



# RIDGEWATER COLLEGE

Hutchinson and Willmar Campuses

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## 2026 Annual Campus Crime and Security Report

Policy Statements for the 2026-2027 Academic Year

Statcal Reporting for 2023, 2024, & 2025 Calendar Years

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Ridgewater College is a member of Minnesota State. We are an affirmative action, equal opportunity employer and educator. This document can be available in alternative formats to individuals with disabilities by request.

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## Table of Contents

|                                                                                                                                  |    |
|----------------------------------------------------------------------------------------------------------------------------------|----|
| Welcome .....                                                                                                                    | 4  |
| Introduction/Policy for Preparing the Annual Disclosure of Crime Statistics/CSAs .....                                           | 5  |
| Geography .....                                                                                                                  | 8  |
| Primary Crime Definitions under the Clery Act.....                                                                               | 12 |
| Crime Statistics for Ridgewater College.....                                                                                     | 15 |
| Off Campus Locations Monitoring and Records .....                                                                                | 17 |
| Safety and Security Programs and Services .....                                                                                  | 17 |
| Emergency Response and Timely Warning .....                                                                                      | 18 |
| Campus Security and Access .....                                                                                                 | 25 |
| Relationship with Law Enforcement Agencies.....                                                                                  | 26 |
| Star Alert System .....                                                                                                          | 26 |
| Crime Reporting.....                                                                                                             | 27 |
| Sexual Assault Policy and Procedures.....                                                                                        | 28 |
| Drug and Alcohol Free Campus Policy – Statement of Compliance .....                                                              | 39 |
| Firearms Policy.....                                                                                                             | 42 |
| Appendix 1 – Crime Prevention Tips.....                                                                                          | 47 |
| Appendix 2 – Preventing Sexual Violence .....                                                                                    | 49 |
| Appendix 3 – Warning Signs of an Abusive Relationship .....                                                                      | 51 |
| Appendix 4 – Ridgewater College Student Code of Conduct .....                                                                    | 52 |
| Appendix 5 – Minnesota State Policy -1B.1 - Equal Opportunity and Nondiscrimination in Employment and Education.....             | 59 |
| Appendix 6 – Minnesota State Procedure -1B.1.1 - Report/Complaint of Discrimination/Harassment Investigation and Resolution..... | 63 |
| Appendix 7 – Minnesota State Policy – 1B.3 - Sexual Violence Policy.....                                                         | 71 |
| Appendix 8 – Minnesota State Procedure – 1B.3.1 – Response to Sex Violence and Title IX Sex Harassment .....                     | 75 |

## **Welcome:**

Ridgewater College is committed to providing a quality education and experience. The faculty, administration and staff are partners with students in this effort. 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://ridgewater.edu/wp-content/uploads/2026/08/2026-2027\\_Student\\_Handbook.pdf](https://ridgewater.edu/wp-content/uploads/2026/08/2026-2027_Student_Handbook.pdf)) for additional information about the College. If you have any questions about this document or other issues related to the College, please feel free to contact me at: [christopher.henderson@ridgewater.edu](mailto:christopher.henderson@ridgewater.edu) or 320-234-8607. We are sincerely glad to have you as a part of the Ridgewater College community!

Chris Henderson, Safety Director & Title IX Coordinator

## **Ridgewater College Mission:**

Ridgewater College empowers diverse learners to reach their full potential and enrich their lives through personalized and relevant education in an accessible, supportive and inclusive environment.

## **Ridgewater College Vision:**

Ridgewater College is a student-centered educational leader focused on innovation, excellence and affordability.

## **Guiding Principles:**

- **Enterprising** – We are future-focused, and change-oriented, developing creative solutions to challenges that maximize our institutional, system and local resources.
- **Empowerment** – We develop and empower employees to make decisions to best serve students and stakeholders.
- **Excellence** – We strive to exceed expectations in all that we do.
- **Diversity, Equity, and Inclusion** – We seek to understand and appreciate the needs and experiences of every individual and actively work to provide genuine opportunities for everyone to succeed and participate in college activities and processes.
- **Trust and Respect** – We are committed to developing a culture based in processes and behavior that create trust and respect among all stakeholders.
- **Collaboration** – We connect and work together to achieve common goals while respecting needs and interests of stakeholders.
- **Curiosity and Creativity** – We constantly strive to understand, learn, change, and improve.
- **Accountability** – As individuals and groups, we willingly accept and take ownership of our successes and failures.

## Equity Commitment

Ridgewater College is committed to providing a welcoming and inclusive campuses that value and respect the unique experiences, needs and contributions of individuals and groups from every background and identity to ensure that each student, employee and community member has a genuine opportunity for participation and success.

## Anti-Racism Commitment

Ridgewater College fully commits to opposing racism, bigotry and all forms of exclusion and unjust bias based on personal identity. We view such actions as critical threats to the health and well-being of our College and the communities we serve. Read our complete anti-racism statement here:

<https://ridgewater.edu/wp-content/uploads/2021/05/Ridgewater-Anti-Racism-Statement-v21.05.03.pdf>.

## 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 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 safer 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. 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, 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 1 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: <https://ope.ed.gov/campusafety/#/>.

Ridgewater College does not have a dedicated security department but works closely with the local Police Department for immediate response and investigation to all crimes, emergencies, or requests for service generated by the campus. Ridgewater College recognizes Chris Henderson, Safety Director and Title IX Coordinator, as the primary Clery Compliance Officer for compiling this report and annual crime statistics.

Statistics for this report are collected using incident reports in cooperation with local law enforcement agencies responsible for providing service to our campus locations, including but not limited to the Kandiyohi County Sheriff's Department, McLeod County Sheriff's Department, Hutchinson Police Department and Willmar Police Department, as well as from officials of the College who have significant responsibility for student and campus activities. These college officials, known as Campus Security Authorities (CSAs) are listed below. All CSAs receive mandatory annual training and any of them are available to take reports.

Campus Security Authorities are directed to report all crimes that have been reported to them immediately. Additionally, a written request for statistical information will be made near the conclusion of each academic year to all CSAs. CSAs will also be informed in writing and/or through training to report crimes in a timely manner so those crimes can be evaluated for timely warning purposes.

#### Our Campus CSAs:

#### Varsity coaching staff:

|                                          |                                                                                      |              |
|------------------------------------------|--------------------------------------------------------------------------------------|--------------|
| Logan Peterson, Men's Wrestling co-coach | <a href="mailto:logan.peterson@ridgewater.edu">logan.peterson@ridgewater.edu</a>     | 320.222.5569 |
| Tyler Hebrink, Men's Baseball coach      | <a href="mailto:tyler.hebrink@ridgewater.edu">tyler.hebrink@ridgewater.edu</a>       | 320.222.5568 |
| Morgan Flann, Women's Softball coach     | <a href="mailto:morgan.flann@ridgewater.edu">morgan.flann@ridgewater.edu</a>         | 320.222.7575 |
| Ryan Schultz, Women's Basketball coach   | <a href="mailto:ryan.schultz@ridgewater.edu">ryan.schultz@ridgewater.edu</a>         | 320.222.5570 |
| Baylie Pelischek, Women's VB coach       | <a href="mailto:baylie.pelischek@ridgewater.edu">baylie.pelischek@ridgewater.edu</a> | 320.222.5571 |
| Nate Thoof, Men's Basketball coach       | <a href="mailto:nate.thoof@ridgewater.edu">nate.thoof@ridgewater.edu</a>             | 320.222.5567 |

#### Campus Club Advisors:

#### Hutch Campus Clubs/Orgs -

AI Advisor: Wade McDonald, [wade.mcdonald@ridgewater.edu](mailto:wade.mcdonald@ridgewater.edu), 320.222.8049

Bible Study Club Advisor: Abygail Kienhoz, [abygail.klenhoz@ridgewater.edu](mailto:abygail.klenhoz@ridgewater.edu), 320-222-5745

Electrician Club Advisor: Brent Hillmann, [brent.hillman@ridgewater.edu](mailto:brent.hillman@ridgewater.edu), 320.234.8564

Machine Tool Tech Club: Greg Ryder, [greg.ryder@ridgewater.edu](mailto:greg.ryder@ridgewater.edu), 320.234.8568

NDT Advisor: Sheldon Mackinnon, [sheldon.mackinnon@ridgewater.edu](mailto:sheldon.mackinnon@ridgewater.edu), 320.234.8581

Student Senate Advisor: Heather Marcus, [heather.marcus@ridgewater.edu](mailto:heather.marcus@ridgewater.edu), 320.234.8562

Welding Club Advisor: Jason Eastling, [jason.eastling@ridgewater.edu](mailto:jason.eastling@ridgewater.edu), 320.234.8601

Willmar Campus Clubs/Orgs -

Auto Body Club Advisor: Kelly Rue, [kelly.rue@ridgewater.edu](mailto:kelly.rue@ridgewater.edu), 320.222.5575

Auto Tech Car Club Advisor: Bryan Erickson, [bryan.erickson@ridgewater.edu](mailto:bryan.erickson@ridgewater.edu), 320.222.5581

Christians In Action Club Advisor: Trevor Johnson, [trevor.johnson@ridgewater.edu](mailto:trevor.johnson@ridgewater.edu), 320.222.5587

Cosmetology Club Advisor: Abby Rodelius, [abby.rodelius@ridgewater.edu](mailto:abby.rodelius@ridgewater.edu), 320.222.5975

Fine Arts Club Advisor: Matt Hegdahl, [matt.hegdahl@ridgewater.edu](mailto:matt.hegdahl@ridgewater.edu), 320-222-5989

Gaming Club Advisor: Ben Larson, [ben.larson@ridgewater.edu](mailto:ben.larson@ridgewater.edu), 320.222.8041

Literature Discussion Club Advisor: Lizeth Rios, [lizeth.rios@ridgewater.edu](mailto:lizeth.rios@ridgewater.edu), 320.222.7538

Multicultural Club Advisor: Ronald Ferguson, [ronald.ferguson@ridgewater.edu](mailto:ronald.ferguson@ridgewater.edu), 320.222.8062

Nursing Club Advisor: Kala Rudningen, [kala.rudningen@ridgewater.edu](mailto:kala.rudningen@ridgewater.edu), 320.222.7560

Prof. Agricultural Student Club Advisor: Kari Slinden, [kari.slinden@ridgewater.edu](mailto:kari.slinden@ridgewater.edu), 320.222.5268

Rodeo Club Advisor: Russ Peterson, [russ.peterson@ridgewater.edu](mailto:russ.peterson@ridgewater.edu), 320.222.5277

Turning Point USA Advisor: Jenna Hanson, [jenna.hanson@ridgewater.edu](mailto:jenna.hanson@ridgewater.edu), 320-222-6947

Student Senate Advisor: Angela Haas, [angela.haas@ridgewater.edu](mailto:angela.haas@ridgewater.edu), 320.222.5643

Vet Tech Association Advisor: Beth Husman, [beth.husman@ridgewater.edu](mailto:beth.husman@ridgewater.edu), 320.222.8264

Welding Club Advisor: Cody Sarsland, [cody.sarsland@ridgewater.edu](mailto:cody.sarsland@ridgewater.edu), 320.222.8270

Clubs/Orgs That Span Both Campuses -

Computer System Technology Advisor: Jeff Polman, [jeff.polman@ridgewater.edu](mailto:jeff.polman@ridgewater.edu), 320.234.8548

Esthiology Club Advisor: Abby Rodelius, [abby.rodelius@ridgewater.edu](mailto:abby.rodelius@ridgewater.edu), 320-222-5975

Phi Theta Kappa (PTK) Advisors: Bradley Wolfe, [bradley.wolfe@ridgewater.edu](mailto:bradley.wolfe@ridgewater.edu), 320.234.8570,  
Lori Anderson, [lori.anderson@ridgewater.edu](mailto:lori.anderson@ridgewater.edu), 320.222.5585

It is the policy of Ridgewater College to report all criminal activity to the local Police Department by reporting incidents directly to their office. It is also Ridgewater College's position that all campus community members are responsible for reporting any criminal activity they become aware of to the local police department.

