2017 Safety and Security Information Report

Issued 2018

Annual Safety and Security Information Report

The Department of Safety and Security publishes this report to inform the St. Scholastica community about campus security policies, initiatives to prevent and respond to crime and emergencies, and the occurrence of crime on campus. This report complies with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act and uses information maintained by Campus Security, information provided by other college offices such as Student Affairs, Residence Life, and other Campus Security Authorities, and information provided by local law enforcement. Each of these offices provides updated policy information and crime data.

The information in this brochure is provided in compliance with the Crime Awareness and Campus Security Act (CACSA) of 1990 and the Higher Education Opportunity Act (Public law 110-315). Please be aware that these offenses are only those that the law requires colleges to report. Sadly, no community is immune to crime and that is true of our campus.

The College believes it is important that members of our campus community view this data realistically and remain vigilant to the possibility of criminal activity on campus. We ask that everyone make use of the security awareness and crime prevention programs mentioned in this brochure and report suspicious persons or activities to the Security Department. If you become the victim of crime on campus, please report this as soon as
possible to campus security. Not only may the criminal be apprehended, but your report might also save someone else from being victimized.

Questions or concerns about any of the policies or procedures outlined herein may be directed to the Safety and Security Manager (218) 723-6387 mtturner@css.edu or to the Vice President for Student Affairs (218) 723-6167 slyons@css.edu.

About the Clery Act
In 1990, Congress enacted the Crime Awareness and Campus Security Act of 1990, which amended the Higher Education Act of 1965 (HEA). This act required all postsecondary institutions participating in HEA’s Title IX student financial assistance programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998, 2000 and 2008. The 1998 amendments renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) in memory of a student who was slain in her dorm room in 1986. On March 7, 2013, the Violence Against Women Reauthorization Act of 2013 (VAWA) was signed into law. VAWA includes amendments to the Clery Act. These changes require institutions to disclose statistics, policies and programs related to dating violence, domestic violence, sexual assault and stalking, among other changes.

Preparing the Report
The College of St. Scholastica’s Safety and Security Manager is responsible for preparing this report, which includes crime statistics for the past three calendar years. The Safety and Security Manager works with the Departments of Residential Life, Student Support Services, Title IX, Campus Security Authorities (CSA’s), Campus Security and the Duluth Police Department to compile the information for this report. Each member of the college community receives an email on/before October 1st of each year that describes the report and provides its web address. For a printed copy of the report, contact the Safety and Security Manager (218) 723-6387 or by email at mtturner@css.edu.

About The College of St. Scholastica
The College of St. Scholastica is an independent, coeducational, comprehensive college with programs in the liberal arts and sciences and professional career fields. Founded in the Catholic intellectual tradition and shaped by the Benedictine heritage, the College stresses intellectual and moral preparation for responsible living and meaningful work.

The curriculum serves the mission of the College by providing undergraduate and graduate education that is grounded in the liberal arts and sciences. The entire College is committed to an educational process requiring students to meet rigorous academic standards, to broaden the scope of their knowledge, and to be accountable to both self and society.

The College is committed to providing a quality education through programs and services on the main campus in Duluth and extended sites throughout the state that accommodate diverse needs.
**Campus Security Department**
The mission of Campus Security is to consistently seek and find ways to promote and preserve a safe and secure environment, and to deliver quality security and community safety services in a professional and sensitive manner. Campus Security recognizes that a campus law enforcement agency can only operate at its maximum potential with the supportive input from the people it serves. Through a variety of services offered and through community-oriented programs, we strive to meet the needs of the members of the campus community. Campus Security is dedicated to providing leadership and services consistent with the missions and values of the college, and supports the community’s efforts to ensure a safe and secure environment.

St. Scholastica employs a contract uniformed security service, Securitas Security Services USA, INC., that provides well-trained, professional security officers that provide 24-hour surveillance of the campus buildings and grounds, crime prevention and emergency response to the campus community. Our security personal are trained in a variety of areas related to their function on campus including emergency first aid/CPR/AED’s, emergency response, patrol techniques, customer service, and other areas related to their responsibilities. Our officers do not have law enforcement authority (i.e. powers of arrest), but our college maintains a positive professional relationship with the Duluth Police Department and federal law enforcement.

Campus Security office - located on the ground floor of Tower Hall in room 19
Non-emergency contact number – (218) 723-5937
Emergency contact number – (218) 723-6175

**Campus Safety**
Campus Security encourages college community members to be fully aware of the safety issues on the campus and to take action to prevent and report illegal and inappropriate activities. Personal awareness and applying personal safety practices are the foundation of a safe community. The College of St. Scholastica also encourages utilizing bystander intervention approaches as outlined in our Saints Step In campaign.

**Reporting of Crimes or Emergencies**
Members of the St. Scholastica community are urged to notify the Security Department immediately of any criminal activity or other emergencies that they may observe on campus by calling (218) 723-6175. There are emergency telephones located near the entrances of parking lots 1, 2, 5, 6, 6A, 13, 15, 16, 17 and in the back area of parking lot 1. To view our campus parking map, [http://www.css.edu/About/Maps-and-Direc](http://www.css.edu/About/Maps-and-Direc) tions/Parking-Map.html. These telephones are connected directly to the Security Department and should be used to report any emergency, suspicious activity or to request an on-campus escort. Free on-campus telephones also are located around campus, such as the entry halls of each residence facility, all residence hall and apartment rooms, and in public areas of all academic buildings.

**Reporting Crimes to Campus Security Authorities:**
While the college encourages the campus community to promptly report all crimes and other emergencies directly to Campus Security or 911, we also recognize that some may prefer to report the incident to other individuals and offices. The Clery Act recognizes certain college officials and offices as Campus Security Authorities (CSA). Campus Security Authorities are defined as "An official of an institution who has significant responsibility for student and campus activities", including, but not limited to, Campus Security, Vice President of Student Affairs, Vice President Human Resources/Chief Diversity Officer, Dean of Students, Safety and Security Manager, faculty/staff advisors to student organizations, Student Affairs, Residence Life/Housing, Student Activities & Athletic Director and coaches/assistant coaches.

Members of the College community who are victims or witness crime may report those crimes to CSAs who will, in turn, report the incident to Campus Security. It is important that crime reporting parties provide, and CSAs obtain, as much information about the crime as possible including: an incident description, approximate time, date and location of the incident, and as available, identifying information of the alleged offender(s) and any witnesses. Reports by CSAs also assist Campus Security to review incident information and determine if reported crime poses a serious or continuing threat to the campus community which could necessitate the issuance of a timely warning.

The College has an online form to assist CSAs in the prompt reporting of crimes. Please refer to http://www.css.edu/administration/safety-and-security/clery-report-and-mn-sexual-assault-policy/campus-security-authority-report.html for the form. If you need assistance submitting this form, please contact the Safety and Security Manager at (218) 723-6387 or via e-mail at mturner@css.edu.

Campus Confidential Crime Reporting Hotline: This confidential reporting process allows the campus community to report any criminal activity by calling (218) 723-7077.

- If you are the victim of a crime and do not want to pursue action within the College of St. Scholastica conduct system or with the Duluth Police Department, you may still want to consider making a confidential report. With your permission, the Safety and Security Manager for the College of St. Scholastica can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With your confidential report, the Safety and Security Manager can keep an accurate account of the number of incidents involving students and determine whether there is a pattern of crime with regard to certain locations, methods, or assailants. This information will assist the Safety and Security Manager with providing alerts to the College community of potential danger.

Reporting of Crimes and Emergencies at our Non-campus educational building locations:

- Hibbing MN – Located on the campus of Hibbing Community College, 1515 East 25th Street, Hibbing, MN 55746
  - Fire, Police, Ambulance 911
Access to Campus Facilities
Somers Hall, which is a coeducational residence facility, is equipped with deadbolt locks and locking windows in all rooms. All entrances are controlled by an automated card access system. After hours, visitors must enter through the main entrance and register at the information desk.

The apartment buildings Pine, Maple, Willow, Birch, Cedar Hall, Scanlon Hall and Kerst Hall are secured card access buildings and are locked 24 hours a day. Visitor access is achieved by calling the host from the telephone in each building’s main entrance.

St. Scholastica offers many activities and programs, which are open to the public. The campus and its buildings (excluding residential facilities) are open to the public during regular business hours. Areas where programs are offered for the public after hours, such as the Mitchell Auditorium will be accessible from the doors closest to that space.

Maintenance and Security of Campus Facilities
Campus Security works with the Facilities Services Department to inspect campus facilities and grounds on a regular basis. These two entities collaborate to make repairs and respond to reports of potential hazards such as malfunctioning locks, exit doors, broken windows, and lighting concerns. The College has established a maintenance call-in program through Campus Security where community members can report maintenance needs that develop during non-business hours.

Security Awareness and Crime Prevention
It is the goal of The College of St. Scholastica to take a preventive rather than reactive approach to reducing crimes. The primary approach to accomplishing this goal is the College’s crime prevention program. This program is based upon the dual concepts of eliminating or minimizing criminal opportunities, and encouraging students, faculty and staff to be responsible for their own security and the security of others. The following is a list of crime prevention programs and projects employed by The College of St. Scholastica.
• **Escort Program:** Security officers provide dusk-to-dawn on-campus escorts to students, faculty, staff and guests. To utilize the Escort program, campus community members are encouraged to call 218-723-6175 or use the direct call emergency telephones located throughout campus.

• **New Student Orientation:** Welcomes new students into our community, sets expectations for behaviors based on our values, and all students to respect others.

• **Residence Hall and Apartment Security:** Crime awareness and prevention presentations are made to students living on campus.

• **Emergency Telephones:** Emergency telephones are located near the entrances of parking lots 1, 2, 5, 6, 6A, 13, 15, 16, 17 and in the back area of parking lot 1. To view our campus-parking map, please go to: [http://tour.css.edu](http://tour.css.edu) and click on Main Campus, then on Layers.

• **Inspections:** Inspections of exterior lighting and exterior doors and grounds are conducted by the Security Department on a regular basis. Work orders are generated to address any deficiencies noted.

• **Sexual & Gender Based Misconduct Intervention & Prevention:** The College provides a confidential Gender Equity and Anti-Violence Allies (GEVA) Team to campus community member needing more information about sexual and gender-based misconduct. The College’s Violence Intervention & Prevention Project (VIP) provides awareness, education, prevention, and bystander intervention programs about sexual and gender based misconduct throughout the campus and greater Duluth community. The VIP Project Coordinator also coordinates the College of St. Scholastica Community Coordinated Response Team to work on our prevention efforts and response/intervention for those who have experienced sexual or gender based misconduct.

• **Reporting Sexual or Gender Based Misconduct:** The College provides options for reporting sexual or gender misconduct. See the Sexual & Gender Based Misconduct Policy for more in depth information regarding requirements. [http://www.css.edu/vip](http://www.css.edu/vip)

• **Campus Crime Reporting Hotline:** Call 218-723-7077

  If you are the victim of a crime and do not want to pursue action within the College of St. Scholastica conduct system or with the Duluth Police Department, you may still want to consider making a confidential report. With your permission, the Safety and Security Manager for the College of St. Scholastica can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With your confidential report, the Safety and Security Manager can keep an accurate account of the number of incidents involving students and determine whether there is a pattern of crime with regard to certain locations, methods, or assailants. This information will assist the Safety and Security Manager with providing alerts to the College community of potential danger.
• **Controlled Access:** Access to Somers Hall, Somers Suites, Willow Apartments, Birch Apartments, Cedar Hall, Kerst Hall and Scanlon Hall is controlled by an automated card access system.

• **Saints Alert – (Rapid Emergency Notification System):** The College of St. Scholastica has implemented a Web-Based system (Saints Alert) that allows communication via cell phone voice and text messages, emails, and-line phones (which includes all classrooms), PDA’s and the Web. This is used in emergencies demanding communication as near to immediate, and comprehensive in reach, as possible, such as natural or man-made disasters, severe weather, or crime events.

• **Timely Warning Alerts:** Notice is given to the campus community of any criminal activities on campus that might affect the safety of others. This is done by posting notices throughout the campus using the campus e-mail announcements.

• **CCTV:** The College uses Closed Circuit Television (CCTV) to monitor the entrances to our student housing facilities and public use areas in our educational facilities in order to deter crime and to assist the College in providing for the security and safety of individuals and property of the College community.

