker training provided by the system office.

Subpart C. Retaliation. Retaliation is as defined in Board Policy 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education policy

Part 3. Consensual relationships. Board Policy 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education prohibits consensual relationships between an employee and a student or another employee over whom he or she exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority or influence, whether or not both parties appear to have consented to the relationship, except as noted.

Examples of prohibited consensual relationships include, but are not limited to:

- An employee and a student if the employee is in a position to evaluate or otherwise significantly influence the student's education, employment, housing, participation in athletics, or any other college or university activity (employee includes, for example, graduate assistants, administrators, coaches, advisors, program directors, counselors and residence life staff);
- A faculty member and a student who is enrolled in the faculty member's course, who is an advisee of the faculty member, or whose academic work is supervised or evaluated by the faculty member; and
- A supervisor and an employee under the person's supervision.

A faculty member or other employee is prohibited from undertaking a romantic or sexual relationship or permitting one to develop with a student or supervisee who is enrolled in the person's class or is subject to that person's supervision or evaluation.

If a consensual, romantic or sexual relationship exists between an employee and another individual and subsequent events create a supervisor/supervisee, faculty/student or similar relationship between them, the person with evaluative or supervisory authority is required to report the relationship to his or her supervisor so that evaluative functions can be reassigned if possible.

This procedure does not cover consensual relationships between individuals that do not require one to exercise direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority or influence over the other.

This prohibition does not limit the right of an employee to make a recommendation on personnel matters concerning a person with whom they have a consensual relationship where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or compensation plan.

Part 4. Reporting incidents of discrimination/harassment

Subpart A. Reporting an incident. Any individual who believes she or he has been or is being subjected to conduct prohibited by Board Policy 1B.1 is encouraged to report the incident to the designated officer. The report/complaint should be brought as soon as possible after an incident occurs.

Any student, faculty member or employee who knows of, receives information about or receives a complaint of discrimination/harassment is strongly encouraged to report the information or complaint to the designated officer of the system office, college, or university.

Subpart B. Duty to report. Administrators and supervisors shall refer allegations of conduct that they reasonably believe may constitute discrimination or harassment under Board Policy 1B.1 to the designated officer, or in consultation with the designated officer may inquire into and resolve such matters.

Subpart C. Reports against a president. A report/complaint against a president of a college or university shall be filed with the system office. However, complaints against a president shall be processed by the college or university if the president's role in the alleged incident was limited to a decision on a recommendation made by another administrator, such as tenure, promotion or non-renewal, and the president had no other substantial involvement in the matter.

Subpart D. Reports against system office employees or Board of Trustees. For reports/complaints that involve allegations against system office employees, the responsibilities identified in this procedure as those of the president are the responsibilities of the chancellor. Reports/complaints that involve allegations against the chancellor or a member of the Board of Trustees shall be referred to the chair or vice chair of the Board for processing. Such reports/complaints may be assigned to appropriate system personnel or outside investigatory assistance may be designated.

Subpart E. False statements prohibited. Any individual who is determined to have provided false information in filing a discrimination report/complaint or during the investigation of such a report/complaint may be subject to disciplinary or corrective action.

Subpart F. Withdrawn complaints. If a complainant no longer desires to pursue a complaint, the system office, colleges, and universities reserve the right to investigate and take appropriate action.

Part 5. Right to representation. In accordance with federal law and applicable collective bargaining agreement and personnel plan language, represented employees may have the right to request and receive union representation during an investigatory meeting.

Nothing in this procedure is intended to expand, diminish or alter in any manner whatsoever any right or remedy available under a collective bargaining agreement, personnel plan or law. Any

disciplinary action imposed as a result of an investigation conducted under this procedure will be processed in accordance with the applicable collective bargaining agreement or personnel plan.

Part 6. Investigation and Resolution. The system office, college or university has an affirmative duty to take timely and appropriate action to stop behavior prohibited by Board Policy 1B.1, conduct investigations and take appropriate action to prevent recurring misconduct.

Subpart A. Personal resolution. This procedure neither prevents nor requires the use of informal resolution by an individual who believes he or she has been subject to conduct in violation of Board Policy 1B.1. In such a situation, the individual should clearly explain to the alleged offender as soon as possible after the incident that the behavior is objectionable and must stop. If the behavior does not stop or if the individual believes retaliation may result from the discussion, the individual should report to the designated officer. Under no circumstance shall an individual be required to use personal resolution to address prohibited behaviors.

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 designated officer must be contacted in order to initiate a report/complaint under this procedure. The scope of the process used in each complaint/report shall be determined by the designated officer based on the complexity of the allegations, the number and relationship of individuals involved, and other pertinent factors.