Ridgewater College urges all campus entities that are excluded from mandatory reporting, such as professional mental health counselors and pastoral counselors, to advise clients who are victims of crime to report those incidents to local law enforcement authorities.

Ridgewater College publishes the Annual Security Report each year by the required deadline (typically Oct. 1<sup>st</sup>). The report is distributed to all potential students on the college application form and prospective employees on the job announcement via direct link to the report. All current students, faculty and staff are sent an email that briefly describes the report and also contains the exact Internet address where it can be found.

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.

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.

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:

Chris Henderson, Safety Director at 320-234-860709, Office 329 (Hutchinson); S145 (Willmar). If he is unavailable, please contact any administrator on duty.

### **Geography**

Pursuant to the Act, the Clery Compliance Officer monitors criminal activity and publishes this report containing a three-year statistical history of select crimes or incidents that occur. The statistics are gathered from four specific geographic areas; 1) campus, 2) residence halls (subset of campus if applicable), 3) non-campus property or institution sanctioned buildings or property and 4) public property that is adjacent to campus and are submitted on an annual basis to the U.S. Department of Education.

The following definitions are taken from the Higher Education Act of 1965, 485(f) (20 U.S.C. 1092(f)), the "Jeanne Clery Campus Safety Act" and are used to classify the locations listed in the Ridgewater College Crime Statistics.

**Campus:** The term “campus” means 1) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and 2) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

**Residential Facilities:** Ridgewater College **does not** have residential facilities.

Campus property includes:

**Willmar Campus** (within the blue lines – total of 206.72 acres) located at 2101 15<sup>th</sup> Avenue NW, Willmar, MN 56201:



**Hutchinson Campus** (within the yellow lines) located at 2 Century Avenue, Hutchinson, MN 55350:



**Hutchinson East Campus/Business Development Center** (within the blue lines – total of 6.60 acres) located at 980 2<sup>nd</sup> Avenue SE, Hutchinson, MN 55350:



**Non-Campus Building or Property:** The term “non-campus building or property” means 1) any building or property owned or controlled by an institution; and 2) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

Non-campus property includes:

Ridgewater College **does not** have any non-campus buildings or property.

**Public Property:** The term “public property” means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution

if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes. Ridgewater College public property includes adjacent streets, parking lots, sidewalks, stairwells.

**Primary Crime Definitions under the Clery Act:**

**Murder and Non-Negligent Manslaughter** - The willful killing of one human being by another.

**Manslaughter by Negligence** - The killing of another person through gross negligence.

**Sexual Assault** - Sexual assault means an offense that meets the definition of rape, fondling, incest, or statutory rape.

**Rape** - 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 consent of the victim. This definition includes any gender of victim or perpetrator.

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

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

**Statutory Rape** - 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 rape, not statutory rape.

**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.

**Aggravated Assault** - An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.

**Burglary** - The unlawful entry of a structure to commit a felony or theft.

**Motor Vehicle Theft** - The theft or attempted theft of a motor vehicle.

**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, or personal property of another.

**Hate Crimes** - A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

**Bias Crimes**

A preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, ethnicity, national origin, gender, or gender identity.

Data is collected according to category of prejudice for all Clery Act primary crimes as well as:

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

### **Arrests and Referrals**

Violations of the law resulting in arrest or persons being referred for disciplinary action who violate weapons, drug and/or liquor laws.

- **Weapons law violations**
  - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
- **Drug law violations**
  - The violation of laws or ordinances prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.
- **Liquor law violations**
  - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.

### **VAWA Offenses**

Any instances of sexual assault, domestic violence, dating violence and/or stalking. For specific definitions of these crimes see the VAWA Sexual Violence Section of this report

### **Unfounded Crimes**

If a crime is reported as occurring On Campus, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded." Only sworn or commissioned law enforcement personnel may unfound a crime after a thorough investigative process.

### **Hazing**

Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that—

- Is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- Causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including—
  - o Whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
  - o Causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
  - o Causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
  - o Causing, coercing, or otherwise inducing another person to perform sexual acts;
  - o Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
  - o Any activity against another person that includes a criminal violation of local, State, Tribal or Federal law;and
  - o Any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.
- The term 'student organization' for purposes of reporting, means an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

The collection of hazing statistics was implemented by the Stop Campus Hazing Act, signed into law on December 23, 2024, and effective as of January 1, 2025. Statistics collection did not start until January 1, 2025, so statistics prior to this date will not be reflected in the crime statistics section of this report.

**Note:** 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. 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):**

|                                                       | <b>01/01/2025 –<br/>12/31/2025</b> |          |                                       | <b>01/01/2024 –<br/>12/31/2024</b> |          |                                       | <b>01/01/2023 –<br/>12/31/2023</b> |          |                                       |
|-------------------------------------------------------|------------------------------------|----------|---------------------------------------|------------------------------------|----------|---------------------------------------|------------------------------------|----------|---------------------------------------|
| <b><u>Offenses*:</u></b>                              | <b>W</b>                           | <b>H</b> | <b>Bias<br/>Motivated<br/>Crimes*</b> | <b>W</b>                           | <b>H</b> | <b>Bias<br/>Motivated<br/>Crimes*</b> | <b>W</b>                           | <b>H</b> | <b>Bias<br/>Motivated<br/>Crimes*</b> |
| 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/<br/>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<br>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                                     |
| Hazing                                                | 0                                  | 0        | 0                                     | NA                                 | NA       | NA                                    | NA                                 | NA       | NA                                    |
| <b>Totals</b>                                         | <b>0</b>                           | <b>0</b> | <b>0</b>                              | <b>0</b>                           | <b>0</b> | <b>0</b>                              | <b>0</b>                           | <b>0</b> | <b>0</b>                              |
| <b><u>Arrests for:</u></b>                            |                                    |          |                                       |                                    |          |                                       |                                    |          |                                       |
| 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                                   |
| <b>Totals</b>                                         | <b>0</b>                           | <b>0</b> | <b>N/A</b>                            | <b>0</b>                           | <b>0</b> | <b>N/A</b>                            | <b>0</b>                           | <b>0</b> | <b>N/A</b>                            |

*\* 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:**

### *Safety, Our Number One Priority*

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 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 video surveillance cameras throughout the campuses and outside in some of the parking lots.
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.
6. Monthly subscription and information sent out to students called Student Health 101. Information on important health and safety topics are also posted in all restrooms on campus.
7. 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.
8. Orientation/Workshops/Information-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).

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, we are 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.

The Minnesota Level 3 Sex Offender Registry is available via Internet. Information regarding Level 3 sex offenders can be found at <https://coms.doc.state.mn.us/PublicRegistrantSearch/> and information regarding Level 2 offenders is available at the (Local Law Enforcement) Police Department.

### **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 define 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 on campus. 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.

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 Director.

#### 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:

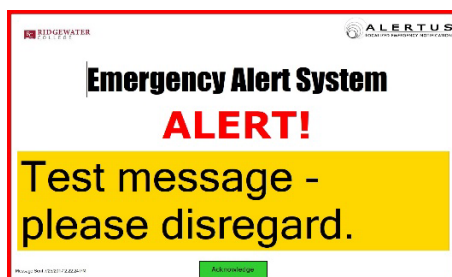
1. **Active broadcast:** This method is emergency notification through the use of any available public address system, telephone broadcast system, loudspeaker/bullhorn, etc., specific to each campus technical capabilities.
2. **Passive Broadcast:** This method is emergency notification through the use 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.

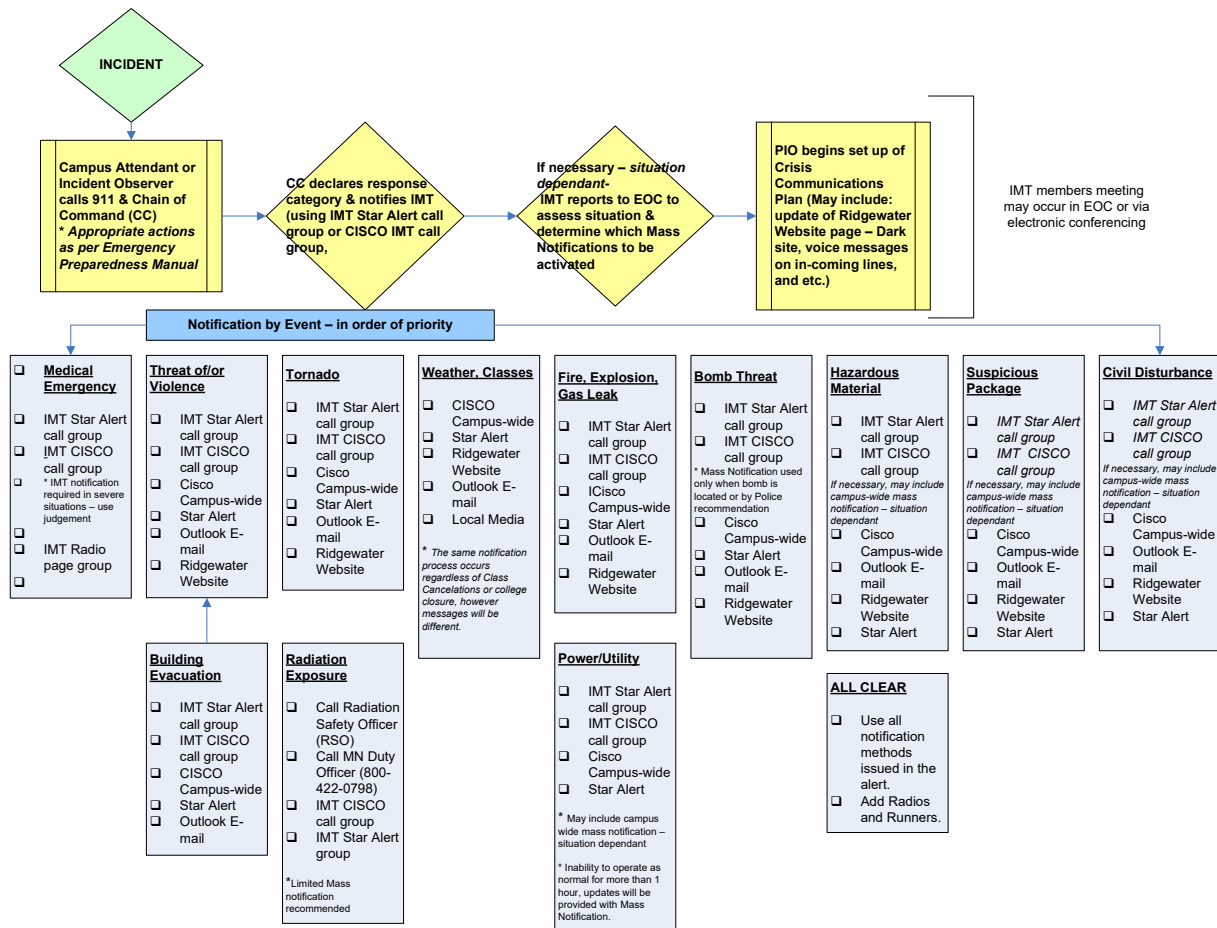
Ridgewater College also uses the following software:



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”.