**Daily Crime and Fire Logs:** The Daily Crimes and Fire Log are for recording all criminal and fire incidents reported to the Campus Security Department. The Daily Crime and Fire Log for the last 60 days are open to public inspection and are posted outside of the Campus Security Office located in room 19 of Tower Hall. The Safety and Security Manager or his designated representative maintains this log.

If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.

If new information about a particular incident becomes available, the new information will be recorded.

The following information is required to be listed in the Daily Crime and Fire Log:

1. Incident number – The CSS Security incident number.
2. Location – The location where the incident occurred.
3. Offense – The classification of the offense that was reported. In the event that more than one offense is reported, all the offenses will be listed under this category.
4. Disposition – The disposition is the status of the reported incident.
   - Active/Open – The case is not cleared and has a reasonable solvability factor. The matter will be investigated further.
   - Inactive – No current solvability factors present.
o Arrest – The individual or individuals involved in this case were arrested for the alleged offense.

o Conduct Referral – The individual or individuals involved in this case were referred to the Student Conduct Officer for sanctions.

o Closed – The case has been investigated and closed out.

o Unfounded – A determination is made through investigation that a reported offense or attempted offense is false or baseless.

### Emergency Response and Notification

The College encourages all community members who become aware of any threat or dangerous situation, to immediately call 911 and Campus Security at (218) 723-6175.

When Campus Security receives a report of a crime or incident, security personnel will respond immediately to evaluate and mitigate the situation. When warranted, security will request the local authorities to respond upon confirmation of a significant emergency or dangerous situation, which poses an immediate threat to the greater campus community. The College will determine the content of an emergency message and initiate an immediate notification through Saints Alert to the campus community. Saints Alert and warnings will not be issued if the notification would compromise efforts to assist victims, contain the event, or otherwise mitigate the emergency as determined by the professional judgment of responsible authorities.

The college tests its Saints Alert program twice per academic year, once each semester.

The following positions oversee the dissemination of the Saints Alert messages:
- Communication Specialist for Web Marketing
- Executive Director of Marketing, Communications and Media Relations
- Director of Facilities Services
- Safety and Security Manager
- Telecommunications Manager
- Vice President of Finance

### Timely Warning Alerts

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, The College of St. Scholastica issues timely warning reports to notify the campus community of Clery Act crimes or other serious incidents that the College determines represent a serious and ongoing threat to the campus. The College may distribute timely warning reports using a variety of means, including e-mails, flyers, and website announcements posted on the College’s internal Cor website (http://cor.css.edu).

To report an incident that may warrant the issuing of a timely warning, immediately contact Campus Security at (218) 723-6175.

**A. What circumstances require issuing a timely warning?**

Timely warnings are issued on a case-by-case basis for Clery Act crimes or other serious incidents reported to campus security, campus security authorities or the Duluth Police Department and that pose “serious and ongoing threats” to students
and employees on campus or in the immediate campus community. In deciding whether to issue a timely warning, the College considers all of the facts surrounding the incident such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. Incidents that may result in issuing a timely warning include the following Clery Act crimes:

- Murder
- Criminal homicide
- Negligent manslaughter
- Forcible sex offenses
- Nonforcible sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

B. When will timely warnings be issued?
The College will issue a timely warning as soon as it determines there is a serious and ongoing threat to students or employees on campus and/or in the immediate campus community. The determination will be made based on the information that Campus Security or the Duluth Police Department has available to it at the time.

C. What department or individual is responsible for issuing the timely warning?
The Safety and Security Manager or his designee is responsible for preparing and distributing timely warning reports. The Safety and Security Manager may be reached at (218) 723-6387 or via e-mail at mturner@css.edu.

D. How are timely warnings distributed?
In most instances, the timely warning will be issued through the College’s e-mail system to students, faculty and staff. Depending on the particular circumstances of the crime or threat, Campus Security may also post a notice through flyers posted at residence halls and academic buildings.

E. What is included in a timely warning?
The intent of a timely warning is to enable members of the campus community to protect themselves. A timely warning will include information that promotes safety and aids in the prevention of similar crimes, such as the following information:

- A brief statement of the incident
• Possible connection to other incidents, if applicable
• Physical description of the suspect, if available
• Composite drawing of the suspect, if available
• Date and time of the incident
• Other relevant information

F. How should a crime be reported?
Anyone with information about a Clery Act crime or other serious incident should report the circumstances to Campus Security, by phone (218) 723-6175 or in person at the Campus Security office located in room 19 of Tower Hall. To report a crime or an emergency off campus, dial 911.

Missing Person Notification Policy
Any individual who believes that a currently enrolled St. Scholastica student is missing should immediately contact the Campus Security office. Following notification of this information, campus security will commence an investigation working with the Office of Residential Life and the Vice President for Student Affairs. Should the investigation result in the conclusion that the student is missing, and has been missing for 24 hours, security will notify the Duluth Police Department as well as the student’s emergency contact within a span of time not to exceed 24 hours from the time the student was determined to be missing.

To view the entire Missing Person Policy, go to:
http://resources.css.edu/facilities/documents/Missing_Student_Report.pdf

Alcohol and Drug Policy
http://css.edu/studenthandbook

This section of the CSS Student Handbook includes policies, procedures and resources related to:
• Alcohol Policy and Sanctions
• Drug Policy and Sanctions
• Parental Notification Policy
• Medical Amnesty Policy
• Information about Alcohol Poisoning and When to Call for Help
• Advertising, Promotion and Merchandising of Alcoholic beverages and/or Drugs
• Drug Related Convictions and Federal Student Aid

Related: See the section of this CSS Student Handbook: Tobacco-Free Policy

Alcohol Policy and Sanctions
Philosophy:
The goal of The College of St. Scholastica is to create an environment in which both the responsible use and nonuse of alcoholic beverages are respected and in which the lines existing between responsible drinking, problematic drinking and abuse are recognized. Within the Benedictine tradition of hospitality, the College seeks to foster a healthy environment and one in which all people can pursue healthy, respectful relationships with oneself and others, and are able at all times to embrace and live the value of Love of Learning. The College supports those who choose a lifestyle free of chemicals and offers support to those in recovery through our CLEAN program and WELLU via support groups on campus as well as ongoing programming.

Statement of Alcohol Use:
Students who are 21 years of age are, by state law, allowed to drink alcoholic beverages; however, we grant that right on our campus only to those who also adhere to and uphold the Benedictine values of Community, Hospitality, Respect, Stewardship and Love of Learning.

As an independent educational institution, The College of St. Scholastica extends the same right to members of the campus community who are of legal drinking age under strict conditions. Minnesota statutes section 340A.101 (2) and Duluth City Code Division 2, subdivision 1, section 8-13 defines "alcoholic beverage" as any beverage containing more than one-half of 1 percent alcohol by volume.

Inappropriate behavior usually falls into a violation of one of the Benedictine values: a failure to live well in community, a violation of hospitality, respect, stewardship, or a hindrance on the ability to learn well. This includes actions both on and off campus that violate the rights or property of others as defined by the Jurisdiction statement in the Code of Conduct in this handbook. Behavior after consumption of alcoholic beverages that violates College policy and/or state law will be considered an offense subject to review by the Code of Conduct for Students.

The College is committed to providing resources, counseling, education and other opportunities for responsible use to all students. On-campus counseling, support and information regarding alcohol or other drug concerns for oneself or a friend are available through the Student Center for Health and Wellbeing in Tower 2150, (218) 723-6085. The RESTORE (Reinforcing and Empowering Students to Overcome Restricted Experiences) team is available on campus to provide additional support and guidance to navigate through the choices of college life.

Use Guidelines:
The College allows absolutely no public consumption of alcohol, except at approved College events. Events involving students with alcohol must be approved by Dean of Students or their designee. Alcoholic beverages may be used in private rooms of the student apartments by those of legal age. Somers Residence Hall is an alcohol-free building for residents and guests regardless of age. Alcohol is not allowed in any classroom setting. The College reserves the right to determine whether the use of
alcoholic beverages in residential apartments by those of legal age is excessive or its use violates (by pattern or in a single incident) our Benedictine Values to the point where appropriate sanctions may be applied.

Alcohol Policies:

- Hosting
  - Bulk dispensing of alcohol is prohibited. This may include, but is not limited to kegs or mass quantities of alcohol. Any container(s) along with any taps will be seized by school personnel and not returned to the residents.
  - Distribution to minors is prohibited.
  - Delivery of alcoholic beverages to students on campus is prohibited. Alcohol cannot be sold (e.g., selling cups, asking for donations, etc.) anywhere on campus except in cases of a College sanctioned event.
  - For violations of the hosting policy in campus residences, anyone on the housing contract can be held responsible and therefore in violation of the hosting policy, regardless of age or presence.

- Presence
  - Breathalyzer/No Consumption under the age of 21: If a student has not consumed alcohol, as proven by a breathalyzer test from a College official, no alcohol consumption violation will be recorded, regardless of age. Please note other Code of Conduct violations may apply. **It is the student’s responsibility to request the breathalyzer.** Students who have not consumed alcohol or are over 21 will still be included on the incident documentation as witnesses, with the potential for follow-up.
  - No Breathalyzer under the age of 21: If a student is under the age of 21 and does not take the breathalyzer, the student(s) in presence of alcohol will be cited for underage consumption and any other applicable citations.
  - Roommates over 21: When a person who is not of legal drinking age is in their own residence with a roommate who is of legal drinking age, the underage student may be present if alcohol is being consumed. The person under the age of 21 may not consume alcohol.

- Consumption
  - Underage Consumption: Students not of legal drinking age found consuming alcohol on campus at any time will be in violation of the alcohol consumption policy.
  - Public Intoxication:
    - Intoxication, defined as being under the influence of alcohol or any other psychoactive drug to any extent that requires the attention of
college staff, causes a disturbance, or is a danger to persons (self or others) or property, is prohibited.

- Dangerous Consumption/Detox:
  - Dangerous Consumption is defined as, but is not limited to, the excessive consumption of alcohol or the commingling of substances resulting in serious impairment, poisoning, risky behavior, etc. It will be at the discretion of staff to determine whether or not an individual is in violation of dangerous consumption; determining factors will include blood alcohol concentration, physical indicators, and behavior. Regardless of age, if dangerous consumption is determined, faculty or staff, have the authority to request the student to be sent to the hospital or detox.

- Possession
  - Underage: Students who are under the legal drinking age in possession of alcohol (in a public or private space) will be found in violation of the possession policy.
  - Container Policy: Open or broken-sealed containers of alcohol are not allowed in any public area on campus without prior permission of the Dean of Students or their designee. Permission is required to use alcoholic beverages in any public area of the College including but not limited to the following: dining halls, apartments/halls picnic areas, athletic facilities, Science Center, Tower Hall, and other College grounds.
    - College authorities reserve the right to request IDs from any person carrying unconcealed containers of alcohol on campus.
    - Alcohol is not allowed in any classroom at any campus location. Alcohol brought into any classroom, for any reason, is a violation of College policy and is behavior subject to sanctions.

Alcohol Related Violations:
Every student is responsible to be familiar with the CSS Student Code of Conduct and the statement of sanctions in the Student Handbook.

Possession and consumption of alcohol by those not of legal drinking age and consumption by those of legal drinking age which results in behavior that endangers or is detrimental to self or others is a violation of the College alcohol policy. Other violations involving alcohol not expressly stated here, but which violate the rights or property of member(s) of The College of St. Scholastica community, will be considered violations of this policy. Violations which are violations of city and/or state law may also be referred to the proper city and/or state authorities in conjunction with or in addition to any College sanctions which may be imposed.