1. **Jurisdiction.** The designated officer shall determine whether the report/complaint is one which should be processed through another system office, college or university procedure available to the complainant; if appropriate, the designated officer shall direct the complainant to that procedure as soon as possible.
2. **Conflicts.** The designated officer should identify to the president or chancellor/designee any real or perceived conflict of interest in proceeding as the designated officer for a specific complaint. If the president or chancellor/designee determines that a conflict exists, another designated officer shall be assigned.
3. **Information provided to complainant.** At the time the report/complaint is made, the designated officer shall:
 - a.) inform the complainant of the provisions of the Board Policy 1B.1 and this procedure;
 - b.) provide a copy of or Web address for Board Policy 1B.1 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; and
 - d.) inform the complainant of the provisions of Board Policy 1B.1 prohibiting retaliation.
4. **Complaint documentation.** The designated officer shall insure that the complaint is documented in writing. The designated officer 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 designated officer shall inform the respondent in writing of the existence and general nature of the complaint and the provisions of the nondiscrimination policy. At

the initial meeting with the respondent, the designated officer shall:

- a.) provide a copy of or Web address for Board Policy 1B.1 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 designated officer, 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; and
 - e.) inform the respondent of the provisions of Board Policy 1B.1 prohibiting retaliation.
6. Investigatory process. The designated officer 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; and
 - e.) handle all data in accordance with applicable federal and state privacy laws.
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, in consultation with system legal counsel, 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 designated officer may determine that there is no basis to proceed under Board Policy 1B.1. The designated officer shall refer the complaint as appropriate. The designated officer shall notify the complainant and respondent of the outcome as appropriate, in accordance with applicable data privacy laws.
9. Timely Completion. Colleges, universities and the system office must provide resources sufficient to complete the investigative process and issue a written response within 60 days after a complaint is made, unless reasonable cause for delay exists. The designated officer shall notify the complainant and respondent if the written response is not expected to be

issued within the 60 day period. The college, university or system office must meet any applicable shorter time periods, including those provided in the applicable collective bargaining agreement.

Subpart D. Resolution. After processing the complaint the designated officer may consider one or more of the following methods to resolve the complaint as appropriate:

1. conduct or coordinate education/training;
2. facilitate voluntary meetings between the parties;
3. recommend separation of the parties, after consultation with appropriate system office, college or university personnel;
4. other possible outcomes may include recommending changes in workplace assignments, enrollment in a different course or program, or other appropriate action;
5. the system office, college or university may use alternative dispute resolution or mediation services as a method of resolving discrimination or harassment complaints. Alternative dispute resolution and mediation options require the voluntary participation of all parties to the complaint;
6. upon completion of the inquiry, the designated officer may dismiss or refer the complaint to others as appropriate.

Subpart E. Decision process. If the above methods have not resolved the complaint within a reasonable period of time to the satisfaction of the designated officer, or the designated officer feels additional steps should be taken, the procedures in this subpart shall be followed.

1. **Designated officer.** The designated officer shall:
 - a.) prepare an investigation report and forward it to the decisionmaker for review and decision;
 - b.) take additional investigative measures as requested by the decisionmaker; and
 - c) be responsible for coordinating responses to requests for information contained in an investigation report in accordance with the Minnesota Government Data Practices Act and other applicable law including, but not limited to, the Family Educational Rights and Privacy Act (FERPA). In determining the appropriate response, the designated officer shall consult with the campus data practice compliance official and/or the Office of General Counsel.
2. **Decision maker.** After receiving the investigation report prepared by the designated officer, the decisionmaker shall:
 - a.) determine whether additional steps should be taken prior to making the decision. Additional steps may include:
 1. a request that the designated officer conduct further investigative measures;
 2. a meeting with the complainant, respondent or other involved individuals. If a meeting involving a represented employee is convened, the complainant or respondent may choose to be accompanied by the bargaining unit representative, in accordance with the applicable collective bargaining agreement and federal and state law; and
 3. a request for additional information which may include a written response from the complainant or respondent relating to the allegations of the complaint.

- b.) take other measures deemed necessary to determine whether a violation of Board Policy 1B.1 has been established;
- c.) when making the decision, take into account the totality of the circumstances, including the nature and extent of the behaviors, the relationship(s) between the parties, the context in which the alleged incident(s) occurred, and other relevant factors;
- d.) determine the nature, scope and timing of disciplinary or corrective action and the process for implementation if a violation of the nondiscrimination policy occurs. This may include consultation with human resources or supervisory personnel to determine appropriate discipline;
- e.) As appropriate, consistent with applicable state and federal data privacy laws, report in writing to the complainant, respondent and the designated officer her or his findings, and the basis for those findings, as to whether Board policy 1B.1 has been violated.
- f.) Conduct that is determined not to have violated Board policy 1B.1 shall be referred to another procedure for further action, if appropriate.