- a. 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 that may be used 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 notification procedure: Emergency Notification Protocol**

|                                                                                                        | Authorized and have access to initiate activation of MNS                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Microsoft Outlook E-Mail</b><br><i>Mass Notification Method</i><br><i>Group Notification Method</i> | <b>IMT Members:</b> Cheryl Norman, Mike Kutzke, Heidi Olson, Sam Bowen, Judy Tebben, Mandi Lighthizer-Schmidt, Chris Henderson, Debbie Ardoff, Prabesh Shrestha, Kip Oveson, Matt Feuerborn, Katy Lundell-Stuhr, Bethany Sweeney, Mary Leyk, Tara Strey, Maxx Raths, and Kaitlyn Giles.<br><b>In accord with Emergency Notification Chart or as directed by Incident Command.</b> |

|                                                                                   |                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Ridgewater Website</b><br><i>Mass Notification Method</i>                      | <b>Mandi Lighthizer-Schmidt. In accord with Emergency Notification Chart or as directed by Incident Command.</b>                                                                                                                                                                                                                                                       |
| <b>Star Alert</b><br><i>Mass Notification Method</i>                              | <b>IMT Members: Cheryl Norman, Mike Kutzke, Heidi Olson, Sam Bowen, Judy Tebben, Mandi Lighthizer-Schmidt, Chris Henderson, Debbie Ardoff, Prabesh Shrestha, Kip Oveson, Matt Feuerborn, Katy Lundell-Stuhr, Bethany Sweeney, Mary Leyk, Tara Strey, Maxx Rath, and Kaitlyn Giles. In accord with Emergency Notification Chart or as directed by Incident Command.</b> |
| <b>Voice Message on Incoming lines</b><br><i>(Crisis Communication Plan tool)</i> | <b>Mandi Lighthizer-Schmidt</b><br><b><i>(Communication tool – used only when needed in rare situations i.e. after event that might require campus closure)</i></b>                                                                                                                                                                                                    |
| <b>Ridgewater Facebook</b><br><i>(Crisis Communication Plan tool)</i>             | <b>Mandi Lighthizer-Schmidt</b> <b><i>(Communication tool – used only when needed in rare situations i.e. campus closure or media event)</i></b>                                                                                                                                                                                                                       |
| <b>Call Center</b><br><i>(Crisis Communication Plan tool)</i>                     | <b>Logistics, establish only as needed</b><br><b><i>(Communication tool – used only when needed in rare situations i.e. after large scale or violence event with heavy media coverage)</i></b>                                                                                                                                                                         |
| <b>Notify Media</b><br><i>(Crisis Communication Plan tool)</i>                    | <b>Mandi Lighthizer-Schmidt</b>                                                                                                                                                                                                                                                                                                                                        |

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.

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 Safety Director, 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 workday.

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. Several 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 automatically registered for this valuable service but do have the option to opt out. This system allows emergency information to be shared before 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.

Online registration can be completed by visiting the Star Alert sign-up website at <https://ridgewater.edu/student-services-activities/star-alert/>

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 Students (or any trained CSA or 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 Students 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 action 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 Students 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 college community.

Acts of sexual violence, assault or abuse, such as rape, acquaintance rape, and other forms of non-consensual sexual activity are an intolerable intrusion into the most personal and private rights of an individual and is prohibited by Ridgewater College. The College is committed to a campus environment that is free from the emotional and physical threat of sexual assault 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 other College or Minnesota State Board policies that may require separate proceedings. To further our commitment against sexual violence and harassment, educational efforts are undertaken to inform employees and students of their responsibilities regarding such behavior, how to identify and eliminate potential sexual violence and harassment and what steps can be taken if instances of sexual violence and harassment are experienced. Recent trainings offered can be viewed on our website.

As part of our larger communities, Ridgewater College is subject to, abides by, and supports Minnesota state statutes and local ordinances regarding criminal sexual conduct, including Minnesota State's Sexual Violence policy, which can be viewed in its entirety at: <https://www.minnstate.edu/board/policy/1b03.html> or in Appendix 7. Other policies, such as Student Code of Conduct (can be viewed in Appendix 5) and employee contracts, may apply.

### **Special Considerations for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

#### **Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Occurs**

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible. Evidence may be collected, even if you choose not to make a report to law enforcement.

- Minnesota, state statute mandates that the county where the sexual assault occurred pay for the sexual assault evidence collection kit to be completed. This ensures that if a victim does not have insurance, you are still able to get those services without having to pay a medical bill. Most hospitals will store the sexual assault evidence kit for at least a month for victims that are unsure if they want to make a report, that way if the victim decides to report at a later date that evidence may still be at the hospital for law enforcement.
- Crime victims who report their crimes to law enforcement in MN are also eligible for emergency funds through the state called Crime Victim Reparations Funds. Reparations funds can be used to pay for mental health, medical, and dental costs associated with the crime for which a victim's insurance will not cover.
- 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 infections. 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 college adjudicators/investigators or local law enforcement.

#### **Involvement of Law Enforcement and Campus Authorities**

Although the College strongly encourages all members of its community to report violations of this policy to local law enforcement, it is a victim's choice whether to report to law enforcement or not, the only time that law enforcement would be called automatically are in cases that involve mandated reports, or the victim is not able to make the request on their own. Mandated reports are when minors under 18 or vulnerable adults are abused by someone in a position of authority over them or by someone who has a significant relationship to them such as a close family relative.

### Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

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 by calling (320)-234-8607 or coming to student services to report in person.

### Procedures the College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, and Stalking is Reported

The College has procedures in place that serve to be sensitive to victims 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 reporting party and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available and are not punitive to the parties. The College will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement.

If a report of domestic violence, dating violence, sexual assault, or stalking is reported to the College, below are the procedures that the College will follow:

| Incident Being Reported | Procedures Institution Will Follow                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Sexual Assault</b>   | <ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), institution will provide victim with access to medical care</li> <li>2. Institution will assess immediate safety needs of victim</li> <li>3. Institution will assist victim with contacting local police if reporting party requests AND provide the victim with contact information for local police department</li> <li>4. Institution will provide victim with referrals to on- and off-campus mental health providers</li> <li>5. Institution will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No Contact" directive to both parties if deemed appropriate</li> <li>8. Institution will provide written instructions on how to apply for Protective Order</li> <li>9. Institution will provide a copy of the policy applicable to Sexual Assault to the victim and inform the victim regarding timeframes for inquiry, investigation, and resolution</li> <li>10. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is</li> <li>11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting sex-based discrimination or for assisting in the investigation</li> </ol> |
| <b>Stalking</b>         | <ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of victim</li> <li>2. Institution will assist victim with contacting local police if reporting party requests AND provide the victim with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to victim on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No Contact" directive to both parties if deemed appropriate</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Dating Violence</b>  | <ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of victim</li> <li>2. Institution will assist victim with contacting local police if victim requests AND provide the victim with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to victim on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Domestic Violence</b> | <ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of victim</li> <li>2. Institution will assist victim with contacting local police if victim requests AND provide the victim with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to victim on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide the victim with a written explanation of the victim's rights and options</li> </ol> |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### Facilitated Anonymous Reporting through our on-campus Counselors

Our on-campus counselors are confidential resources and do not report incidents. In their capacity and function, they do not make identifiable reports of incidents to the official on-campus resources unless the student specifically requests them to do so; however, the College encourages counselors to inform students that they can report incidents of crime to local law enforcement, which can be done directly or anonymously.

### Anonymous Report for Sexual Misconduct, Dating/Relationship Violence, Stalking

A student who has experienced sexual misconduct, who has received a report from someone who has experienced sexual misconduct, or anyone who witnessed sexual misconduct may make anonymous reports at: <https://ridgewater.edu/about/student-rights-responsibilities/sexual-violence-harassment/>.

### Employee Assistance Program

Ridgewater College also provides an Employee Assistance Program (EAP) for use by employees. The EAP is available to assist employees with such problems as sexual or physical abuse, depression, marital and relationship conflict, stress, grief, critical incident stress, anxiety, and other personal matters. All employees, regardless of performance, are eligible. The contact information for the EAP is Life Matters: 651-259-3840.

All information relating to an employee's EAP participation is strictly confidential. Only the EAP provider maintains EAP records. The EAP provider does not release specific information about an employee's use of EAP services, unless the employee gives his or her advance written consent. The EAP does not report incidents to any Official On-Campus Resources unless the employee specifically gives them permission to do so.

### Assistance for Victims - Rights and Options

Regardless of location all students, employees, or guests of the college who report that they are a victim of sexual violence to an institutional authority will be provided written notification of their rights to include the following:

- The procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred.
- The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order
- How and to whom the alleged offense should be reported • Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to:
  - o Notify proper law enforcement authorities
  - o Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses
  - o Decline to notify such authorities
  - o Where applicable, the rights of victims and the institution's responsibilities for orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution
- Information about how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will:
  - o Complete publicly available record keeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim
  - o 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
- Information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community
- Information about options for, available assistance in, and how to request changes to:
  - o Academic Situations
  - o Living Situations
  - o Transportation Situations
  - o Working Situations
  - o Protective Measures
- An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking

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 (Under VAWA's full faith and credit provision, every state must recognize

and enforce protection orders issued in other states, as if issued in the enforcing state) should provide a copy to one of our college counselors and the Office of the Title IX Coordinator. A complainant may then meet with one or both 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. This plan may include, but is not limited to: changing classroom location or allowing a student to complete assignments from home, etc.