The College of St. Scholastica students involved in an incident where alcohol is present and are under the legal age to consume alcohol, have the option of taking a breathalyzer test. Although it may be offered, it is the student’s responsibility to request the breathalyzer test at the time of the incident if they want to demonstrate sobriety. The
results will be shared with the student and sent to the Dean of Students or designee. If a breathalyzer is taken, the following are possible results:

a. Students under the age of 21 with a positive result (detection of any alcohol) are subject to a consumption violation.

b. Students under the age of 21 with a negative test result (blow a zero) will not be subject to an alcohol violation. The student’s presence in the situation may be noted in the record, but unless there are corollary, related or concurrent violations, no citation will be issued.

c. Residents and students under the age of 21 who choose not to take the breathalyzer test, will be assumed to have consumed alcohol and will receive a consumption violation.
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<tr>
<th>Category A: Underage Consumption/Underage Possession</th>
<th>First Offense</th>
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<th>Third Offense</th>
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<td>● RESTORE meeting if determined by Dean of Students</td>
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| Category B: Hosting Public Intoxication Container Policy | | | |
|--------------------------------------------------------|---------------|----------------|---------------|----------------|
| ● Meet with designee of Dean of Students               | ● $200 fine                                            | ● $400 fine imposed                        |
| ● $100 fine                                           | ● Additional restitution for any damage to the community | ● Additional restitution for any damage to the community |
| ● Additional restitution for any damage to the community | ● AlcoholEDU course or RESTORE meeting or other wellness based sanction, determined by designee of Dean of Students | ● AlcoholEDU course or RESTORE meeting or other wellness based sanction, determined by designee of Dean of Students |
| ● AlcoholEDU course and/or RESTORE meeting or other wellness based sanction, determined by designee of Dean of Students | | | | |
| ● Meeting with a designee of the Dean of Students      | ● Your housing contract will likely be cancelled         | ● Suspension from the College and other restrictions or sanctions will likely be considered. |
| ● Housing contract will likely be cancelled            | ● Suspension from the College and other restrictions or sanctions will likely be considered. | | |
Category C: Dangerous Consumption

- Handled on an individual basis by Dean of Students designee:
- referral to the RESTORE team;
- possible required alcohol assessment
- parents/guardians are likely to be notified as a health and safety concern

Appeals:
All appeals of alcohol violations will follow the process outlined in the general Code of Conduct.

Drug and Controlled Substance Policy
Drug abuse on campus is a danger and a detriment to all members of The College of St. Scholastica community, including students, faculty, and staff. It is therefore the intent of this policy to maintain a drug-free campus.

This policy covers the unlawful manufacture, purchase, sale, distribution, possession, or use of an illegal drug or controlled substance. All of these are prohibited on The College of St. Scholastica property and as part of any activity sponsored by the College. Violations include, but are not limited to:

- unlawful manufacture, purchase, sale, distribution, possession, or use of an illegal drug or controlled substance
- being in the presence of illegal drug use, sale, or distribution
- possession of drug paraphernalia
- any involvement in the exchange of money, goods or services for an unlawful drug or controlled substance
- reasonable suspicion of unlawful drug use (odor, behavior, environmental factors) that in the judgement of College officials constitutes a preponderance of evidence.

Drug use can be characterized as but is not limited to the following: smoking, swallowing, snorting, intravenously ingesting, or otherwise consuming illegal drugs or excessive or wrongly administered use of legal drugs. All of the aforementioned behaviors will be considered violations of the drug policy, and those not listed but relevant as decided
through the discretion of College staff will be considered violations.

- Students can be held accountable for a violation of the drug/controlled substance policy if there is reasonable suspicion that drug use is occurring or has recently occurred. This includes odor, such as the smell of marijuana, in living spaces, behavior that indicates that drug use has occurred, or other environmental factors.
- Drug paraphernalia is not allowed anywhere on The College of St. Scholastica campus. Those who possess, manufacture, deliver, or advertise drug paraphernalia on campus will be in violation of both campus policy and Minnesota Statutes 152.092-.095. This includes hookahs or other drug paraphernalia, which will be confiscated and not returned to the owner.
- Students are cautioned that the College does not provide sanctuary from the law, nor are students immune from legal investigation or arrest by civil authorities resulting from the possession, use and sale of any dangerous drugs. The sale or transfer of illegal drugs will likely result in suspension or dismissal from the College and possible prosecution under state and federal law. The College of St. Scholastica cannot and will not protect students or staff from prosecution under federal, state, or local laws. (See Drug Related Convictions and Federal Student Aid later in this policy)

Legal or Prescribed Drugs
It is a violation of College policy and Minnesota Statute 152.11 to distribute, manufacture, or advertise legal or prescribed drugs and substances in a manner that may be considered excessive or wrongly administered. Substances such as prescription drugs may not be sold or distributed. Each student is expected to maintain possession and to be the sole consumer of their lawfully prescribed medication.

Synthetic Drugs
Students found to be in possession of, distributing, manufacturing, consuming, or advertising synthetic marijuana also known as K2, spice, or bath salts will be found in violation of The College of St. Scholastica’s drug policy and Minnesota Statute 152.027 subdivision 6.

Drug and alcohol - related and support services on campus
Drug counseling and recovery support for students is available through Recovery Services and more specifically the CLEAN Program, RESTORE, and SCHAWB. Students interested in further information, counseling, and/or support services are urged to refer to the drug and alcohol counseling resources.

Drug/Controlled Substance Violation:
Students found to be in violation of the drug policy will receive College issued sanctions at the discretion of the Dean of Students and, in many cases, will be held accountable to local, state, and federal law as well.

Possible College sanctions include but are not limited to the following:
- meet with Dean of Students designee,
- educational experience,
- fine(s) ranging from $100-500,
- restitution for damage to community,
- substance abuse assessments,
- treatment mandates,
- suspension or dismissal from campus housing,
- suspension or dismissal from the College.
- Any student who is determined to be manufacturing or distributing will likely be suspended or dismissed from The College of St. Scholastica.

**Drug Sanctions: General Guidelines for Use/Possession Violations**
These are a general guideline for sanctions, but are not limits, minimums or requirements. Sanctions for each case will be determined according to the facts and circumstances of the particular case, the needs of the individual(s) involved and the community impact.

<table>
<thead>
<tr>
<th>Violation Category</th>
<th>Class D or E small quantity</th>
<th>Class D or E large quantity</th>
</tr>
</thead>
</table>
| 1st Offense        | ● Housing probation of one semester  
                    ● Fine of $100  
                    ● Marijuana 101 course | ● Housing suspension of one year  
                    ● Fine of $200  
                    ● Marijuana 101 course  
                    ● RESTORE referral |
| 2nd Offense        | ● College probation and/or housing suspension for minimum of 1 year  
                    ● Fine of $200  
                    ● Substance use assessment, follow through on recommendations  
                    ● RESTORE referral  
                    ● Urinalysis 30-60 days from dismissal or probation (must pass to remain in or return to housing) | ● Dismissal from college  
                    ● Fine of $500 |
| 3rd Offense        | ● Suspension or dismissal from college  
                    ● Fine of $500 |                               |
<table>
<thead>
<tr>
<th>Violation Category</th>
<th>Class A, B, or C small quantity</th>
<th>Class A, B, or C large quantity</th>
</tr>
</thead>
</table>
| 1st Offense        | • Housing probation or suspension for 1 year  
                   • Fine of $200  
                   • Alcohol/Drug assessment, follow through on recommendations  
                   • RESTORE referral | • Suspension from college for 1 year  
                   • Housing dismissal  
                   • Fine of $400  
                   • Alcohol/Drug assessment, follow through on recommendations  
                   • RESTORE referral  
                   • Urinalysis within 30 to 60 days of suspension from college and 30 days prior to return to college (must pass UA in order to return) |
| 2nd Offense        | • Suspension from college for minimum of 1 full semester  
                   • Fine of $500  
                   • Minimum of outpatient treatment, in-patient treatment preferred  
                   • Urinalysis within 30 to 60 days of suspension and 30 days prior to return to college (must pass UA in order to return) | • Dismissal from college |
| 3rd Offense        | • Dismissal from college |                                    |

The following are examples of drugs in each class. It is at the discretion of the Dean of Students or the Dean’s designee to determine the classification of drugs not listed, what constitutes a large or small quantity, or for violations involving more than one drug.

**Class A:** Heroin, Bath Salts, K2  
**Class B:** LSD, Cocaine, MDMA/Ecstasy  
**Class C:** Mushrooms  
**Class D:** Marijuana  
**Class E:** Non-prescribed use of prescription drugs, miscellaneous pharmaceuticals

**Medical Amnesty Policy**
The priority and hope of The College of St. Scholastica with regard to alcohol and other drugs is the safety and health of students, staff, and faculty. The College is committed to providing education, support services, and the availability of both campus and community resources to encourage and assist students in making responsible decisions. Students are expected to comply with campus policies outlined in the student handbook and code of conduct, and local, state, and federal laws in their behavior surrounding alcohol and drug use.

Nevertheless, the College acknowledges that occasional medical emergencies arise as a result of excessive or hazardous drinking/drug use (alcohol poisoning, overdose, and other adverse reactions and effects). Students are expected to call for help when such emergencies occur (Residential Life staff, 911, Duluth Police Department). To encourage responsible action and the utilization of assistance when needed, the College has a Medical Amnesty policy that applies to the following:

- A student seeking medical attention for him or herself
- A student seeking medical attention for another person
- The student in need of medical attention (whether caller or not)

**Legal Context**

For information purposes, please know that Minnesota Statutes 2012, section 340A.503, subdivision 8 provides immunity from legal prosecution under state law if that "person contacts a 911 operator to report that the person or another person is in need of medical assistance for an immediate health or safety concern, provided that the person who initiates contact is the first person to make such a report, provides a name and contact information, remains on the scene until assistance arrives, and cooperates with the authorities at the scene. The person who receives medical assistance shall also be protected from prosecution. 'The aforementioned immunity' also applies to one or two persons acting in concert with the person initiating contact provided that all the 'aforesaid' requirements are met."

Note that this bill applies to an act relating to public safety; providing immunity for underage possession or consumption of alcohol for a person contacting 911 to seek assistance for another. This bill does not protect an individual who has violated any other campus policy, local, state, or federal law such as those pertaining to sexual or physical assault; drugs or controlled substances; filing a false police report or acts of perjury; probation violations; or otherwise disrupting the safety, property, or well-being of the College and its community.

**Application of Medical Amnesty within CSS**

While the College of St. Scholastica supports Medical Amnesty and adheres to state law, amnesty implications differ from those outlined in state law. The College of St. Scholastica has determined that a student who seeks medical attention for self or another will be recognized as having exhibited responsible behavior in doing so. Therefore, the student
for whom the medical attention was sought and the caller will be absolved of alcohol consumption and possession related fines (see alcohol policy and corresponding fine and other sanctions). However, the student for whom the medical attention was sought and quite possibly the caller will still be required to partake in an educational experience as delegated by a designee of the Dean of Students, and may be subject to other sanctions depending on the situation.

It will be determined by the Dean of Students or her designees whether or not the caller will be found in violation of other campus policies and code of conduct; nonetheless, the responsible action and good judgment of reporting the health or safety concern will be taken into account. In times of serious health and well-being concerns, parental notification and an educational experience still apply as sanctions for alcohol and drug violations; amnesty applies to sanctioned fines only. If it is determined by the Dean of Students or designee that medical amnesty appropriately applies to a situation, the person(s) involved will not have their future housing placement affected.

It is important to note that this policy does not protect students who repeatedly or deliberately violate campus policy and code of conduct. If a student has received amnesty in the past and is involved in a successive incident, it will be at the discretion of the Dean of Students to determine whether or not that individual is again eligible for amnesty from college-sanctioned fines in a subsequent incident.

Lastly, The College of St. Scholastica's Medical Amnesty policy is not exclusively applicable to individuals under the age of 21, although alcohol consumption and possession violations most often apply to said demographic. Individuals of any age are subject to both amnesty from fines issued by the college and the required restitution mandated by the Dean of Students. State law regarding Medical Amnesty does however apply only to individuals under the age of 21 who have broken laws of alcohol consumption or possession. If the incident involves other infractions including but not limited to sexual or physical assault, property damage, or unlawful distribution of prohibited substances, this policy is not applicable.

**Information about Alcohol Poisoning and When to Call for Help**

From the Mayo Clinic website [http://www.mayoclinic.org/diseases-conditions/alcohol-poisoning/basics/symptoms/con-20029020](http://www.mayoclinic.org/diseases-conditions/alcohol-poisoning/basics/symptoms/con-20029020)

Alcohol poisoning symptoms include:

- Confusion, stupor
- Vomiting
- Seizures
- Slow breathing (less than eight breaths a minute)
- Irregular breathing (a gap of more than 10 seconds between breaths)
- Blue-tinged skin or pale skin
- Low body temperature (hypothermia)
- Unconsciousness (“passing out”), and can’t be roused

It is not necessary for all of these symptoms to be present before you seek help. A person who is unconscious or cannot be roused is at risk of dying.