Part 7. System office, college, or university action. The system office, college, or university shall take the appropriate corrective action based on results of the investigation, and the designated officer 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 1B1.1, as well as allegations of retaliation.

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 system office, college or university. In accordance with state law, the system office, college or university is responsible for filing the complaint disposition concerning complaints against employees with the Commissioner of Employee Relations 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 decisionmaker. An appeal must be filed in writing with the president or designee within ten (10) business days after notification of the decision. The appeal must state specific reasons why the complainant or respondent believes the decision was 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 decisionmaker.

Subpart B. Effect of review. For employees represented by a collective bargaining agreement, an appeal under this procedure is separate and distinct from, and is not in any way related to, any contractual protections or procedures. During the pendency of the appeal disciplinary or corrective action taken as a result of the decision shall be enforced. In addition, in cases involving sanctions of suspension for ten (10) days or longer, students shall be informed of their right to a contested case hearing under Minnesota Statutes §14.

Subpart C. Appeal process. The president or designee shall review the record and determine whether to affirm or modify the decision. 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 shall be made within a reasonable time and the complainant, respondent and designated officer shall 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 system office, colleges and universities 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.1 and this procedure. All colleges and universities and the system office shall promote awareness of Board Policy 1B.1 and this procedure, and shall publicly identify the designated officer.

Part 10. Distribution of board policy 1B.1 and this procedure. Information regarding Board Policy 1B.1 and this procedure shall, at a minimum, be distributed to students at the time of registration and to employees at the beginning of employment. Distribution may be accomplished by posting on an internet Web site, provided all students and employees are directly notified of how to access the policy and procedure by an exact address, and that they may request a paper copy. Copies of the policy and procedure shall be conspicuously posted at appropriate locations at the system office and on college and university campuses at all times and shall include the designated officers' names, locations and telephone numbers.

Designated officers also must be identified by name, location and phone number in informational publications such as student catalogs, student and employee handbooks, bulletin boards, campus Web sites and other appropriate public announcements.

Part 11. Maintenance of report/complaint procedure documentation. During and upon the completion of the complaint process, the complaint file shall be maintained in a secure location in the office of the designated officer for the system office, college or university in accordance with the applicable records retention schedule. Access to the data shall 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 or other applicable law.

Appendix 7 Minnesota State Board Procedure -1B.3 – Sexual Violence Policy

Part 1. Policy statement

Sexual violence is an intolerable intrusion into the most personal and private rights of an individual, and is prohibited at Minnesota State Colleges and Universities. Minnesota State is committed to eliminating sexual violence in all forms and will take appropriate remedial action against any individual found responsible for acts in violation of this policy. Acts of sexual violence may also constitute violations of criminal or civil law or of other Board Policies that may require separate proceedings. To further its commitment against sexual violence, Minnesota State provides reporting options, an investigative and disciplinary process, prevention training, and other related services as appropriate.

Subpart A. Application of policy to students, employees, Board of Trustees and others
This policy applies to all Minnesota State students and employees, Board of Trustees and to others, as appropriate, where incidents of sexual violence on system property have been reported. Reports of sexual violence committed by a student at a location other than on system property are covered by this policy pursuant to the factors listed in Board Policy 3.6, Part 2. Reports of sexual violence committed by a system employee at a location other than system property are covered by this policy.

Reports of sexual violence committed on system property by individuals who are not students or employees are subject to appropriate actions by Minnesota State, including but not limited to pursuing criminal or civil action against them.

Allegations of discrimination or harassment are governed by Board Policy 1B.1.

Subpart B. College and university policies

Each Minnesota State college and university shall adopt a clear, understandable written policy on sexual violence that applies to its campus community, including but not limited to its students and employees. The policy content and implementation must be consistent with the standards in this policy and System Procedure 1B.3.1.

Part 2. Definitions

The following definitions apply to this policy and System Procedure 1B.3.1.

Affirmative 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.

Employee

Any individual employed by Minnesota State, its colleges and universities and system office, including student workers.

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.

Subpart B. 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.

Student

All persons who:

1. Are enrolled in one or more courses, either credit or non-credit, through a college or university; or
2. Withdraw, transfer, or graduate after an alleged violation of the code of student conduct; or
3. Are not officially enrolled for a particular term but who have a continuing relationship with the college or university; or
4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid; or
5. Are not college or university employees and are not enrolled in the institution but live in a college or university residence hall.