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)<br><br>Domestic Abuse | <ul style="list-style-type: none"> <li>• Spouses</li> <li>• Former Spouses</li> <li>• Parents and Children</li> <li>• Persons related by blood</li> <li>• Persons who live together or who have lived together in the past</li> </ul> | Visit the 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." | <ul style="list-style-type: none"> <li>• physical harm, bodily injury, or assault;</li> <li>• the infliction of fear of imminent physical harm, bodily injury, or assault; or</li> <li>• terroristic threats, within the meaning of section 609.713, subdivision 1; criminal</li> </ul> |

|                                           |                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                           | <ul style="list-style-type: none"> <li>• Persons who have a child in common, even if they have not been married or lived together</li> <li>• Persons who have an unborn child in common</li> <li>• Persons involved in a significant romantic or sexual relationship</li> </ul> | Our college counselors can assist students in completing and filing OFP's and harassment orders.                                                                                                                                                                                                                                                                                                  | sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2.                                                                                                                                                    |
| <b>Harassment Restraining Order (HRO)</b> | Anybody who does not fall under the criteria for the Order for Protection.                                                                                                                                                                                                      | 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 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. | 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. |

\* Criteria for Order reflects Minnesota Statutes

The institution does not publish the name of crime victims nor house identifiable information regarding victims online. Victims may request that directory information on file be removed from public sources by request by stopping by records and registration in Student Services.

## **On and off Campus Services for Victims**

### ***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](http://www.willmarshelter.com)

#### **Willmar**

- Centra Care - 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](http://www.willmarshelter.com)

### ***State/National Assistance***

- 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

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

<http://www.rainn.org> - Rape, Abuse, and Incest National Network

<https://www.justice.gov/ovw/sexual-assault> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> - Dept of Education, Office of Civil Rights

Our entire policy and procedure document can be viewed on our policy page on the Ridgewater College website ([www.ridgewater.edu](http://www.ridgewater.edu)). Additional information and suggestions on preventing Sexual Violence can be found in Appendix 2.

**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 proceeding, Ridgewater College 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, considering 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 respondent's administrative remedies under this procedure except as provided herein.

Ridgewater College continues to provide information and resources to our students and employees through the posting of our policy online, in our employee and student handbook, through informational brochures in racks around campus, through working with student life and health promotions to offer educational speakers on this topic, etc. Also, 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.

#### **Drug and Alcohol Policies:**

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, local 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. 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 Office of Student Conduct.

**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. 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.

#### 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 want 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](http://www.nida.nih.gov), [www.drugabuse.gov](http://www.drugabuse.gov) or [www.samhsa.gov](http://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 student services.
- 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 student services.

#### 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 MinnState Policy 1B.1-“Equal Opportunity and Nondiscrimination in Employment and Education” and MinnState Procedure 1B.1.1-“Report/Complaint of Discrimination/Harassment Investigation and Resolution.”

Ridgewater College’s designated officer for students is Chris Henderson. He has office S145 in the Willmar Science building and room 329 at the Hutchinson Campus. He can be reached by phone at 320-234-8607 or by email at [christopher.henderson@ridgewater.edu](mailto:christopher.henderson@ridgewater.edu).

Ridgewater College’s designated officer for employees is Tara Strey. She has an office in H125 on the Willmar Campus and Room 222 on the Hutchinson Campus. She can be reached by email at [tara.strey@ridgewater.edu](mailto:tara.strey@ridgewater.edu) or by phone at 320-222-5211.

**Ridgewater College Policies, Procedures and Plans can be viewed in their entirety on our website at [www.ridgewater.edu](http://www.ridgewater.edu). Click on About and then College Governance and 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.)

## Campus Anti Hazing Policy

Ridgewater College is committed to fostering a safe and inclusive campus environment free from hazing. In compliance with Minnesota State Statute 121A.69 Hazing Policy, Minnesota State Board Policy 3.6 and Ridgewater College Student Code of Conduct Policy, Ridgewater College, in compliance with the Stop Campus Hazing Act signed into law December 2024, Ridgewater College has implemented policies and procedures to prevent, address, and report hazing incidents.

This federal legislation amends the Jeanne Clery Campus Safety Act (Clery Act) to include hazing as a reportable offense and mandates enhanced transparency and prevention efforts.

**Minnesota State Statute 121A.69 Hazing Policy** - Committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization.

"Student organization" means a group, club, or organization having students as its primary members or participants.

**Hazing Transparency Report** - In accordance with the Jeanne Clery Campus Safety Act (§485(f) of the Higher Education Act of 1965, as modified by the Stop Campus Hazing Act), Ridgewater College publishes a Hazing Transparency Report summarizing findings related to any established or recognized student organization found in violation of the college's standards of conduct on hazing. This report is publicly accessible on the Ridgewater College website:

<https://ridgewater.edu/student-services-activities/student-rights-responsibilities/hazing-prevention/>

and includes the following details:

- Name of the student organization found responsible for hazing violations.
- General description of the violation, including whether it involved the abuse or illegal use of alcohol or drugs.
- Findings of the institution regarding the incident. • Sanctions imposed on the student organization, if applicable.
- Key dates, including:
  - o When the alleged incident occurred.
  - o When the investigation was initiated.
  - o When the investigation concluded with a finding of responsibility.
  - o When the institution provided notice of the findings to the student organization.

The Hazing Transparency Report is maintained for a minimum of five (5) calendar years.



**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 (Whoever designated).
- Be security conscious at all times.

## Appendix 2

### Preventing Sexual Violence

#### Reducing the Risk of Sexual Assault:

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, 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 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 ("MnSCU") as found in, but not limited to, the Student Code, the College and MnSCU 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>), MnSCU 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 MnSCU Board Policy 1B.1, Nondiscrimination in Employment and Education Opportunity (<http://www.minnstate.edu/board/policy/1b01.htm>), System Procedure 1B.1.1, Report/Complaint of Discrimination/Harassment Investigation and Resolution (<http://www.mnscu.edu/board/procedure/1b01p1.html>), MnSCU 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/1b03p1.html>).

Allegations of fraud or dishonest acts shall be resolved pursuant to MnSCU 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 MnSCU Board policy, rule, or regulation published in hard copy or available electronically on the College or MnSCU website.
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 MnSCU regulations), public intoxication, or violation of MnSCU 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 MnSCU 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 Policy -1B.1 Equal Opportunity and Nondiscrimination in Employment and Education**

#### **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. Minnesota State is committed to a policy of equal opportunity and nondiscrimination in employment and education.

#### **Subpart B. Nondiscrimination**

Minnesota State prohibits discrimination and harassment against persons in the terms and conditions of employment, personnel practices, or access to and participation in educational programs, services, and activities on the basis of membership or perceived membership in any of the following protected classes: race, sex (including pregnancy, child birth, and related medical conditions), color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, veteran status, familial status, and membership or activity in a local human rights commission. Protected class also includes genetic information for employees.

Minnesota State shall maintain and encourage full freedom of expression, inquiry, teaching and research. Academic freedom comes with a responsibility that all members of our education community benefit without intimidation, exploitation, or coercion. This policy is directed at conduct that constitutes discrimination or harassment under this policy and is not directed at the content of speech. In cases in which statements and other forms of expression are involved, Minnesota State must consider an individual's constitutionally protected right to free speech and academic freedom. However, discriminatory or harassing conduct is not within the protections of academic freedom or free speech.

#### **Part 2. Applicability**

This policy applies to all individuals affiliated with Minnesota State, including but not limited to, its students, employees, applicants, volunteers, agents, the Board of Trustees, and others as appropriate and protects the rights and privacy of all involved individuals, as well as prevents retaliation. Complaints of conduct by a student occurring at a location other than on system property, including online, are covered by this policy pursuant to the factors listed in Board Policy 3.6, Part 2. Complaints of conduct by a system employee at locations other than system property, including online, are covered by this policy. Complaints of conduct on system property, including online, by individuals who are not students or employees are subject to appropriate actions by Minnesota State, including but not limited to, pursuing civil action against them, referral to law enforcement, or pursuing a no trespass. Individuals who violate this policy will be subject to disciplinary or other corrective action. Allegations of conduct in violation of Policy 1B.1 may be submitted through the process identified in System Procedure 1B.1.1 Intervention and Resolution. This policy supersedes all existing college, university, and Minnesota State equal opportunity and nondiscrimination policies.

## Part 2. Definitions

**Discrimination** Employment decisions, educational decisions, or treatment of an individual because of protected class status or perceived protected class status that subjects the individual to different treatment 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 Minnesota State or otherwise adversely affects the individual's employment or education.

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

### Harassment

**Discriminatory harassment** Unwelcome conduct or communication that is based on actual or perceived membership in a protected class, including stereotypes of protected classes, that has a negative effect or is likely to have a negative effect on the complainant or the workplace or educational environment. 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. Discriminatory harassment includes, but is not limited to:

1. Oral or written conduct such as jokes, innuendo, slurs, name-calling, negative comments about cultural norms, circulating rumors;
2. Physical contact, battery, blocking movement;
3. Non-verbal derogatory gestures, stalking, interference with work performance;
4. Visual displays, including but not limited to, posters, drawings, screen savers, emails and texts with derogatory meaning, epithets written on complainant's personal property or other symbols associated with particular protected classes.

**Sexual harassment** Minnesota State further defines sexual harassment as a form of sex discrimination and discriminatory harassment. Sexual harassment is conduct or communication of a sexual nature that is unwelcome, that has a negative effect or is likely to have a negative effect on the complainant or the workplace or educational environment. Sexual harassment includes, but is not limited to:

1. Unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, degrading sexual remarks, threats;
2. Unwelcome sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures;
3. Unwelcome physical contact, such as sexual assault and sexual violence (as defined in Board Policy 1B.3), molestation, or attempts to commit these assaults; unwelcome touching, pinching, or brushing of or by the body;

4. Preferential treatment or promises of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit an employee, student or other individual to submit to sexual activity for a benefit including, but not limited to, hiring, promotion, compensation, grades, or authorship;
5. Negative treatment or threats of negative treatment for refusing to submit to sexual conduct;
6. Subjecting, or threatening to subject, an employee, student or other individual to unwelcome sexual attention or conduct; and
7. Conduct which exploits the sexual characteristics of others including transmitting or the threat of transmission of photographs and or videos of graphic nudity or sexually graphic messages of others without the consent of the subject of the photograph, video, or message.

Note: Some of these examples of misconduct may also be subject to Board Policy 1B.3 Sexual Violence Policy.

**Protected class** Protected class includes race, sex (including pregnancy, child birth, and related medical conditions), color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, veteran status, familial status, and membership or activity in a local human rights commission. Protected class also includes genetic information for employees.

**Retaliation** Retaliation includes, but is not limited to, engaging in any form of intimidation, reprisal, or harassment against an individual because the person:

1. made a complaint or other communication under this policy or opposes conduct prohibited by this policy;
2. 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;
3. associated with a person or group of persons who are members of a protected class; or
4. 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 state 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.