**When to see a doctor:** If you suspect that someone has alcohol poisoning — even if you do not see the classic signs and symptoms — seek immediate medical care. In an emergency, follow these suggestions:

- **If the person is unconscious**, breathing less than eight times a minute or has repeated, uncontrolled vomiting, call 911 or your local emergency number immediately. Keep in mind that even when someone is unconscious or has stopped drinking, alcohol continues to be released into the bloodstream and the level of alcohol in the body continues to rise. Never assume that a person will "sleep off" alcohol poisoning.

- **Be prepared to provide information.** If you know, be sure to tell hospital or emergency personnel the kind and amount of alcohol the person drank, and when.

- **Don’t leave an unconscious person alone.** While waiting for help, don’t try to make the person vomit. Alcohol poisoning affects the way your gag reflex works. That means someone with alcohol poisoning may choke on his or her own vomit or accidentally inhale (aspirate) vomit into the lungs, which could cause a fatal lung injury.

Even if you do not observe the signs and symptoms of overdose, alcohol poisoning, or other health concerns, err on the side of caution and seek assistance so that you and/or the individual may receive proper medical attention. If you suspect yourself or the individual to be in a life-threatening situation, call 911 immediately.

**Policy Regarding Advertising, Promotion, and Merchandising of Alcoholic Beverages and/or Drugs:**
Without written permission from the Dean of Students, no student or student organization may promote or advertise alcohol, alcoholic brands, illegal drugs, paraphernalia, or their use. Neither is it permissible for a student or student organization to promote or advertise an event which mentions or implies alcohol and/or drugs or controlled substances will be served or present. This includes College affiliation or promotion of bars, distributors or brands of alcoholic beverages on T-shirts, posters, cups, etc. unless approved by the Dean of Students. Questions should be referred to the Dean of Students. Any alcohol-
related advertising for student publications (such as the student newspaper, the Cable) must also be approved by the Dean of Students.

**Drug Related Convictions and Federal Student Aid:**
A federal or state drug conviction can result in lost eligibility for federal grants, loans, or work-study assistance as a result of penalties under 484(r)(1) of the Higher Education Act. Convictions only count against a student for aid eligibility purposes (FAFSA question 23c) if they were for an offense that occurred during a period of enrollment for which the student was receiving Federal Student Aid— they do not count if the offense was not during such a period, unless the student was denied federal benefits for drug trafficking by a federal or state judge. Also, a conviction that was reversed, set aside, or removed from the student’s record does not count, nor does one received when she was a juvenile, unless she was tried as an adult.

A federal or state drug conviction can disqualify a student for FSA funds. The student self-certifies in applying for aid that he is eligible. The College is not required to confirm this unless the College has conflicting information.

The chart below illustrates the period of ineligibility for FSA funds, depending on whether the conviction was for sale or possession and whether the student had previous offenses. (A conviction for sale of drugs includes convictions for conspiring to sell drugs.)

<table>
<thead>
<tr>
<th>Possession of Illegal Drugs</th>
<th>Sale of Illegal Drugs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>First Offense</strong></td>
<td><strong>First Offense</strong></td>
</tr>
<tr>
<td>1 year from date of conviction</td>
<td>2 years from date of conviction</td>
</tr>
<tr>
<td><strong>Second Offense</strong></td>
<td><strong>Second Offense</strong></td>
</tr>
<tr>
<td>Two years from date of conviction</td>
<td>Indefinite Period</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3 + Offenses</th>
<th>- - - -</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indefinite Period</td>
<td>- - - -</td>
</tr>
</tbody>
</table>

If the student was convicted of both possessing and selling illegal drugs, and the periods of ineligibility are different, the student will be ineligible for the longer period. Schools must provide each student who becomes ineligible for FSA funds due to a drug conviction a clear and conspicuous written notice of his loss of eligibility and the methods whereby he can become eligible again.

A student regains eligibility the day after the period of ineligibility ends or when he successfully completes a qualified drug rehabilitation program or passes two unannounced drug tests given by such a program. Further drug convictions will make him ineligible again.

Students denied eligibility for an indefinite period can regain it after successfully completing a rehabilitation program (as described below), passing two unannounced drug tests from such a program, or if a conviction is reversed, set aside, or removed from the
student’s record so that fewer than two convictions for sale or three convictions for possession remain on the record. In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility. It is the student’s responsibility to certify to the College that she has successfully completed the rehabilitation program; as with the conviction question on the FAFSA, The College is not required to confirm the reported information unless The College has conflicting information.

Parental Notification Policy:

The Family Educational Right to Privacy Act, (FERPA), by the U.S. Department of Higher Education states that it is permissible for The College of St. Scholastica to notify the parents/guardian of a student when there is a concern for the health or safety of the student regardless of disciplinary status. This means that if the College has deep concern for the health and safety of a student due to overconsumption (i.e. trip to hospital or detox) or a repeated pattern or single event of high risk behavior, the College will likely contact the parents or guardians.

The Parental Notification Policy will be utilized at the discretion of the Dean of Students or designee.

Sexual & Gender Based Misconduct Policy

Sexual & Gender-Based Misconduct

This policy outlines the College’s commitment to ensuring that all of its campuses are free from sexual and gender-based misconduct, the steps for recourse for those individuals whose rights may have been violated, and the procedures for determining a violation of College policy. This policy applies to the following forms of sex discrimination, which are referred to collectively as “sexual misconduct”: sexual and gender-based harassment, sexual assault, domestic violence, dating violence, stalking, and sexual exploitation. For the College’s more general nondiscrimination policy, please see the Bias, Bullying, Discrimination, Harassment Policy in the student handbook and the Harassment and Workplace Violence Policy. Allegations of sex discrimination that do not involve sexual misconduct will be handled in accordance with the Bias Incident/Discrimination/Discriminatory Harassment/General Harassment/Bullying and Workplace Violence Policy.

This policy is distributed annually to all students and employees of the College and is posted in the following locations: Student COR page, Employee COR page, Title IX webpage, VIP Webpage, student handbook, faculty handbook, staff handbook, break rooms including faculty/staff lounges at every location, Title IX coordinator offices, and student common areas. For specific information about where the policy is posted at each campus, please see the Resources section at the end of the policy. This policy also will be provided by the College to any student, employee, or other individual who reports to the College that they have been a victim of sexual misconduct.

I. SCOPE OF THE POLICY

This policy applies to all College community members, including students, faculty, administrators, staff,
volunteers, vendors, independent contractors, visitors and any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity with the College or on College property. This policy applies regardless of the sexual orientation or gender identity of any of the parties.

All College community members are required to follow College policies and local, state, and federal law. This policy applies to conduct occurring on College property or at College-sanctioned events or programs that take place off campus, including study abroad and internships. This policy also applies to off-campus conduct that the College determines occurred in the context of an education program or activity or had continuing effects on campus. This policy also applies to off-campus conduct that may cause or threaten to cause an unacceptable disruption at the College or which may interfere with an individual’s right to a non-discriminatory educational or work environment.

II. NOTICE OF NON-DISCRIMINATION

In complying with the letter and spirit of applicable state and federal laws, such as Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Minnesota Human Rights Act, and in pursuing the College’s own goal of inclusive excellence, College employees shall not discriminate on the grounds of sex, gender identity, race, color, creed, national origin, age, religion, disability, marital status, familial status, membership or activity in a local human rights commission, family genetics and medical history, veteran status, sexual orientation, and status with regard to public assistance in employment policies and practices, education programs and activities, and all other areas of the College. This policy applies to all employment practices and terms and conditions of employment, including but not limited to promotions, tenure, transfers, compensation, terminations, training and participation in College sponsored benefits or programs.

In accordance with Title IX, this policy addresses the College’s prohibition of all forms of sex discrimination, including sexual assault and sexual harassment. The College does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of admissions or employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Sexual harassment is a form of sex discrimination. Sexual harassment includes a variety of unwelcome behavior of a sexual nature, including gender-based harassment, unwelcome sexual advances, requests for sexual favors, sexual violence, and sexual assault. In accordance with Title IX, this policy addresses the College’s prohibition of the following forms of sex discrimination: sexual harassment, sexual assault, domestic violence, dating violence, stalking, and sexual exploitation.

The College will not tolerate sexual misconduct in any form. The College will promptly and equitably respond to all reports of sexual misconduct in order to eliminate the misconduct, prevent its recurrence, and address its effects on any individual and/or the community.

Inquiries or complaints about Title IX, sex discrimination, sexual harassment, or other forms of sexual misconduct may be directed to the College’s Title IX Coordinator:

Kaelene Arvidson-Hicks
Title IX Coordinator
1200 Kenwood Avenue
Duluth, MN 55811
Telephone: (218) 625-4444
Email: titleix@css.edu
Inquiries or complaints may also be directed to the U.S. Department of Education’s Office for Civil Rights:

The Office of Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: (800) 421-3481
Facsimile: (202) 453-6012 TDD#: (800) 877-8339
Email: OCR@ed.gov
Visit the OCR website

### III. COMMUNITY EXPECTATIONS

The College seeks to create an environment in which the greatest academic potential of students and professional potential of employees may be realized. In order to create and maintain such an environment, all who work and learn at the College are responsible for ensuring that the community is free from all forms of sexual misconduct. These behaviors threaten our learning, living, and work environments and will not be tolerated.

All members of the College community are expected to engage in behaviors that support the values of the College and that do not infringe upon the rights of others and assist in creating a safe, welcoming and respectful campus environment. In particular, the College expects that all community members will take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include direct intervention when it is safe to do so, enlisting the assistance of friends or a person in authority, or contacting law enforcement. College community members are expected to educate themselves about such behavior and be vigilant in protecting the right to an environment free of sexual misconduct.

**Consensual Relations Policy**

In order to protect the integrity of the academic, living and work environment, the College’s Consensual Relations Policy outlines limitations on consensual romantic or sexual relationships between faculty, staff and students at the College. The purpose of the policy is to ensure that the College’s academic, living and work environment remains free from real or apparent conflicts of interest when individuals in positions of unequal power at the College are involved in consensual romantic or sexual relationships. When individuals involved in a consensual romantic or sexual relationship are in positions of unequal power at the College, there is the potential for a conflict of interest, favoritism, exploitation and sexual or gender-based misconduct. See the College’s Consensual Relations Policy.

**College Response**

The College encourages the prompt reporting of any incident of sexual misconduct to the College and to local law enforcement. Upon receipt of a report or complaint, the College will take prompt and effective action to provide appropriate interim actions, provide support for individuals who report having experienced sexual misconduct or who seek assistance, address the safety of individuals involved and the campus community, and implement the process for resolution as outlined in this policy.

The response of the College will vary depending on the circumstances, including the severity or pervasiveness of the offense, the threat it poses to the community, and other relevant factors. Because behavior that violates this policy may also be a violation of law, any individual who has been subjected to sexual misconduct is also encouraged to consider criminal or civil legal options. An individual may also file a complaint with the U.S. Department of Education’s Office for Civil Rights.
Retaliation against any person or group who makes a complaint, cooperates with an investigation, or participates in a complaint resolution proceeding is a violation of College policy. Retaliation should be reported promptly to the Title IX Coordinator for investigation. The College will take appropriate action against any individual who engages in retaliation.

IV. DEFINITION OF TERMS

**Victim** refers to an individual who is alleged to have been subject to conduct that violates this policy.

**Accused** refers to an individual who has been accused of prohibited conduct under this policy.

**Complainant** refers to the individual filing a complaint with the College under this policy. In addition, the term “complainant” may also be used to refer generally to persons alleged to have been subjected to conduct that violates this policy, whether or not they have filed a complaint.

**Respondent** refers to the individual named as the accused in a complaint with the College under this policy.

**Third party** refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

A **report** is an account of sexual misconduct that has allegedly occurred that could be provided to the College by the complainant, a third party, or an anonymous source.

A **complaint** is an alleged policy violation that begins a complaint resolution process as set forth in the Procedures for Sexual Misconduct Complaint Resolution.