System property

The facilities and land owned, leased, or under the primary control of Minnesota State, its Board of Trustees, system office, colleges, and universities.

Appendix 8
Minnesota State Board Procedure -1B.3.1 -
Response to Sexual Violence Procedures

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 Policy 1B.3 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.

Part 3. Reporting Incidents of Sexual Violence

Subpart A. Prompt reporting encouraged

Complainants of sexual violence 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, 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, 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 campus officials responsible for enforcing the student conduct code or employee conduct standards.

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.

Part 4. Confidentiality of reporting

Subpart A. Confidential reports

Because of laws concerning government data contained in Minn. Stat. § 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.

Subpart B. Reports to campus security authorities

Complainants of sexual violence may contact any campus security authority for appropriate assistance or to report incidents. Absolute confidentiality of reports made to campus security authorities cannot be promised. However, campus security authorities shall not disclose personally identifiable information about a complainant of sexual violence without the complainant's consent, except as may be required or permitted by law. There may be instances in which a college, university, or the system office determines it needs to act regardless of whether the parties have reached a personal resolution or if the complainant requests that no action be taken. In such instances, Minnesota State Colleges and Universities will investigate and take appropriate action, taking care to protect the identity of the complainant and any other reporter in accordance with this procedure.

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 shall follow college or university procedures for making a report for the annual crime statistics report. In addition, the campus security authority shall report to other school officials, as appropriate, such as the campus affirmative action office, the campus office responsible for administering the student conduct code, and/or the designated Title IX compliance 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.

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 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 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 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 policy, which must include the notice provisions in this part.

1. 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.

2. Notice of complainant rights

Complainants must be notified of the following:

- a. Their right to file criminal charges 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 investigated and resolved;
- f. Upon a sexual assault complainant's request, the college, university, or system office may take action 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 the request of the complainant, 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. Immediate action

A college or university may, at any time during the report/complaint process, reassign or place on administrative leave an employee alleged to have violated Board Policy 1B.3, in accordance with the procedures in System Procedure 1B.1.1. Such action must be consistent with the applicable collective bargaining agreement or personnel plan.

A college or university may summarily suspend or take other temporary measures against a student alleged to have committed a violation of Board Policy 1B.3, in accordance with System Procedure 1B.1.1 or Board Policy 3.6.

Subpart B. General principles

Colleges, universities, and the system office shall use System Procedure 1B.1.1 Report/Complaint of Discrimination/Harassment Investigations and Resolution when investigating complaints of sexual violence. Procedures used in response to a complaint of sexual violence should avoid requiring complainants to follow any plan of action, to prevent the possibility of re-victimization. College and university investigation and disciplinary procedures concerning allegations of sexual violence against employees or students must:

1. Be respectful of the needs and rights of individuals involved and treat them with dignity;
2. Not suggest to the complainant that he or she 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 C. Relationship to parallel proceedings

In general, college, university, and system office investigation and disciplinary procedures for allegations of sexual violence 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 D. 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 E. False statements prohibited

Colleges, universities, and the system office take allegations of sexual violence very seriously and recognizes 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 F. Withdrawn complaint

If a complainant no longer desires to pursue a complaint through the college's or university's proceeding, the college or university reserves the right to investigate and resolve the complaint as it deems appropriate.

Subpart G. Discretion to pursue certain allegations

Minnesota State Colleges and Universities reserves discretion whether to pursue alleged violations of policy under appropriate circumstances, including, but not limited to, a determination that an effective investigation is not feasible because of the passage of time, or because the respondent is no longer a student or employee of the college, or university, or system office.

Subpart H. Sanctions

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

Witnesses or victims who report in good faith an incident of sexual violence will not be sanctioned by the college, university, or system office for admitting in the report to a violation of the student conduct policy on the use of alcohol or drugs.

Subpart I. 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. 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;
3. 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/decisionmakers, 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 8. Maintenance of report/complaint procedure documentation

Data that is collected, created, received, maintained, or disseminated about incidents of sexual violence will be handled in accordance with the privacy requirements of Minn. Stat. § 13 Government Data Practices and other applicable laws.

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.

During and upon the completion of the complaint process, the complaint file must be maintained in a secure location. Access to complaint file information, including information stored electronically, must be in accordance with the applicable collective bargaining agreement or personnel plan, the Minnesota Government Data Practices Act, the Family Educational Rights and Privacy Act, and other applicable law and policy.

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.