**Sexual harassment and violence as sexual abuse** Minnesota law provides special protection for children under 18 and vulnerable adults. These laws, Minnesota Statutes sections 260E and 626.557, identify those who are mandated to report neglect or abuse of children under 18 and

maltreatment of vulnerable adults. Faculty, student teachers or clinical participants, day care personnel, and others involved in education or services to children or vulnerable adults may be considered mandated reporters under both of these laws. Reports of abuse or neglect of a child or vulnerable adult, must be made to law enforcement or state or county social service agencies.

**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 college or university.

**Part 4. Consensual Relationships** A consensual relationship is a sexual or romantic relationship between two or more persons who voluntarily enter into such a relationship. An employee of Minnesota State shall not enter into a consensual relationship with a student or an employee over whom the person exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority or influence. In the event a relationship already exists, each college, university, and the 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 5. Retaliation** Retaliation is prohibited at Minnesota State. Any individual covered by this policy who engages in retaliation is subject to disciplinary or other corrective action as appropriate.

**Part 6. Policies and procedures** College and university policies and procedures on equal opportunity and nondiscrimination in employment and education must comply with Board Policy 1B.1 and System Procedure 1B.1.1.

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

**Part 1. Purpose**

To implement Board Policy 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education and provide a process for investigating and resolving allegations of violations of the policy

**Part 2. Definitions**

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

**Complainant**

An individual who alleges they are the subject of discrimination, harassment, or retaliation as defined by Board Policy 1B.1.

**Decision-maker** - An administrator who:

- Completed decision-maker training provided by the system office within the past three years,
- Is designated by the president or chancellor to review investigation reports,
- Determines whether Board Policy 1B.1 has been violated based upon the investigation, and
- Determines or recommends the appropriate action for the college, university, or system office to take based upon the findings.

**Designated officer** - An individual who:

- Completed training provided by the system office within the past three years,
- Is designated by the president or chancellor to be primarily responsible for conducting an initial inquiry,
- Determines whether to offer informal resolution,
- Determines whether to proceed with an investigation under this procedure, and
- Investigates or coordinates the investigation of reports/complaints of discrimination, harassment, and retaliation as defined by Board Policy 1B.1 in accordance with this procedure.

**Investigator** - A person who:

- Has completed training provided by the system office within the past three years,
- Is designated by the designated officer to conduct an inquiry, investigate, or coordinate the investigation of reports/complaints of discrimination, harassment, and retaliation as defined by Board Policy 1B.1 in accordance with this procedure,
- Determines or recommends whether to proceed with an investigation under this procedure,
- Prepares investigation reports, and

- May be the designated officer.

**Respondent** - An individual who is alleged to have engaged in conduct that could constitute discrimination, harassment, or retaliation as defined in Board Policy 1B.1.

### **Part 3. Reporting Discrimination/Harassment/Retaliation**

#### **Subpart A. Reporting**

Individuals who believe they or others have been or are being subjected to conduct prohibited by Board Policy 1B.1 are encouraged to make a report of the incident to a designated officer. Reports should be made as soon as possible after the alleged conduct occurs.

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

#### **Subpart B. Duty to report**

Administrators and supervisors shall report allegations of conduct that they reasonably believe may constitute discrimination, harassment, or retaliation as defined by Board Policy 1B.1 to the designated officer. Additionally, administrators and supervisors, in consultation with the designated officer, may inquire into and resolve such matters.

#### **Subpart C. Reports/complaints against a president**

A report/complaint against a college or university president must be filed with the system office designated officer. However, complaints against a president may 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/complaints 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 must be referred to the board chair or vice chair for processing. Such reports/complaints may be assigned to appropriate Minnesota State 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 report/complaint or during the investigation of such a complaint may be subject to disciplinary or corrective action.

#### **Subpart F. Withdrawn complaints**

If a complainant withdraws their complaint, colleges, universities, and the system office may, at their discretion, investigate and take appropriate action.

#### **Subpart G. Confidentiality of information not guaranteed**

The confidentiality of information in a complaint or obtained during an investigation cannot be

guaranteed; such information, however, will be handled in accordance with applicable federal and state data privacy laws.

#### **Part 4. Right to Representation**

##### **Subpart A. Relation to collective bargaining agreements and personnel plans**

In accordance with the law and applicable collective bargaining agreements, represented employees may have the right to request and receive union representation during an investigatory meeting and otherwise throughout the 1B.1.1 procedure.

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.

##### **Subpart B. Students**

Students have the 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.

#### **Part 5. Investigation and Resolution**

The college, university, or system office shall take timely 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 personal resolution by individuals who believe they have been subjected to conduct in violation of Board Policy 1B.1. If an individual believes they are unsafe or fears retaliation, personal resolution should not be used. If there are questions regarding personal resolution, contact the designated officer.

##### **Subpart B. Processing the complaint**

The complainant should contact the designated officer to initiate a complaint under this procedure. Upon receipt of the complaint, the designated officer shall first undertake an initial inquiry. Based on the initial inquiry, the designated officer shall determine whether there is no basis to proceed, to offer informal resolution, or to proceed with formal investigation. If proceeding with formal investigation, the designated officer shall determine the scope of the process used in each complaint based on the complexity of the allegations, the number and relationship of individuals involved, and other pertinent factors. Reports/complaints not arising from alleged violations of Board Policy 1B.1, may be addressed under other appropriate policies and practices.

1. **Jurisdiction.** The designated officer shall determine whether the complaint should be processed through a different policy or procedure or combined and resolved with Board Policy 1B.1 and this procedure. The designated officer shall direct the complainant to the different policy or procedure as soon as possible.

2. **Conflicts.** The designated officer should identify to the president or chancellor or their designee any real or perceived conflict of interest in proceeding as the designated officer, investigator, or decision-maker for a specific complaint, including any conflict raised by the complainant or respondent. If the president or chancellor, or their designee determines that a conflict exists, another designated officer, investigator, or decision-maker must be assigned.
3. **Information provided to complainant.** At the time the complaint is made, the designated officer shall:
  - a. inform the complainant of the provisions of Board Policy 1B.1 including the provision prohibiting retaliation, and this procedure; and
  - b. provide a copy of or link to Board Policy 1B.1 and this procedure to the complainant.
4. **Complaint documentation.** The designated officer may request, but not require, the complainant to document the complaint in writing using the complaint form of the college, university, or system office. If the complainant does not document the complaint in writing, the designated officer shall do so.
5. **No basis to proceed.** At any point during the processing of the complaint, including during the investigation, the designated officer may determine that there is no basis to proceed under Board Policy 1B.1. The designated officer may refer the complaint or complainant as appropriate. The designated officer shall notify the complainant and respondent of the outcome as appropriate, in accordance with applicable data privacy laws.
6. **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 Board Policy 1B.1. At the initial meeting with the respondent, the designated officer shall:
  - a. provide a copy of or link to Board Policy 1B.1, including the provision prohibiting retaliation, and this procedure to the respondent;
  - b. provide sufficient information to the respondent consistent with due process and federal and state data privacy laws to allow the respondent to respond to the substance of the complaint; and
  - c. inform the respondent that in addition to being interviewed by the designated officer, the respondent may provide a written response to the allegations;
7. **Investigatory process.** The designated officer shall:
  - a. conduct a fact-finding inquiry or investigation of the complaint, including appropriate interviews and meetings or delegate this responsibility to a trained investigator. In the latter situation, the investigator shall perform the duties of this part;
  - b. inform individuals that they are permitted to have a union representative or support person to accompany them during investigative interviews as appropriate;
  - c. inform the witnesses and other involved individuals of the prohibition against retaliation;
  - d. create, gather, and maintain investigative documentation as appropriate; and
  - e. handle all data in accordance with applicable federal and state privacy laws.
8. **Interim actions.**
  - a. Employee reassignment or administrative leave. Under appropriate circumstances, the president, chancellor or designee 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 complaint process. In determining whether to place an employee on administrative leave or reassignment, consideration must be given to the nature of the alleged behavior, the relationships between the parties, the context in which the alleged incidents occurred and other relevant factors. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.

- b. **Student summary suspension or other action.** Under appropriate circumstances, the president or designee may summarily suspend a student at any point in time during the complaint process. A summary suspension may be imposed only in accordance with Board Policy 3.6 Student Conduct and associated system procedures. After the student has been summarily suspended, the complaint process should be completed within the shortest reasonable time period. If the process has not been completed within ten (10) days, the president or designee must reevaluate whether or not the summary suspension should remain in place until final completion of the process. During the summary suspension, the student may not enter the campus or participate in any college or university classes and 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.
9. **Timely completion.** Colleges, universities, and the system office shall complete the investigative process and issue a written response within a timely manner after a complaint is made, unless reasonable cause for delay exists. Reasonable cause includes, but is not limited to, considerations such as the absence of a party or witness, the need for language assistance or accommodation of disabilities, or other similar factors. The designated officer shall notify the complainant and respondent if the written response is not expected to be issued within a timely manner. The college, university, or system office must meet any applicable shorter time periods, including those provided in the applicable collective bargaining agreement.
10. **Support for designated officers.** If it would aid them in performing their roles under this procedure, designated officers are encouraged to seek counsel and advice, as appropriate, from the Office of Equity and Inclusion, the Office of General Counsel, and/or Labor Relations.

### **Subpart C. Informal Resolution**

After processing the report/complaint the designated officer may consider informal resolution to resolve the report/complaint as appropriate. The designated officer may consider, but is not limited to, use one or more of the following methods to resolve the report/complaint:

1. Conduct or coordinate education and training;
2. Facilitate voluntary meetings, if requested by the complainant, between the parties;
3. Recommend separation of the parties, after consultation with appropriate college, university, or system office personnel;
4. Other possible outcomes may include recommending changes in workplace assignments, enrollment in a different course or program, or other appropriate action;
5. A college or university may offer mediation and other alternative dispute resolutions to the complainant and respondent. The parties must voluntarily consent, in writing, to participate in processes that include mediation and other alternative dispute resolutions. At any time

before agreeing to a resolution, any party has the right to withdraw from the process and resume the formal complaint process.

#### **Subpart D. Formal 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 determines additional steps should be taken, the procedures in this subpart must be followed.

1. **Designated officer.** The designated officer or the investigator shall:
  - a. prepare an investigation report and forward it to the decision-maker for review and decision; and
  - b. take additional investigative measures as requested by the decision-maker.
2. **Decision-maker.** After receiving the investigation report prepared by the designated officer or the investigator, the decision-maker 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 or investigator conduct further investigative measures; and
    2. 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 occurred;
  - c. when making the decision, use a preponderance of evidence standard, meaning that it is more likely than not that the policy has been violated, taking 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. as appropriate, consistent with applicable state and federal data privacy laws, issue a decision in writing to the complainant, respondent, and the designated officer of the determination, and the basis for the determination, as to whether Board Policy 1B.1 has been violated.
  - e. determine the nature, scope, and timing of disciplinary or corrective action and the process for implementation if a violation of Board Policy 1B.1 occurred. This may include consultation with student affairs, human resources or supervisory personnel to determine appropriate discipline;
  - f. conduct that is determined not to have violated Board Policy 1B.1 may be considered under another procedure, if appropriate.
  - g. prior to issuing decision letters, decision-makers shall submit drafts of the written decision and the investigation report to the Office of General Counsel for review.