**Retaliation** is adverse action taken against a person for making a good faith report of a possible or potential violation of this policy, for supporting another person’s report, or because of the person’s participation in a complaint or investigation of sexual misconduct. Retaliation includes, but is not limited to, any form of intimidation, threats, coercion, reprisal, or harassment.

V. CSS TITLE IX TEAM

**Title IX Coordinator** – The Title IX Coordinator is the designated staff member of the College with primary responsibility for coordinating College Title IX Compliance efforts, including the College’s efforts to end sexual misconduct, prevent its recurrence, and address its effects. The Title IX Coordinator oversees and monitors the College’s overall compliance with Title IX-related policies; the implementation and oversight of grievance processes and procedures, including review, investigation, and resolution of reports and complaints of sexual misconduct; and the provision of educational materials and training for the campus community. Responsibilities of the Title IX Coordinator include:

- Ensuring College policies and procedures and relevant state and federal laws are followed;
- Advising any individual, including a complainant, a respondent or a third party, about the courses of action available at the College and in the community;
- Assisting any College employee regarding how to respond appropriately to a report of sexual misconduct;
- Monitoring full compliance with all procedural requirements and time frames outlined in this policy;
- Evaluating allegations of bias or conflict of interest relating to procedures outlined in this policy;
- Determining whether grounds for appeal under this policy have been stated.
Ensuring that appropriate training, prevention and education efforts, and periodic reviews of climate and culture take place;

- Coordinating the College’s efforts to identify and address any patterns or systemic problems revealed by reports and complaints; and
- Assisting in answering any other questions related to this policy.

With the exception of reports to confidential resources, the Title IX Coordinator must be informed of all reports or complaints raising Title IX issues, even if the report or complaint was initially filed with another individual or office.

**Title IX Deputies** – The Title IX Deputies are appointed staff and faculty designees who have shared responsibility for consulting with, and supporting, the Title IX Coordinator and may serve as the Title IX Coordinator’s designee. Title IX Deputies may also be called upon to investigate complaints of sexual misconduct, resolve complaints, review appeals, and/or facilitate informal resolutions to conflicts or complaints.

**Gender Equity & Anti-Violence Advocates (GEVA)** – Members of the team are specially trained advocates and are accessible to any member of the community for semi-confidential support and information following an incident of sexual misconduct.

**Investigators** – The investigator is a trained person designated by the College to investigate a complaint of sexual misconduct. The investigation is a fact-finding inquiry, which generally includes conducting interviews and gathering evidence. The investigator conducts a prompt, thorough, fair, and impartial investigation. The investigator generally compiles a report summarizing the investigation and an investigation file containing the relevant evidence. Additional information about the investigation process is provided in the Procedures for Sexual Misconduct Complaint Resolution below.

**Adjudicators** – The adjudicator is a trained person designated by the College to determine whether the policy has been violated and what sanctions and/or remedies should be implemented. The adjudicator reviews the investigation file compiled by the investigator and makes a determination using the “preponderance of the evidence” standard.

**VI. PROHIBITED CONDUCT**

**A. Sex Discrimination**

Sex discrimination is conduct based upon an individual’s sex that excludes an individual from participation, denies the individual the benefits of, treats the individual differently, or otherwise adversely affects a term or condition of an individual’s employment, education, living environment or participation in a program or activity. Sex discrimination encompasses all forms of sexual harassment, sexual violence, differential treatment, and gender-based harassment. Sex discrimination includes discrimination based on gender identity and failure to conform to stereotypical notions of masculinity or femininity. For the College’s general nondiscrimination policy, please see the Bias Incident/Discrimination/ Discriminatory Harassment/General Harassment/Bullying and Workplace Violence Policy.

**B. Sexual Misconduct**

As used in this policy, sexual misconduct means the following forms of sex discrimination: sexual harassment, sexual assault, domestic violence, dating violence, stalking, and sexual exploitation, as each of those terms is defined below.
C. Sexual Harassment

Sexual harassment is a form of sex discrimination which is illegal under Title VII of the Civil Rights Act of 1964, Title IX of The Education Amendments of 1972, and the Minnesota Human Rights Act. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, offensive comments or other conduct based on sex, sexually motivated physical contact, or other verbal, nonverbal, or physical conduct or communication of a sexual nature, including sexual violence, when:

- submission to that conduct is made, either explicitly or implicitly, a term or condition of an individual’s educational experience or employment, or the individual’s submission or rejection of such conduct is used as the basis of an educational program or activity decision or employment decision affecting such individual; or
- such conduct has the purpose or effect of substantially and unreasonably interfering with an individual’s employment or education, or of creating an intimidating, hostile, or offensive employment or educational environment

1 Some instances of dating violence, domestic violence, and stalking may not be sexual in nature. For purposes of this policy, the term “sexual misconduct” encompasses all instances of dating violence, domestic violence, and stalking (as those terms are defined in this policy), regardless of whether there is a sexual component to the behavior.

Types of sexual harassment:

1. Hostile Environment: Includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and clearly/objectively offensive that it alters the conditions of education or employment. The circumstances to determine whether an environment is “hostile” could include:

- The frequency of the conduct.
- The nature and severity of the conduct.
- Whether the conduct was physically threatening.
- The effect of the conduct on the victim’s mental or emotional state.
- Whether the conduct was directed at more than one person.
- Whether the conduct arose in the context of other discriminatory conduct.
- Whether the conduct unreasonably interfered with the victim’s educational or work performance.
- Whether the statement is an utterance of an epithet which engenders offense in an employee or student, or offends by rudeness.
- Whether the speech or conduct deserves the protections of academic freedom.

Not all workplace or educational conduct that may be described as inappropriate affects the terms, conditions or privileges of employment or education. Some examples of sexual harassment include, but are not limited to:

- Requests for sexual favors.
- Verbal abuse of a sexual nature or obscene language.
- Gender- or sexually-oriented jokes and comments.
- Displaying derogatory or sexually suggestive pictures or other objects in an office, on the exterior of a residence hall door, or on a computer monitor in a public space.
- “Rating” individuals’ bodies and sex appeal, commenting suggestively about their clothing and appearance, or other verbal commentary about an individual’s body.
- Visual conduct such as leering or making gestures.
• Gossip about sexual relations.
• Repeated and unwelcome sexual flirtations, attention, or advances.

2. **Quid pro quo sexual harassment** is unwanted sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and submission to or rejection of such conduct results in adverse educational or employment action. Examples of quid pro quo harassment include, but are not limited to:
   • Punishing or threatening to punish a refusal to comply with a sexual-based request.
   • Offering a benefit (such as a grade, promotion, or athletic participation) in exchange for sexual favors or other verbal or physical conduct of a sexual nature.

D. **Sexual Assault**

Sexual assault is any actual or attempted sexual contact with another person without that person’s consent. As used in this policy, sexual contact includes intentional contact by the accused with the victim’s genital area, groin, inner thigh, buttocks, or breasts, whether clothed or unclothed, or coerced touching by the victim of another’s genital area, groin, inner thigh, buttocks, or breasts, whether clothed or unclothed. Sexual assault includes but is not limited to an offense that meets any of the following definitions:

- Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or oral contact with the sex organ of another person, without the consent of the victim.
- Fondling: the touching of the intimate parts (including the genital area, groin, inner thigh, buttocks, or breast) of another person for the purpose of sexual gratification, without the consent of the victim.
- Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory rape: sexual intercourse with a person who is under the statutory age of consent; in Minnesota the age of consent is 16.

Sexual assault is a crime under Minnesota law. See Minnesota Statutes Section 609.341 et seq. As defined by Minnesota law, criminal sexual conduct includes non-consensual sexual contact and non-consensual sexual penetration as those terms are defined in Minnesota Statutes Section 609.341. For links to Minnesota Statutes concerning sexual violence please click here.

E. **Consent, Coercion, and Incapacitation**

Consent is words or conduct that clearly indicate a person freely agrees to engage in a particular sexual act at the time of the act. Consent must be informed, voluntary, and actively given. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent. The College applies the following principles in determining whether an individual consented to a particular act.

- Consent can only be given if one is of legal age. In Minnesota, the legal age of consent is 16.
- Consent is a mutually understood and freely given “yes,” not the absence of “no.”
- Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
- Consent can be withdrawn at any time. When consent is withdrawn, the sexual activity for which consent was initially provided must stop.
- Silence or failing to resist does not imply consent.
- Previous relationships or previous consent does not imply consent to future sexual acts.
- An existing sexual, romantic, or marital relationship does not imply consent.
- Prior sexual activity with other individuals does not imply consent.
- Consent cannot be procured, expressly or implicitly, by use of physical force, threats, intimidating behavior, or coercion*.
- There can be no consent to sexual activity with someone known to be—or who should be known to be—mentally or physically incapacitated**.
- Use of alcohol or other drugs will never function to excuse behavior that violates this policy.
- The College has a Consensual Relations Policy that places limitations on romantic or sexual relationships between faculty, staff, and students, even when it may appear that consent is present.

Coercion* refers to intimidation that would compel an individual to do something against their will by the use of psychological pressure, physical force, or threats of severely damaging consequences. Coercion is more than an effort to persuade or attract another person to engage in sexual activity. Coercive behavior differs from seductive behavior based on the degree and type of pressure someone used to get consent from another.

Incapacitation** means the physical and/or mental inability to understand the fact, nature, or extent of the sexual situation. Incapacitation may result from mental or physical disability, sleep, unconsciousness, involuntary physical restraint, or from the influence of drugs or alcohol. With respect to incapacitation due to the ingestion of alcohol or other drugs, incapacitation requires more than being under the influence of alcohol or other drugs; a person is not incapacitated just because they have been drinking or using other drugs. Where alcohol and other drugs are involved, incapacitation is determined based on the facts and circumstances of the particular situation, looking at whether the individual was able to understand the fact, nature, or extent of the sexual situation; whether the individual was able to communicate decisions regarding consent, non-consent or the withdrawal of consent; and whether such condition was known or reasonably should have been known to the accused or a reasonable person in the accused’s position. Use of drugs or alcohol by the accused is not a defense against allegations of sexual misconduct and does not diminish personal responsibility. It is the responsibility of the person initiating the specific sexual activity to obtain consent for that activity.

F. Dating Violence

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on the statement of the individual alleging the dating violence and with consideration of the following factors:

- the length of the relationship;
- the type of relationship; and
- the frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Dating violence is also prohibited by Minnesota law. See Minnesota Statutes Section 518B.01.

G. Domestic Violence

Domestic violence includes felony or misdemeanor crimes of violence committed by:

- A current or former spouse or intimate partner of the victim.
- A person with whom the victim shares a child in common.
A person who is a current or former cohabitant of the victim as a spouse or intimate partner.
A person similarly situated to a spouse of the victim under Minnesota’s domestic or family violence law.
Any other person against an adult or youth victim who is protected from that person’s acts under applicable domestic or family violence laws of Minnesota (or, if the crime occurred outside of Minnesota, the jurisdiction in which the crime of violence occurred). In addition to the relationships described above, Minnesota law defines domestic violence to include violence committed between parents and children, blood relatives, persons who are presently residing together or who have resided together in the past, persons who have a child together, persons involved in a significant romantic or sexual relationship, and a man and women, if the woman is pregnant and the man is alleged to be the father.

Domestic violence is also prohibited by Minnesota law. See Minnesota Statutes Section 518B.01. While not exhaustive, the following are examples of conduct that can constitute domestic violence: (1) physical harm, bodily injury or assault; (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or (3) terroristic threats, criminal sexual conduct, or interference with an emergency call.

### II. Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for their safety or the safety of others or (2) to suffer substantial emotional distress.

- **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through others (by any action, method, device, or means), follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property.
- **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking behavior includes, but is not limited to:

- Repeated, unwanted and intrusive communications by phone, mail, text message, email and/or other electronic communications, including social media.
- Repeatedly leaving or sending the victim unwanted items, presents or flowers.
- Following or lying in wait for the victim at places such as home, school, work or recreational facilities.
- Making direct or indirect threats to harm the victim or the victim’s children, relatives, friends or pets.
- Damaging or threatening to damage the victim’s property.
- Repeated posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth that would cause a person to feel threatened or intimidated.
- Unreasonably obtaining personal information about the victim.