#### **Part 6. College, University, or System Office Action**

The college, university, or system office shall take the appropriate disciplinary or corrective action based on the results of the investigation. The designated officer shall make appropriate inquiries to ascertain the effectiveness of any corrective or disciplinary action. Complainants and other individuals are encouraged to report any subsequent conduct they believe violates Board Policy 1B.1, as well as allegations of retaliation to the designated officer.

Written notice to parties relating to discipline, resolutions, or final dispositions resulting from the report/complaint process in this procedure is deemed to be official correspondence from the college, university, or system office. In accordance with Minn. Rule 3905.0500, the college, university, or system office is responsible for filing the complaint disposition concerning complaints against employees with the Commissioner of Management and Budget within 30 days of final disposition.

## **Part 7. Appeal**

### **Subpart A. Filing an appeal**

The complainant or the respondent may appeal the decision of the decision-maker. An appeal must be filed in writing with the president or designee within ten (10) business days from the receipt of the decision. The appeal timeline may be extended for reasonable cause. The appeal must state specific reasons why the complainant or respondent believes the decision was improper.

Grounds for appeal of the decision include; (1) procedural irregularity that affected the decision issued by the decision-maker, (2) new evidence that was not reasonably available at the time when the determination regarding violation of policy or sanction was made that could affect the decision issued by the decision-maker, (3) a conflict of interest or bias by the designated officer, investigator, or decision-maker that affected the decision issued by the decision-maker, or (4) insufficient evidence to support the decision-maker.

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.

### **Subpart B. Effect of appeal**

For employees covered by a collective bargaining agreement, an appeal of the decision under this procedure is separate and distinct from contractual grievance procedures. During the pendency of the appeal, disciplinary or corrective action taken as a result of the decision may be enforced. In cases involving sanctions of suspension for ten (10) days or longer, students must be informed of their right to a contested case hearing under Minn. Stat. Ch. 14.

### **Subpart C. Appeal process**

The president or designee shall review the decision issued by the decision-maker and the investigation report, 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 must be made within a reasonable time and the complainant, respondent, and designated officer must be notified in writing of the decision, consistent with applicable state and federal data privacy laws. The decision on appeal exhausts the complainant's and respondent's administrative remedies under this procedure except as provided herein.

## **Part 8. Education and Training**

The colleges, universities, and system office shall provide education and training programs to promote awareness and prevent discrimination, harassment, and retaliation such as educational seminars, peer-to-peer counseling, and informational resources. Education and training programs should include Board Policy 1B.1, this procedure, and may include training on trauma-informed

investigations and restorative practices. All colleges, universities, and the system office shall promote awareness of Board Policy 1B.1 and this procedure, and shall publicly identify the designated officers.

#### **Part 9. Distribution of Board Policy 1B.1 and System Procedure 1B.1.1**

Board Policy 1B.1 and this procedure must, 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 website, provided all students and employees are directly notified of how to access the policy and procedure by an exact web address, and that they may request a paper copy. Copies of the policy and procedure must be conspicuously posted at appropriate locations at the system office and on college and university campuses at all times and 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 websites, and other appropriate public announcements.

#### **Part 10. Maintenance of Report/Complaint Documentation**

During and upon the completion of processing the report/complaint, including completing an informal resolution and/or formal process, the report/complaint file must be maintained in a secure location in accordance with the applicable records retention schedule. Access to the data must be in accordance with the respective collective bargaining agreement or personnel plan, the Minnesota Government Data Practices Act, the Family Educational Rights and Privacy Act, or other applicable law.

#### **Part 11. Annual Report to Board of Trustees**

Colleges and universities shall annually submit pertinent Board Policy 1B.1 information to the Office of Equity and Inclusion. The Offices of General Counsel and Equity and Inclusion shall submit an annual report to the Board of Trustees of summary data showing Board Policy 1B.1 complaints, categories of complaints, and findings of violations.

## Appendix 7

### Minnesota State Procedure -1B.3 – Sexual Misconduct 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 misconduct in all forms and will take appropriate remedial action against any individual found responsible for acts in violation of this policy. Sexual misconduct is a continuum of conduct that includes sexual assault; non-forcible sex acts; dating, intimate partner, and relationship violence; stalking; Title IX sexual harassment; as well as aiding acts of sexual misconduct.

Acts of sexual misconduct 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 misconduct, Minnesota State provides reporting options, an investigative and disciplinary process, prevention training, and other related services as appropriate.

#### **Part 2. Application of policy to students, employees, Board of Trustees and others**

This policy applies to all individuals affiliated with Minnesota State, including but not limited to, its students, employees, applicants, volunteers, agents, the Board of Trustees, and others as appropriate and protects the rights and privacy of all involved individuals, as well as prevents retaliation. Complaints of conduct by a student occurring at a location other than on Minnesota State property, including online, are covered by this policy pursuant to the factors listed in Board Policy 3.6 Student Conduct, Part 2. Off-Campus Conduct. Complaints of conduct by a Minnesota State employee at locations other than Minnesota State property, including online, are covered by this policy.

Complaints of conduct on Minnesota State property, including online, by individuals who are not students or employees are subject to appropriate actions by Minnesota State, including but not limited to, pursuing criminal action against them, referral to law enforcement, or pursuing a no trespass. Individuals who violate this policy will be subject to disciplinary or other corrective action. Allegations of conduct in violation of Policy 1B.3 may be submitted through the process identified in System Procedure 1B.3.1 Response to Sexual Misconduct.

Allegations of protected class discrimination or harassment are governed by Board Policy 1B.1. For the purpose of this policy, the following definitions apply:

#### **Employee**

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

#### **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.

### **Minnesota State property**

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

## **Part 3. Definitions of Prohibited Conduct**

The following definitions of prohibited sexual misconduct and retaliation apply to this policy.

### **Dating, intimate partner, and relationship violence**

Any physical or sexual harm or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a person, including verbal, psychological, economic, or technological abuse that may be classified as a sexual assault, dating violence, or domestic violence caused by:

1. a current or former spouse of the individual; or
2. a person in a sexual, romantic, or intimate relationship with the individual.

### **Non-forcible sex acts**

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

### **Sexual assault**

An actual, attempted, or threatened sexual act with another person without that person's affirmative consent.

1. Sexual act includes but is not limited to the following:
  - a. Intentional and unwelcome touching of a person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast) both over and under clothing; or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts.
  - b. Sexual intercourse or penetration, no matter how slight, of the vagina or anus of a person, with any body part or object, or oral penetration of a sex organ of another person.
2. Affirmative 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. Affirmative consent is subject to the following:
  - o The person who wants to engage in sexual activity is responsible for ensuring that the other person has consented to 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 person 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 an individual has taken advantage of a position of influence over another person may be a factor in determining consent.

### **Sexual exploitation**

Abuse or attempting to abuse another person's vulnerability, power, or trust and that is for another person's benefit or the benefit of anyone other than the person being exploited. This includes, but is not limited to, sexual voyeurism, sexual extortion, nonconsensual distribution of sexual images, creating or disseminating deepfake or synthetic media depicting intimate parts or sexual acts, prostituting another person, and sex trafficking.

### **Stalking**

A course of conduct (or two or more acts) based on sex 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.

### **Title IX Sexual Harassment**

For the purpose of Title IX, sexual harassment is conduct on the basis of sex that occurs in the United States and: (1) on Minnesota State property; (2) as part of the college's or university's programs or activities; (3) in locations, at events, or in circumstances over which the college or university has exercised substantial control over both the individual who engaged in the prohibited conduct and the context in which the prohibited conduct occurred; and/or (4) in buildings owned or controlled by a student organization that is officially recognized by a college or university. Title IX sexual harassment includes conduct that satisfies at least one of the following:

1. An employee of the college or university conditioning the provision of an aid, benefit, or service of Minnesota State on an individual's participation in unwelcome sexual conduct; or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college's or university's education program or activity.

### **Retaliation**

Taking an adverse action against a person, which includes, but is not limited to, engaging in any form of intimidation, reprisal, or harassment because the person:

1. reported or made a complaint under this policy;
2. expressed opposition to suspected or alleged conduct prohibited by this policy;
3. assisted or participated in any manner in an investigation or process under this policy;
4. opposed or refused to participate in an informal resolution or investigation under this policy; or
5. accessed the college or university investigation or informal resolution process to address a conflict related to this policy; or
6. 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 state 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.

## **Appendix 8**

### **Minnesota State Procedure -1B.3.1 – Response to Sexual Misconduct**

#### **Part 1. Purpose**

To provide a process through which individuals alleging sexual misconduct or retaliation may pursue a complaint, pursuant to Board Policy 1B.3 Sexual Misconduct Policy prohibiting sexual misconduct and retaliation. This procedure provides guidelines for implementing the Title IX regulations for discrimination based on sex, which includes sexual misconduct as described in Board Policy 1B.3. For conduct that does not meet these definitions of sexual misconduct or is outside the scope of the jurisdiction as described within this procedure, another process may be used, including System Procedure 1B.1.1 Investigation and Resolution or other disciplinary procedures for students and employees.

#### **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.

##### **Complainant**

An individual who is alleged to be the victim of conduct that could constitute sexual misconduct or retaliation.

##### **Decision-maker**

A person trained by the system office who reviews evidence, determines relevance, serves as the hearing administrator during the formal hearing, and makes the final determination of whether the alleged conduct has violated policy.

##### **Educational program or activity**

Includes locations, events, or circumstances over which the college or university exercises substantial control over both the respondent and the context in which the sexual misconduct or retaliation occurs, and includes any building owned or controlled by any officially recognized student organization of the college or university.

##### **Formal complaint**

A document filed by a complainant or signed by the Title IX Coordinator alleging sexual misconduct or retaliation against a respondent and requesting that the college or university

investigate the allegation. At the time of filing the formal complaint of sexual misconduct, a complainant must be participating in or attempting to participate in the education program or activity of the college or university with which the formal complaint is filed.

### **Respondent**

An individual who is alleged to have engaged in conduct that could constitute sexual misconduct or retaliation.

### **Sexual misconduct**

A continuum of conduct that includes sexual assault; non-forcible sex acts; dating, relationship, and intimate partner violence; stalking; sexual exploitation; Title IX sexual harassment as well as aiding acts of sexual misconduct.

### **Supportive measures**

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or respondent before or after the filing of a formal complaint, or where no formal complaint has been filed. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus.

### **Title IX Coordinator**

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

### **Uniform amnesty**

While students are encouraged to abide by all institutional policies and state and federal laws, a witness or victim/survivor of an incident of sexual misconduct who reports the incident in good faith must not be sanctioned for admitting in the report or during an investigation to a violation of the institution's student conduct policy for the personal use of drugs or alcohol. However, the institution may initiate an educational discussion with any student regarding any behavior that, without uniform amnesty, could violate the student conduct policy.

## **Part 3. Reporting Incidents of Sexual Misconduct**

### **Subpart A. Prompt reporting encouraged**

Complainants of sexual misconduct and retaliation may report incidents at any time, but are strongly encouraged to make reports promptly in order to best preserve evidence for a potential disciplinary or legal proceeding.

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

### **Subpart B. Required reports**

Any campus security authority, or college or university employee with supervisory or student-advising responsibility who has been informed of an alleged incident of sexual misconduct shall

follow college or university procedures for making a report for the annual crime statistics report. In addition, the campus security authority or any college or university employee with supervisory or student-advising responsibility who has been informed of an alleged incident of sexual misconduct shall report to the Title IX Coordinator in order to initiate any applicable supportive measures, investigation, or other resolution procedures.

Campus security authorities may be obligated to report to law enforcement the allegation that an incident of sexual misconduct has occurred. The complainant's name or other personally identifiable information will be provided only with the consent of the complainant, except as may be required or permitted by law.

When the college or university receives a report of sexual misconduct, it has an obligation to respond in a timely and appropriate manner. Making a report to the Title IX Coordinator does not require an individual to begin or participate in the process outlined in this procedure or to report to local law enforcement. However, based on the information gathered, the Title IX Coordinator may determine that there is a responsibility to move forward with the process (even without the participation of the complainant). If a complainant requests that their name or other identifiable information not be shared or that no action be taken against the respondent, the Title IX coordinator will evaluate the request.

### **Subpart C. Anonymous reports**

Each college and university has an online option to allow for anonymous reporting of sexual misconduct. When made, there are limits to the Title IX Coordinator's ability to investigate, respond, and provide remedies, depending on the information provided; only formal complaints are guaranteed the process outlined in this procedure. Measures intended to protect the community or redress or mitigate harm may be enacted. It also may not be possible to provide supportive measures to complainants who are the subject of anonymous reports. However, contact information for any on-campus departments and off-campus organizations serving victims of sexual misconduct will be provided, as feasible.

## **Part 4. Confidentiality of reporting**

### **Confidential reports and resources**

Because of laws concerning government data contained in Minn. Stat. Ch. 13 Government Data Practices, colleges and universities cannot guarantee confidentiality to those who report incidents of sexual misconduct or retaliation 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.

Students may seek confidential resources at colleges or universities that offer student health or counseling services on campus. A staff member(s) is designated to serve as confidential resources for victims of sexual misconduct; communication with a designated confidential resource is considered private. Alternatively, complainants may speak with individuals not affiliated with the college or university without concern that these individuals will be required to disclose information to the institution without permission. These individuals may include licensed professional counselors and other medical providers, local rape crisis counselors, domestic violence resources, and other local or state assistance agencies. Students may request information about confidential resources from the Title IX Coordinator.

## **Part 5. Procedure Principles**

### **Subpart A. Notice of report or complaint**

A report provides the college or university notice of an allegation or concern about sexual misconduct or retaliation and provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive measures. A formal complaint informs the college or university that the complainant would like to initiate an investigation or other appropriate resolution procedures. A complainant or individual may initially make a report and may decide at a later time to make a Formal Complaint.

### **Subpart B. Notice of complainant's rights**

Complainants must be notified of the following:

- a. Their right to make a report to local law enforcement officials in sexual misconduct cases that may constitute criminal behavior.
- 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 misconduct incident.
- d. Assistance available from campus authorities in preserving for a sexual misconduct complainant materials relating to a campus disciplinary proceeding.
- e. Their right to decide whether to report a case to law enforcement or not report altogether; participate in a campus investigation, disciplinary proceeding, or informal resolution; or not participate altogether.
- f. Their right to decide when to repeat a description of the incident of sexual misconduct.
- g. The prohibition of any campus authority to suggest the complainant was at fault for the sexual misconduct or should have behaved differently to prevent the misconduct;
- h. The availability of a campus or local program providing victim advocacy services and information on free legal resources and services.
- i. Complaints of incidents of sexual misconduct made to campus security authorities must be promptly and appropriately resolved.
- j. Upon a complainant's request, the college, university, or system office may take action and other supportive measures to prevent unwanted contact with the respondent, 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.
- k. Upon request and consistent with laws governing access to student records, provide a complainant who reported an incident of sexual misconduct with access to their description of the incident as it was reported to the institution, including if that student transfers to another postsecondary institution.
- l. Upon request, students who report sexual misconduct to the college or university and subsequently choose to transfer to another college or university will be provided with information about resources for victims of sexual misconduct at the college or university to which the complainant is transferring.

### **Subpart C. Equitable procedural rights**

College and university investigation and disciplinary procedures concerning allegations of sexual misconduct against employees or students must:

1. Be respectful of the needs and rights of individuals involved and treat them with dignity;
2. Proceed as promptly as possible;
3. Provide copies of the applicable policy and procedure, including available supportive measures;
4. Ensure impartiality during the process and for the procedure to be conducted by an individual who does not have a conflict of interest or bias and who will have not less than annual training on the applicable policy and procedure;
5. Permit a student complainant and a student respondent to have the same opportunity to have an advisor of their choice present at any interview or hearing, in a manner consistent with these procedures and applicable data privacy law;
6. Afford employees the right to representation consistent with the appropriate collective bargaining agreement or personnel plan;
7. Be conducted in accordance with applicable due process standards and privacy laws;
8. Provide the process for submission and consideration of evidence that may be used during a hearing or disciplinary meeting;
9. Provide equal opportunities to the complainant and the respondent to inspect and review evidence obtained in an investigation that is directly related to the allegations;
10. Provide equal opportunities to the complainant and the respondent to present evidence and witnesses on their behalf during a hearing or proceeding;
11. Provide each party with timely and equal access to relevant evidence that will be used during the formal hearing process, conducted in a manner consistent with this procedure;
12. Prohibit and restrict the complainant and the respondent from personally and directly questioning each other during the investigation, hearing, or disciplinary meeting conducted under this procedure;
13. Simultaneously inform both the complainant and respondent of the outcome in a timely manner in writing, as permitted by applicable privacy law, and include the right to appeal the decision as provided in this procedure;
14. 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;
15. Prohibit retaliation and follow the established process in this procedure to investigate complaints of retaliation.

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 an exacerbating, rather than mitigating circumstance.

### **Subpart D. False statements prohibited**

Colleges, universities, and the system office take allegations of sexual misconduct very seriously and recognize the consequences such allegations may have on a respondent as well as the complainant. Any individual who knowingly provides false information regarding the filing of a complaint or report of sexual misconduct, 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.

## **Part 6. Investigation and Resolution**

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

### **Subpart A. Information privacy**

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

### **Subpart B. Processing the complaint**

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

1. **Jurisdiction.** The Title IX Coordinator shall:
  - a. Determine whether the complaint meets the elements of prohibited conduct as outlined in Board Policy 1B.3 to proceed under this procedure;
  - b. Determine if the complaint involves the education program or activity of the college or university and whether the incident occurred in the United States;
  - c. Determine if the complaint occurred outside of the context of employment or education program or activity but has continuing adverse effects on Minnesota State property or in any Minnesota State employment or education program or activity;
  - d. Determine whether the complaint is one that should be processed through another college, university, or system procedure available to the complainant; and
  - e. If appropriate, direct the complainant to that procedure as soon as possible.
2. **No basis to proceed.** At any point during the processing of the complaint, the Title IX Coordinator may determine that there is no basis to proceed under this procedure. The Title IX Coordinator may refer the complaint as appropriate to another college or university process. If the conduct alleged in the formal complaint would not constitute sexual misconduct as defined by Board Policy 1B.3, even if proved, did not occur in the college or university's education program or activity, or did not occur against a person in the United States, then the college or university must dismiss the formal complaint.

The Title IX Coordinator may dismiss a formal complaint or any allegations therein any time during the investigation or hearing if a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the college or university; or specific circumstances prevent the college or university from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. The college or university must promptly notify both the complainant and the respondent of any dismissal.

3. **Conflicts.** The Title IX Coordinator should identify to the president any real or perceived conflict of interest in proceeding as the Title IX Coordinator. If the president determines that a conflict exists, another Title IX Coordinator or Deputy Coordinator must be assigned.

The Title IX Coordinator will evaluate and address any concerns of conflicts of interest or bias for those serving in the roles of investigator, informal resolution facilitator, and decision-maker.

### **Subpart C. Informal resolution**

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

### **Subpart D. Formal resolution**

The formal resolution process involves two stages: (1) an investigation concluding with an investigation report, which is a summary of the relevant evidence gathered during the investigation; and (2) a live hearing with questioning of both parties, after which a written determination regarding responsibility and disciplinary action will be issued.

1. **Information provided to the complainant.** At the time the complaint is made, the Title IX Coordinator shall:
  - a. Inform the complainant of the provisions of the Board Policy 1B.3 and this procedure;
  - b. Provide a copy of or a weblink for Board Policy 1B.3 and this procedure to the complainant;
  - c. Inform the complainant of their right to have an advisor present during investigatory interviews and the extent of the advisor's involvement;
  - d. Inform the complainant of the provisions of Board Policy 1B.3 prohibiting retaliation;
  - e. Discuss the availability of supportive measures; and
  - f. Explain the process for filing a formal complaint.
2. **Complaint documentation.** The Title IX Coordinator shall ensure that the complaint is documented in writing. The Title IX Coordinator may request, but not require, the complainant to document the complaint in writing using the complaint form of the college, university, or system office. Following the documentation of the formal complaint, the Title IX Coordinator will provide a notice of allegations and investigation to the complainant and the respondent.
3. **Information provided to the respondent.** At the time initial contact is made with the respondent, the Title IX Coordinator shall inform the respondent in writing of the existence and general nature of the complaint and the provisions of the sexual misconduct policy, including the name of the complainant. At the initial meeting with the respondent, the Title IX Coordinator shall:
  - a. Provide a copy of or a weblink for Board Policy 1B.3 and this procedure to the respondent;
  - b. Provide sufficient information to the respondent consistent with federal and state data privacy laws to allow the respondent to respond to the substance of the complaint;
  - c. Explain to the respondent that in addition to being interviewed by the investigator, the respondent may provide a written response to the allegations;
  - d. Inform the respondent of their right to have an advisor present during investigative interviews and the extent of the advisor's involvement;