Stalking is also prohibited by Minnesota law. See Minnesota Statutes Section 609.749. As defined by Minnesota law, stalking means “to engage in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.”
I. Sexual Exploitation

Sexual exploitation occurs when: (1) a person takes non-consensual or abusive sexual advantage of another (2) for their own advantage or benefit or to benefit or advantage anyone else (3) and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Prostituting another person.
- Non-consensual video- or audio-taping of sexual activity.
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex).
- Voyeurism.
- Exposing one’s genitals or inducing another to expose their genitals in non-consensual circumstances.
- Knowingly transmitting a sexually transmitted disease or sexually transmitted infection to another person.
- Possession of child pornography. (Possession of child pornography must be reported immediately.)
- Posting sexually explicit photos or videos in public or on social media sites or other distribution of such photos or videos without consent.

VII. CONFIDENTIALITY

The College is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. The College will protect a victim’s confidentiality to the extent possible even if the victim does not specifically request confidentiality. The College encourages individuals who have experienced sexual misconduct to talk to someone about what happened. Privacy and confidentiality have distinct meanings under this policy, and different people on campus have different legal reporting responsibilities, and different abilities to maintain privacy or confidentiality, depending on their roles at the College.

In making a decision about whom to contact for support and information, it is important to understand that most College employees are not confidential resources, and are therefore obligated to report to the College any information they receive about sexual misconduct. Persons who have experienced sexual misconduct are encouraged to consider the information below in choosing whom to contact for information and support.

In addition, although the College will strive to protect the privacy of all individuals involved to the extent possible consistent with the College’s legal obligations, the College may be required to share information with individuals or organizations outside the College in certain circumstances. For example, if there is a criminal investigation or civil lawsuit related to the alleged misconduct, the College may be subject to a subpoena or court order requiring the College to disclose information to law enforcement and/or the parties to a lawsuit. In such cases, affected students will be notified consistent with the College’s responsibilities under FERPA.

Confidential Communications and Resources

The College recognizes that some individuals may wish to keep their concerns confidential. Confidential communications are those communications which legally cannot be disclosed to another person without the reporter’s consent, except under very limited circumstances such as allegations involving the physical or sexual abuse of a child (under the age of 18) or vulnerable adult or an imminent threat to the life of any person. Individuals who desire absolute confidentiality should speak with a licensed medical professional,
professional counselor, minister or other pastoral counselor, or trained victims’ advocates available in the community. On-campus resources include mental health counselors in the Student Center for Health and Well-Being and Student Health Services staff. Off-campus resources in Duluth include PAVSA (Duluth’s Rape Crisis Center) and Safe Haven (Duluth Battered Women’s Shelter). As discussed in more detail below, the Violence Intervention and Prevention Program Coordinator and other GEVA team members cannot promise absolute confidentiality. For more information about confidential resources available in your area, please see the Resources section at the end of this policy and on the College’s website.

Individuals who desire semi-confidentiality (but less than absolute confidentiality) may speak with the Violence Intervention and Prevention Program Coordinator or another GEVA team member. It is important to understand that the Violence Intervention and Prevention Program Coordinator and other GEVA team members are not able to promise absolute confidentiality. Within the College, the Violence Intervention and Prevention Program Coordinator and other GEVA team members are required to report aggregate data concerning sexual misconduct incidents and general information, such as the nature, date, time, and general location of the incident. The Violence Intervention and Prevention Program Coordinator and other GEVA team members are not required to share a victim/survivor’s private, personally identifiable information unless there is a cause for fear for the safety of a campus community member or others. In addition, communications with a GEVA team member are not protected by a legal privilege and may be required to be disclosed in a criminal or civil lawsuit.

A person who speaks to a confidential resource should understand that, if the person does not report the concern to the College, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action.

Non-Confidential Communications

Non-confidential communications are those communications with any College employee who is not a confidential resource as identified above. Only confidential resources can promise confidentiality. All other College employees who become aware of incidents or allegations of sexual misconduct have a responsibility to report the matter to the Title IX Coordinator, including the name of the victim/survivor, the name of the perpetrator, the names of any witnesses, and any other relevant information. Allegations of policy violations will be considered private and will only be shared with other College employees on a need to know basis. The allegations will not be shared with law enforcement without the consent of the individual who has alleged the sexual misconduct.

College employees who are not confidential resources will strive to remind an individual of their reporting obligations before the individual has disclosed a situation that requires reporting to the Title IX Coordinator.

Requests for Confidentiality or Non-action

When the College receives a report of sexual misconduct, it has a legal obligation to respond in a timely and appropriate manner. Making a report to the College does not require an individual to begin or participate in a complaint resolution proceeding or to report to local law enforcement. However, based on the information gathered, the College may determine that it has a responsibility to move forward with a complaint resolution proceeding (even without the participation of the individual who has alleged the sexual misconduct). In a situation in which the individual requests that their name or other identifiable information not be shared with the accused, or that no action be taken against the accused, the College will evaluate the request considering the following factors: the seriousness of the alleged conduct; the respective ages and roles of the individual who has alleged the sexual misconduct and the accused; whether there have been other complaints or reports of harassment or misconduct against the accused; whether more than one individual is accused; whether there is a pattern of perpetration; whether a weapon
was involved; the ability to conduct an investigation without revealing identifiable information; and the extent of any threat to the College community. In instances where the College moves forward with a complaint resolution proceeding without the participation of the individual who has alleged the sexual misconduct, the individual who is alleged to have been subject to the misconduct will have the same rights as provided to a complainant under this policy, even if the individual is not named as a complainant.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation made by the individual who has alleged the sexual misconduct; however, the scope of the response by the College may be impacted or limited based on the nature of the individual’s request.

The Title IX Coordinator may determine that the individual’s request for confidentiality or no action cannot be honored. In this instance, the Title IX Coordinator or the Title IX Coordinator’s designee(s) will inform the individual about the chosen course of action, which may include an investigation of the incident(s) reported, and may, at the individual’s request, communicate to the accused that the individual asked the College not to investigate and that the College determined it needed to do so. Alternatively, action could include steps to limit the effects of the alleged misconduct and prevent its recurrence that do not involve an investigation or formal disciplinary action against the accused or revealing the identity of the individual who has alleged the sexual misconduct, including interim actions for the individual.

In order to protect the rights and safety of this community, the College reserves the right to take whatever measures deemed necessary in response to an allegation of sexual misconduct. While the College cannot guarantee confidentiality, it will strive to accommodate the individual’s requests to the extent possible consistent with the legal obligations of the College to respond effectively to reports.

Statistical Reporting and Timely Warning

The College is obligated to provide the college community with general information regarding incidents of sexual violence and other crimes occurring on campus. However, publicly available recordkeeping, including Clery Act reporting and disclosures such as the annual security report and daily crime log, will not include names or other information that may personally identify either party. As required by Minnesota and federal law, the College includes statistics about certain offenses in its annual security reports and provides those statistics to the United States Department of Education and the Minnesota Office of Higher Education in a manner that does not include any personally identifying information about individuals involved in an incident. To ensure that a victim’s personally identifying information will not be included in publically available recordkeeping, the Title IX Coordinator and/or Safety and Security Manager describes the alleged incidents by removing the victim’s and accused’s names and any other identifiers that would enable the public to identify the victim or accused in the context of the incident report.

In addition, the Clery Act requires the College to issue a crime alert (timely warning) to the campus community about certain reported offenses which may represent a serious or continuing threat to students and employees. The timely warning may include that an incident has been reported, general information surrounding the incident, and how incidents of a similar nature might be prevented in the future. The timely warning will not include any identifying information about the individual who has alleged the sexual misconduct.

Minnesota law, Minn. Stat. 135A.15, requires institutions to collect statistics, without inclusion of any personally-identifying information, regarding the number of reports of sexual assault received by an institution and the number of types of resolutions. Data collected for purposes of submitting annual reports containing those statistics to the Minnesota Office of Higher Education under Minn. Stat. 135A.15 shall only be disclosed to the victim, persons whose work assignments reasonably require access, and, at the
victim’s request, police conducting a criminal investigation. Nothing in this paragraph is intended to conflict with or limits the authority of the College to comply with other applicable state or federal laws.

All College proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, and state and federal law. No information shall be released from such proceedings except as required or permitted by law and College policy.

VIII. IMMEDIATE AND ONGOING ASSISTANCE FOLLOWING AN INCIDENT OF SEXUAL MISCONDUCT

The College will seek to support any person adversely impacted by sexual misconduct. Both the College and the community provide a variety of resources to assist and support individuals who have experienced sexual misconduct or are affected by allegations of sexual misconduct. These resources, both immediate and ongoing, are available to all persons irrespective of their decision to report to the College or to law enforcement. Contact information for on- and off-campus resources (including confidential resources) who can provide an immediate response in a crisis situation, including assisting with obtaining needed resources and explaining reporting options, is listed in the Resources section at the end of this policy and on the College’s website. Emergency numbers and information about health care options are also listed in the Resources section at the end of this policy and on the College’s website.

Support services that may be available include, but are not limited to, connecting the individual with appropriate, fair, and respectful on-campus and off-campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and support services; making changes to academic, living, transportation, and/or working arrangements; assistance in filing a criminal complaint; and providing information about restraining orders and other available protections and services. Additional information about ongoing assistance is in the Interim Actions section below. To receive information about obtaining support services, individuals should contact the Title IX Coordinator or a confidential resource.

The College will provide written notification to affected individuals 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 College and in the community. An individual does not need to report sexual misconduct to law enforcement or initiate a complaint in order to receive support services from the College.

A complete description of College and community resources, both confidential and non-confidential, and additional information regarding what individuals can do if they experience sexual violence is provided in the Resources section at the end of this policy and on the College’s website. Individuals who believe they have been subjected to any form of sexual misconduct are encouraged to seek support from these resources.

IX. REPORTING SEXUAL MISCONDUCT

Reports to the College

The College encourages anyone who has experienced or witnessed sexual misconduct to report the incident to the College. An individual may provide a report to the College by contacting the following:

☐ Title IX Coordinator: Kaelene Arvidson-Hicks, Title IX Coordinator, Human Resources: 218-625-4444, titleix@css.edu
☐ Title IX Deputy – Athletics: Stacy Deadrick (218)-723-6299, 1200 Kenwood Ave, Duluth, MN 55811, sdeadric@css.edu
• Title IX Deputy – Student Affairs: Steve Lyons (218)-723-6167, 1200 Kenwood Ave, Duluth, MN 55811, slyons@css.edu
• Title IX Deputy – Extended Sites: Amy Grimm (651)-403-8627 340 Cedar St. #50, St. Paul, MN 55101, agrimm@css.edu

Online Reporting Form

Reports to the College should include as much information as possible, including the names of the individual alleging they have experienced sexual misconduct and the accused, and the date, time, place, and circumstances of the incidents, to enable the College to respond appropriately. Reports can be made by telephone, via email, or in person. Subject to the limitations discussed below in the Employee Reporting of Sexual Misconduct section, individuals also have the option to file an anonymous report using the College’s anonymous online reporting form.

When a student or employee reports to the College that they have been a victim of sexual assault, dating violence, domestic violence, or stalking, whether the offense occurred on or off campus, the College will provide the student or employee with a written explanation of the student’s or employee’s rights and options.

Statistics relating to reports to the College of certain criminal offenses will be represented in the annual crime statistics published by the College as required by Minnesota and federal law.

Employee Reporting of Sexual Misconduct

In order to enable the College to respond effectively and to prevent future instances of sexual misconduct, all College employees who are not confidential resources who obtain or receive information regarding a possible violation of this policy must report that information to the Title IX Coordinator. Student employees who receive such information in the course of their work position or duties also must report the information to the Title IX Coordinator. Such reports should be made as soon as possible and should include all relevant details reported to the employee. This includes, to the extent known, the names of the accused (if known), the individual alleged to have experienced the sexual misconduct, other individuals involved in the incident, as well as relevant facts, including the date, time, and location. Employees who receive such reports should not attempt to “investigate” the allegation or require the alleged victim/reporting individual to provide all of the details surrounding the alleged misconduct. To the extent the alleged victim/reporting individual provides detail, that information should be provided to the Title IX Coordinator. Upon receiving a report of alleged or possible sexual misconduct, the Title IX Coordinator or the Title IX Coordinator’s designee(s) will evaluate the information received and determine what further actions should be taken consistent with this policy.