- e. Discuss the availability of supportive measures;
  - f. Inform the respondent of the provisions of Board Policy 1B.3 prohibiting retaliation; and
  - g. Inform them of the presumption that the respondent is not responsible for the alleged conduct, as a determination regarding responsibility is made at the conclusion of the investigation process.
4. **Investigatory process.** The investigator, who may also be the Title IX Coordinator, shall:
- a. Conduct a fact-finding inquiry or investigation into the complaint, including appropriate interviews and meetings;
  - b. Inform the witnesses and other involved individuals of the prohibition against and protection from retaliation;
  - c. Create, gather, and maintain investigative documentation as appropriate;
  - d. Disclose appropriate information to others only on a need-to-know basis consistent with state and federal law, and provide a data privacy notice in accordance with state law;
  - e. Handle all data in accordance with applicable federal and state privacy laws
  - f. Conduct an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence.
  - g. Neither consider nor inquire about the complainant’s sexual predisposition, regardless if either party provides information or reference to such.
  - h. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
  - i. Before completing the investigation report, send to both the complainant and the respondent and their advisors, if any, the evidence subject to inspection and review. Both the complainant and the respondent must have at least ten (10) business days to submit a written response to the evidence, which the investigator will consider before completing the investigative report. Both parties and their advisors may use the information solely for purposes of proceedings pursuant to this policy.
  - j. Create an investigative report that fairly summarizes relevant evidence and, at least ten (10) calendar days prior to a formal hearing, send to each party and the party’s advisor, the investigative report in an electronic format or a hard copy, for their review and written response.
5. **Witness participation in the investigation.** Both the complainant and respondent have an equitable opportunity through the investigation process to suggest witnesses and identify what information the individuals may contribute to the investigation. Witnesses are encouraged to cooperate with the investigation and to share what they know about the allegations of the formal complaint. Witnesses may also provide written statements in addition to or in lieu of interviews. Generally, witnesses shall be interviewed by the investigator before they would be considered to participate in the formal hearing.
6. **Interview documentation.** It is standard practice for investigators to create a record of all interviews pertaining to the investigatory process, by recording, transcript, or written summary. The complainant and respondent may review copies of their own interviews upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings. All interviews are documented, and all involved should be made aware if there is an audio and/or video recording created. The recording and/or transcript of those meetings will be provided to the complainant and respondent for their review,

after which the complainant and respondent may suggest additional questions to be asked of another party or witness or additional witnesses. Those subsequent meetings or interviews are also recorded and/or transcribed.

**7. Interim actions**

- a. **Employee reassignment or administrative leave.** Under appropriate circumstances, the president or chancellor may, in consultation with system legal counsel and labor relations, reassign or place an employee on administrative leave at any point in time during the report/complaint process. In determining whether to place an employee on administrative leave or reassignment, consideration shall be given to the nature of the alleged behavior, the relationships between the parties, the context in which the alleged incidents occurred and other relevant factors. Any action taken must be consistent with the applicable collective bargaining agreement or personnel plan.
  - b. **Student summary suspension or other action.** Under appropriate circumstances, the president or designee may summarily suspend a student at any point 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) school or business 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. Timely completion.** Colleges, universities, and the system office shall provide resources sufficient to complete the investigative process and issue a written response in a timely manner after a complaint is made, unless reasonable cause for delay exists. Reasonable cause may include considerations such as the absence of a party, party's advisor or witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities. The Title IX Coordinator shall notify the complainant and respondent if the written response is not expected to be issued within a timely manner. The college, university, or system office must meet any applicable shorter time periods, including those provided within the applicable collective bargaining agreement.

**Subpart E. Decision process**

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

**1. Title IX Coordinator.** The Title IX Coordinator shall:

- a. Issue the final investigation report.
- b. Refer the matter for a formal hearing.

**2. Formal Hearing.**

a. For formal hearings under this procedure, the Title IX Coordinator will select an appropriate decision-maker who has been properly trained to serve as the hearing administrator to preside over the formal hearing.

The decision-maker, the complainant, the respondent, and their respective advisors will be provided electronic copies of the final investigation report and all relevant but not impermissible

evidence, including the names of all parties, witnesses, and advisors, at least ten (10) business days in advance of the hearing.

Pre-hearing meetings will be offered to the complainant and the respondent, along with their advisors, to review the formal hearing process.

Parties should contact the Title IX Coordinator at least three (3) business days prior to the hearing to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, if possible.

b. The formal hearing is a live meeting that may occur in person or via video technology. During the formal hearing, the decision-maker, complainant, and respondent must be able to simultaneously see and hear each other or a witness while that person is speaking.

All formal hearings will be recorded, and the complainant and respondent may request a copy of the recording from the Title IX Coordinator following the hearing, which may only be used in relation to the formal hearing and decision, including any appeal. No unauthorized recordings are permitted.

Persons who may be present for a formal hearing include the Title IX Coordinator or designee, decision-maker, investigator(s), the complainant and their advisor, and the respondent and their advisor, as well as anyone providing authorized accommodations, interpretation, and/or assistive services. Witnesses are present only during their portion of the testimony.

A decision-maker has discretion to respond to evidence or witnesses not included in the investigation report; the decision-maker may decide to proceed without the information or to allow for its inclusion. However, this may delay the hearing, result in the hearing being rescheduled, and or result in the formal complaint being sent back to the investigator for further investigation or verification.

As the hearing administrator at the formal hearing, the decision-maker will facilitate questioning of the parties and witnesses first by the decision-maker and then by the parties through their advisors. The decision-maker must permit the complainant's and the respondent's advisors to ask the other party and any witnesses all relevant questions and follow-up questions, including those regarding credibility. This cross-examination must be conducted directly (the questions may not be asked by the decision-maker), orally, and in real time by the party's advisor and never by a party personally.

- Prior to the complainant, respondent, or witness answering a question, the decision-maker must rule on the relevance of the question and explain any decision to exclude a question as not relevant.
- The decision-maker may request, but may not require, that questions by the complainant or respondent be submitted in advance.
- The Title IX Coordinator may otherwise limit the extent to which the party's advisor may participate in the hearing.
- Questions and evidence about the complainant's sexual predisposition or sexual history are not relevant, unless such questions are offered to prove that someone other than the respondent committed the alleged conduct, or regard specific incidents of the prior sexual behavior with respect to the respondent, and are offered to prove consent. These questions may be submitted prior to the start of the formal hearing.

During the formal hearing, the decision-maker may enforce rules to ensure hearing decorum, such as requiring respectful treatment, specifying any objection process, governing the timing of the hearing, and the length of breaks, etc.

If deemed reliable and relevant by the decision-maker, and not otherwise subject to exclusion under this procedure, the decision-maker may consider the statements of persons who were not present at the hearing, or persons who were present at the hearing but refused to answer a cross-examination question. This includes, but is not limited to, opinions and statements in police reports or other official reports, medical records, court records and filings, investigation notes of interviews, emails, written statements, affidavits, text messages, and social media postings. The decision-maker shall determine the appropriate weight to afford the statements under the circumstances and will do so in a fair and equitable manner. The decision-maker may not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence or refusal to answer cross-examination or other questions. There are no exceptions to this exclusion as there are in legal proceedings.

**3.Deliberation and determination.** Following the formal hearing, the decision-maker shall:

- a. Decide whether the policy has been violated using the preponderance of evidence standard;
- b. Determine appropriate disciplinary actions if the policy has been violated; and
- c. Issue a written determination that must include;
  - i. Identification of the allegations potentially violating Board Policy 1B.3;
  - ii. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearing help;
  - iii. Findings of fact supporting the determination;
  - iv. Conclusions regarding application of the policy to the facts;
  - v. A statement of, and rationale for the result as to each allegation, including determination regarding responsibility, any disciplinary actions the college or university imposes on the respondent, and whether remedies designed to restore or preserve equal access to the college's or university's education program or activity will be provided by the college or university to the complainant; and
  - vi. The college's or university's procedures and permissible bases for the complainant and respondent to appeal.

**d.Disciplinary actions.** May be imposed if a finding is made that sexual misconduct or retaliation has occurred. These include, but are not limited to, sanctions up to and including suspension or expulsion of students, or discipline, up to and including termination from employment, as provided in the applicable bargaining agreement or personnel plan, for employees. The appropriate disciplinary actions will be determined on a case-by-case basis, taking into account the severity of the conduct, the student's or employee's previous disciplinary history, and other factors as appropriate.

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

The college, university, or system office shall take the appropriate corrective action based on results of the investigation, and the Title IX Coordinator shall make appropriate inquiries to ascertain the effectiveness of any corrective or disciplinary action. Complainants are encouraged to report any subsequent conduct that violates Board Policy 1B.3, including allegations of retaliation.

## **Subpart F. Resolution**

Written notice to parties relating to discipline, resolutions, and/or final dispositions resulting from the report/complaint process is deemed to be official correspondence from the college, university, or system office.

## **Part 7. Appeals**

### **Subpart A. Appeal of dismissal**

The decision to dismiss a formal complaint is appealable by either the complainant or the respondent. All dismissal appeal requests must be filed within three (3) business days of the notification of the dismissal decision. The appeal should specify at least one of the grounds noted in Subpart D and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal request, the Title IX Coordinator will share the request and supporting documentation with the other party and provide three (3) business days for the other party and the Title IX Coordinator to respond to the request. At the conclusion of the response period, the Title IX Coordinator will forward the request, as well as any response provided by the other party and/or the Title IX Coordinator to the president or designee for consideration.

### **Subpart B. Appeal of formal hearing decision**

The complainant or the respondent may appeal the decision made by the decision-maker of the formal hearing. An appeal must be filed in writing with the president or designee within ten (10) business days after notification of the decision. The appeal shall specify at least one of the grounds available for appeal, which are provided in Subpart D, and shall provide any reasons or supporting evidence for why the ground is met. 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.

### **Subpart C. Effect of appeal**

For employees covered by a collective bargaining agreement, an appeal of the decision under this procedure is separate and distinct from contractual grievance procedures. During the pendency of the appeal, disciplinary or corrective action taken as a result of the decision may be enforced. In cases involving disciplinary action of suspension for ten (10) days or longer, students must be informed of their right to a contested case hearing under Minn. Stat. Ch. 14.

### **Subpart D. Appeal process**

The president or designee shall review the record and determine whether to affirm or modify the decision. Grounds for appeal include the following:

- procedural irregularity that affected the outcome or decision,
- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter, and
- a conflict of interest or bias by the Title IX Coordinator or decision-maker that affected the outcome of the matter.

The president or designee may receive additional information if the president or designee believes such information would aid in the consideration of the appeal. The decision on appeal must be made within a reasonable time, and the complainant, respondent, and Title IX Coordinator must be notified in writing of the decision, consistent with applicable state and federal data privacy laws. The decision on appeal exhausts the complainant's and respondent's administrative remedies under this procedure except as provided herein.

## **Part 8. Maintenance of Report/Complaint Procedure Documentation**

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

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