Anonymous Reports

The College will accept anonymous reports of sexual misconduct. Reports may be filed anonymously using the College’s anonymous online reporting form without requesting further action from the College. The individual making the report is encouraged to provide as much detailed information as possible to allow the College to investigate the report and respond as appropriate. The College may be limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable the College to conduct a meaningful and fair investigation.

Reports to Law Enforcement

Individuals who believe they may have been subjected to criminal sexual misconduct are strongly
encouraged to notify local law enforcement authorities or Campus Security and will be assisted by campus authorities in notifying law enforcement authorities, if the individual so chooses. The College will comply with an individual’s request for assistance in notifying authorities. Individuals also have the option to decline to notify such authorities. Individuals may file a criminal complaint and a Title IX complaint simultaneously. Reporting to law enforcement is not necessary for the College to proceed with an investigation.

Individuals wishing to report sexual misconduct to law enforcement may contact the local police or sheriff’s department. Individuals in Duluth may contact the Duluth Police Department at 911 or 218-730-5400, police@duluthmn.gov and at 2030 North Arlington Avenue, Duluth, MN 55802 or the St. Louis County Sheriff’s Department at 911 or 218-726-2000, 100 North 5th Avenue West, Duluth, MN 55802. Contact information for local law enforcement at the College’s other locations is provided in the Resources section at the end of this policy.

Minnesota law provides individuals who report crimes to law enforcement with certain rights. For further information, consult Crime Victim Rights, a publication of the Minnesota Department of Public Safety, or Minnesota Statutes Section 611A.

### Restraining Orders, Orders for Protection, and No-Contact Orders

Individuals who would like to avoid contact with another individual have several options available to them, including seeking a harassment restraining order or protective order from a civil court or requesting a no-contact order from the College.

Harassment restraining orders and orders for protection are legal orders issued by a state court which forbid someone from harassing and/or making contact with another. A harassment restraining order is a civil court order issued against an alleged harasser, regardless of the relationship between the alleged harasser and the alleged victim, which orders the harasser to stop harassing the victim and/or to have no contact with the victim. An order for protection is a civil court order that protects one family or household member from domestic abuse by another family or household member. The College does not issue harassment restraining orders or orders for protection, but one can be obtained through making an application to the local county district court. In Duluth, petition forms to apply for harassment restraining orders or to seek an order for protection are available at the Court Administration Office located at the St. Louis County District Court, Duluth Courthouse, 100 North 5th Avenue West, Duluth, MN 55802 or online from the Minnesota Judicial Branch website. Forms must be submitted to the Court Administrator at the St. Louis County Courthouse during business hours. The main number for Court Administration is (218) 726-2460. Contact information for the local courts at the College’s other locations is provided in the Resources section at the end of this policy. For more information and assistance, individuals should contact the Title IX Coordinator at titleix@css.edu or 218-625-4444 or the Violence Intervention and Prevention Coordinator at geva@css.edu or 218-216-4779.

A no-contact order is a College-issued directive that prohibits one or both parties from communication or contact with another. No-contact orders may be mutual or one-sided. Generally, no-contact orders issued pending the outcome of an investigation will be mutual and serve as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another. To request a no-contact order from the College, individuals should contact the Title IX Coordinator at titleix@css.edu or 218-625-4444.

The College is responsible for honoring requests for information about available options for orders for protection, restraining orders, and no-contact orders and has a responsibility to comply with and enforce such orders. To request additional information about available options for orders for protection, restraining orders, and no-contact orders, contact the Title IX Coordinator. An order of protection and/or harassment restraining order can be enforced by contacting local law enforcement. The College will fully
cooperate with any harassment restraining order and/or order for protection issued by a criminal, civil, or tribal court.

**Crime Victims Bill of Rights**

As required by Minnesota law, victims of crime must be informed of their rights under the Crime Victims Bill of Rights. The following is a summary of crime victims’ rights under Minnesota law.

When a crime is reported to law enforcement, victims have the right to:

- Request that their identity be kept private in reports available to the public;
- Be notified of crime victim rights and information on the nearest crime victim assistance program or resource;
- Apply for financial assistance for non-property losses related to a crime;
- Participate in prosecution of the case, including the right to be informed of a prosecutor’s decision to decline prosecution or dismiss their case;
- Protection from harm, including information about seeking a protective or harassment order at no cost;
- Protection against employer retaliation for taking time off to attend protection or harassment restraining order proceedings; and
- Assistance from the Crime Victims Reparations Board and the Commissioner of Public Safety.

Victims of domestic abuse also have the right to terminate a lease without penalty. Victims of sexual assault have the right to undergo a confidential sexual assault examination at no cost, make a confidential request for HIV testing of a convicted felon, and are not required to undergo a polygraph examination in order for an investigation or prosecution to proceed. In cases of domestic abuse and violent crime where an arrest has been made, victims also have the right to be provided notice of the release of the offender, including information on the release conditions and supervising agency.

For complete information about crime victims’ rights please click here. Information about victims’ rights also is available from the Title IX Coordinator or from the Minnesota Department of Public Safety, Office of Justice Programs, and in Minnesota Statutes Section 611A.

Information about the Arizona Crime Victim’s Bill of Rights can be found at the Arizona Department of Public Safety website and the Arizona Attorney General website.

**Waiver of Drug/Alcohol Violations**

The College strongly encourages reporting instances of sexual misconduct. The College recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct. An individual who reports a violation of this policy or who participates as a witness in an investigation into allegations of a violation of this policy will not be subject to disciplinary action by the College for their own personal consumption of alcohol or drugs at or near the time of the incident.

**Mandatory Reporting of Child Abuse or Neglect**

Any College employee becoming aware of the abuse (physical or sexual) or neglect of a child must report it immediately to Campus Security and the Title IX Coordinator. If an employee is a mandatory reporter under Minnesota law, such individual must also immediately report the abuse or neglect to the local welfare agency or police/sheriff’s department, as required by law. Under Minnesota law, teachers, paraprofessionals, all administration, and support staff in an educational settings are mandatory reporters. See Minnesota Statutes Section 626.556.
Confidential Resources

The College encourages individuals to report all incidents of sexual misconduct so that the College can investigate and respond to such reports. As discussed above, the College recognizes that some individuals may wish to keep their concerns confidential or are not prepared to make a report, but still seek information and support. Such individuals may speak with a confidential resource. See the Confidentiality section above for more information about confidential versus non-confidential resources.

X. General Provisions for Complaint Resolution Proceedings

All proceedings involving a sexual misconduct complaint will provide a prompt, thorough, and impartial investigation and resolution. Complaints of a violation of this policy received by the College will be processed according to the Procedures for Sexual Misconduct Complaint Resolution in Section XI below. All College officials will treat the parties with dignity and will never treat the complainant in a manner that suggests they are at fault for the sexual misconduct or that they should have acted in a different manner to avoid the sexual misconduct. In addition, proceedings will be conducted by individuals who do not have a conflict of interest or bias for or against the complainant or respondent and who receive annual training on issues related to sexual harassment, sexual assault, domestic violence, dating violence, stalking, and how to conduct an investigation and decision-making process that protects the safety of all and promotes accountability. The training includes the following topics: relevant evidence and how it should be used, proper techniques for questioning witnesses, basic rules for conducting proceedings, avoiding actual or perceived conflicts of interest, preventing sexual assault, responding to incidents of sexual assault, the dynamics of sexual assault, neurobiological responses to trauma, and compliance with state and federal laws on sexual assault.

The following principles are applicable to sexual misconduct complaint resolution proceedings.

Rights of the Complainant and the Respondent in All Complaint Resolution Proceedings

The complainant and respondent are entitled to:

- respect, sensitivity, and dignity;
- appropriate support from the College;
- privacy to the extent possible based on applicable law and College policy;
- information on the policy and procedures;
- the right to participate or decline to participate in the complaint resolution process, with the acknowledgement that not participating, either totally or in part, may not prevent the process from proceeding with the information available;
- equitable procedures that provide both parties with a prompt, fair and impartial investigation and resolution conducted by officials who receive annual training on conduct prohibited by the policy;
- notice of the allegations and defenses and an opportunity to respond;
- an equal opportunity to identify relevant witnesses and other evidence and to suggest possible topics to be covered with witnesses during the formal process;
- for the complainant, not to be questioned or have evidence considered regarding the complainant’s prior sexual conduct with anyone other than the respondent;
- for the complainant, to never be treated by campus authorities in a manner that suggests they are at fault for the sexual misconduct or that they should have acted in a different manner to avoid the sexual misconduct;
- the right to be free from retaliation;
- the right to appeal the decision and/or the sanctions;
- the right to notification, in writing, of the outcome of the complaint and any appeal;
the right to report the incident to law enforcement at any time or to decline to do so;

the right to have an advisor present during the complaint resolution process. The College will not limit the choice of advisor or presence of the advisor for the complainant or respondent in any meeting or disciplinary process. See the Advisors section below for additional information and rules regarding the conduct of advisors.

**Additional Rights in Cases Involving Allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking:** In cases involving allegations of sexual assault, dating violence, domestic violence, or stalking, the following rights will be afforded to the complainant and the respondent in addition to those rights described above.

The complainant and respondent will be provided timely notice of meetings at which the complainant or respondent, or both, may be present.

- The complainant and respondent will be provided timely and equal access to any information that will be used during informal and formal disciplinary meetings during the adjudication phase of the complaint procedure.
- The complainant and respondent have the right to the complete and prompt assistance of campus authorities, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with a sexual assault incident.
- The complainant and respondent have the right to the assistance of campus authorities in preserving materials relevant to a campus complaint proceeding.
- The complainant and respondent have the right to the assistance of campus personnel (during and after the complaint process), in cooperation with the appropriate law enforcement authorities, in shielding the complainant or respondent, at their request, from unwanted contact with the complainant or respondent, including but not limited to a college issued no-contact order, transfer to alternative classes or to alternative college-owned housing, if alternative classes or housing are available and feasible, change in work location or schedule, or reassignment, if available and feasible; and to receive assistance with academic issues.
- The complainant has the right to decide when to repeat a description of an incident of sexual assault, dating violence, domestic violence, or stalking and the respondent has the right to decide when to repeat a description of a defense to such allegations.

In addition, a complainant who alleges sexual assault, dating violence, domestic violence, or stalking has the following rights:

- to be informed by the College of options to notify proper law enforcement authorities, including on-campus and local police, of a sexual assault, dating violence, domestic violence, or stalking incident, or to decline to notify such authorities;
- to the complete and prompt assistance of campus authorities, at the complainant’s request, in notifying the appropriate law enforcement officials and College officials of a sexual assault, dating violence, domestic violence, or stalking incident and filing criminal charges with local law enforcement officials in sexual assault, dating violence, domestic violence, or stalking cases;
- to be offered fair and respectful health care, counseling services, or referrals to such services and notice of the availability of campus or local programs providing sexual assault advocacy, dating violence, domestic violence, or stalking services;
- to assistance from the Crime Victim Reparations Board and the Commissioner of Public Safety;
☐ for students who choose to transfer to another post-secondary institution, the right to receive information about resources for victims of sexual assault, dating violence, domestic violence, or stalking at the institution to which the victim is transferring.

☐ to the assistance of campus personnel (during and after the complaint process), in cooperation with the appropriate law enforcement authorities, in shielding the complainant, at his or her request, from unwanted contact with the respondent, including but not limited to a college issued no-contact order, transfer to alternative classes or to alternative college-owned housing, if alternative classes or housing are available and feasible, change in work location or schedule, or reassignment, if available and feasible; and to receive assistance with academic issues to assistance from the Crime Victim Reparations Board and the Commissioner of Public Safety;

☐ to decide when to repeat a description of an incident of sexual assault, dating violence, domestic violence, or for students who choose to transfer to another post-secondary institution, the right to receive information about resources for victims of sexual assault, dating violence, domestic violence, or stalking at the institution to which the victim is transferring.

- for an individual who reported sexual misconduct, to be provided access to his or her description of the incident, as it was reported to the College, including if the individual transfers to another post-secondary institution, subject to compliance with FERPA, the Clery Act, Title IX, and other federal or state law. Requests for an individual’s description of the incident should be made to the Title IX Coordinator.

Interim Actions

The College will provide written notification to victims about options for, available assistance in, and how to require changes to academic, living, transportation and working situations or protective measures. The College is obligated to comply with a student’s reasonable request for a living and/or academic situation change following an alleged sex offense. At any time after a report of a potential violation of this policy has been received by the College, the Title IX Coordinator or the Title IX Coordinator’s designee(s) will consider whether interim action is reasonably necessary or appropriate to protect the parties and the broader community, pending completion of the response and resolution process. The College must make accommodations and provide protective measures for an individual who believes they have experienced sexual misconduct if requested and reasonably available. The College may take such steps even when an individual asks that the College keep a reported violation of this policy confidential and that it not investigate the matter and regardless of whether an individual chooses to report to law enforcement. The College may also make accommodations to others involves in the process, including those adversely affected by allegations of sexual misconduct, if requested and reasonably available.

In implementing interim actions, the Title IX Coordinator will consult with the appropriate college official of the respective line of the parties impacted by the interim action (i.e., Vice President of Student Affairs for students, Vice President of Academic Affairs for faculty, Vice President of Human Resources & Chief Diversity Officer for administrators and staff).

Examples of interim actions include, without limitation:

- Establishing a “no contact” directive prohibiting the parties involved from communicating with each other during the response and resolution process.
- Prohibiting an individual involved from being on College property.
- Prohibiting an individual involved from participating in College-sponsored events.
- Changing an individual’s on-campus residency, dining, or transportation arrangements, or prohibiting an individual from residing in a residence.
- Assistance in finding alternative housing.
- Changing an individual’s student or employee status or job responsibilities.
• Changing an individual’s work or class schedule or job assignment.
• Changing academic requirements or providing assistance with academic issues, such as tutoring.
• Providing escorts.
• Access to counseling and medical services.
• Making information about orders for protection and harassment restraining orders available to a complainant and providing assistance with respect to obtaining and enforcing such orders.
• Voluntary leave of absence or pre-disciplinary leave.

Such measures will vary based on the particular facts and circumstances, including but not limited to the specific need expressed by the complainant, the age of the student[s] involved, the severity or pervasiveness of the allegations, any continuing effects on the complainant, whether the complainant and alleged respondent share the same residence hall, dining hall, class, transportation, or job location, and whether other judicial measures have been taken to protect the complainant. The Title IX Coordinator will be responsible for determining what measures will be put in place.

To request an accommodation or protective measure, complainants should contact the Title IX Coordinator. If a respondent feels that he or she needs interim measures or accommodations, please contact the Title IX Coordinator.

The College will maintain as confidential any interim actions or protective measures provided to an individual who believes they have experienced sexual misconduct, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the accommodations or protective measures. The College will only disclose information necessary to provide the accommodations or protective measures in a timely manner to individuals who need to know the information in order to effectively provide the accommodations or protective measures. The Title IX Coordinator will determine what information about a complainant should be disclosed and to whom this information will be disclosed based on the facts and circumstances of the specific situation and the accommodation to be provided. The College will inform the complainant before sharing personally identifying information that the College believes is necessary to provide an accommodation or protective measure. The College will tell the complainant which information will be shared, with whom it will be shared, and why.

Additional services are available on campus and/or in the community, as described in the Resources section at the end of this policy and on the College’s website.

Any concern about a violation of an interim measure should be reported to the Title IX Coordinator.

Advisors

The complainant and the respondent in complaint resolution proceedings have the right to be assisted by an advisor of their choice, including an attorney.

Guidelines related to the use of advisors:

• The purpose of the advisor is to support an individual during the complaint resolution process. An advisor is permitted to accompany the individual to in-person interviews or other meetings during the complaint resolution process. In selecting an advisor, each party should consider the potential advisor’s availability to attend in-person interviews and meetings. As a general matter, the College will not unnecessarily delay its processes to accommodate the schedules of advisors.

• Advisors may confer with their advisee, but they may not actively participate in the complaint resolution process. The advisor may accompany the complainant or respondent to all meetings
relating to the complaint resolution proceeding. The advisor may not appear in lieu of the complainant or respondent or speak on their behalf in either in-person or written communications to the College. The advisor may not communicate directly with the investigators, adjudicators, appeal officers, Title IX Coordinator, Deputy Title IX Coordinators, or any other school official involved in the complaint resolution process and may not interrupt or otherwise delay the complaint resolution process.

- Advisors may have access to information concerning a case only when accompanying the party (for in-person access to information) or only when the party has given permission for the advisor to be copied on emails or other correspondence (for access to written communications). An advisor’s access to such information is subject to the same limitations as those placed upon the parties and conditioned upon the advisor’s agreement to maintain the confidentiality of any student education records or other confidential information.

- The College will notify a party to a complaint resolution process if another party involved in the complaint resolution process has obtained an advisor. The notice will indicate if the other party’s advisor is an attorney.

- Advisors will be required to sign an Advisor Agreement acknowledging receipt and understanding of these requirements. Failure to comply with these requirements, including violations of confidentiality, or other forms of interference with the complaint resolution process by the advisor may result in disqualification of an advisor. The College reserves the right to dismiss an advisor.

Non-Participation and Silence

Either party may decline, at any time, to provide information or participate further in the complaint resolution process. If, at any time during the complaint resolution process, a party decides not to participate, the College will proceed with the complaint resolution process and make a determination based upon the information available. A respondent’s silence in response to a complainant’s allegation will not necessarily be viewed as an admission of the allegation, but may leave the complainant’s allegations undisputed. Similarly, a complainant’s silence in response to a respondent’s denials or defenses will not necessarily be viewed as an admission of the denials or defenses, but may leave the respondent’s denials or defenses undisputed. Even if a party decides not to participate or chooses to stop participating at a phase of the process, the party will still be given the option to participate during additional phases of the process.

Conflicts

If a complainant or respondent has any concern that any individual acting for the College under this policy has a conflict of interest or bias, such concern should be reported to the Title IX Coordinator in writing within two days after receiving notice of the individual’s involvement in the process. The Title IX Coordinator will review the concerns and take appropriate steps to ensure that no conflicts of interest exist on the part of anyone investigating or resolving a complaint under this policy. If the Title IX Coordinator has a conflict of interest with respect to a complaint, the College’s Vice President of Student Affairs/Deputy Title IX Coordinator will appoint an alternate person to handle the complaint at issue.

Time Frames for Resolution

The College is committed to the prompt and equitable resolution of allegations of sexual misconduct. The College will strive to conclude the response and resolution process within 60 days of receiving a complaint. Specific time frames for each phase of the complaint resolution process are set forth below. Generally, the College will strive to complete the investigation within 30 days and the adjudication within 30 days.
Circumstances may arise that require the extension of time frames based on the complexity of the allegations, the number of witnesses involved, the availability of the parties involved, the effect of a concurrent criminal investigation, any intervening school break, vacation, or other unforeseen circumstance. In addition, temporary extensions to the timing requirements may be necessary due to factors such as a witness being absent from campus or involvement of law enforcement gathering evidence. If a criminal complaint has been filed, the College’s procedures, including any investigation, may be temporarily delayed to allow law enforcement to gather evidence. Such delay may only occur at the request of law enforcement and will not be any longer than necessary for law enforcement to complete the gathering of evidence. This process typically takes 7-10 days. While the College may temporarily delay its process while law enforcement gathers evidence, the College will not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own investigation.

In the event that the investigation and resolution exceed the 60-day timeframe or to the extent additional time is needed during any of the phases of the process discussed below, the College will notify all parties of the reason for the delay and the expected adjustment in time frames. Efforts will be made to complete the process in a timely manner balancing principles of thoroughness, fundamental fairness and promptness.

Complainants are encouraged to begin the complaint resolution process as soon as possible following an alleged incident. If a complaint is brought forward more than five (5) years after an alleged incident, the College, in its discretion, may decline to process a complaint under these procedures, but reserves the right to take other administrative action as appropriate depending on the specific circumstances of the complaint. If at least one party involved in the complaint is still a member of the College community as a student or employee, the complaint generally will be processed under these procedures.

Reservation of Flexibility

The procedures set forth in this section reflect the College’s desire to respond to complaints in good faith and in a manner that promotes fairness to all parties. The College recognizes that each case is unique and that circumstances may arise which require that it reserve some flexibility in responding to the particular circumstances of the matter. Where it is not possible or practical to follow this procedure, the College reserves the right to modify the procedure or to take other administrative action as appropriate under the circumstances.

XI. PROCEDURES FOR SEXUAL MISCONDUCT COMPLAINT RESOLUTION

A formal complaint initiates the complaint resolution procedure below. Generally, complaints are filed by individuals who believe that their rights under this policy have been violated. In addition, the College reserves the right to move forward with a complaint resolution procedure to protect the safety, integrity and welfare of the community as a whole, even if the victim chooses not to make or move forward with a complaint. Generally, the Title IX Coordinator will make a determination of whether the College will move forward with a complaint resolution procedure in the absence of a complaint filed by the victim. If the College decides that it has an obligation to move forward with a complaint process, it will notify the victim before proceeding. Complaints of sexual misconduct should be made to the Title IX Coordinator or a Title IX Deputy Coordinator:

☐ Title IX Coordinator: Kaelene Arvidson-Hicks, Human Resources: 218-625-4444, titleix@css.edu
When the College receives a complaint, the Title IX Coordinator or the Title IX Coordinator’s designee(s) will conduct an initial assessment to determine whether the alleged conduct falls under the scope of this policy and determine the alleged policy violations to be investigated. The Title IX Coordinator or the Title IX Coordinator’s designee(s) may refer the matter to other disciplinary procedures if the alleged behavior does not fall within the policy or the alleged behavior applies to another disciplinary procedure. The parties will be notified of that determination and the complainant will be informed of other procedures for resolving the complaint and of other resources that may be available to the complainant.

Informal Resolution

When the complainant chooses to move forward with the complaint resolution process, the complainant has the option to proceed informally, when permissible. In cases involving sexual assault, informal resolutions are not appropriate and are never permissible.

If an informal resolution is pursued, the Title IX Coordinator (or the Title IX Coordinator’s designee) will attempt to facilitate a resolution that is agreeable to the complainant and the respondent. Under the informal process, the College will only conduct such fact-finding as is useful to resolve the conflict and as is necessary to protect the interests of the parties, the College, and the College community. The College will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the complainant’s access to the educational and extracurricular activities of the College. Examples of potential remedies are provided in the “Interim Actions” section of the policy. The recommended resolution may also include other institutional responses or requirements imposed on the respondent. Any informal resolution must adequately address the concerns of the complainant, as well as the rights of the respondent and the overall intent of the College to stop, remedy, and prevent policy violations.

The College will not compel a complainant or respondent to engage in mediation, to directly confront the other party, or to participate in any particular form of informal resolution. Mediation, even if voluntary, may not be used in cases involving sexual assault. Participation in informal resolution is voluntary, and the complainant and respondent have the option to discontinue the informal process at any time and request a formal investigation. The College also always has the discretion to discontinue the informal process and move forward with a formal investigation. If at any point during the informal resolution process, the complainant or respondent or the College wishes to cease the informal resolution process and to proceed through the formal resolution process, the informal resolution process will stop and the formal resolution process outlined below will be invoked.

If the parties to the complaint agree in writing to the terms and conditions of a recommended resolution within five (5) calendar days of the Title IX Coordinator presenting the recommended resolution to the parties, the case will be resolved without further process under this procedure. If all parties to the complaint do not agree in writing to the terms and conditions of the recommended resolution within five (5) calendar days of the Title IX Coordinator presenting the recommended resolution to the parties, the complaint will be referred to the Formal Resolution process. If the complaint is referred to the Formal
Resolution process, the time spent attempting to reach an informal resolution generally will not be counted as part of the 60-day time frame discussed in the “Time Frames for Resolution” section above.

Formal Resolution

A. Investigation Procedure

The College will appoint one or two investigators to conduct a prompt, thorough, fair, and impartial investigation. The scope of the investigation will vary, depending on the circumstances of the reported conduct. The investigation will typically involve interviews of the complainant and respondent and may also involve questioning of other witnesses and/or review of other information. Interviews may be audio-recorded. The complainant and respondent will have an opportunity to advise the investigator of any witnesses they believe should be interviewed, and/or other evidence that they believe should be reviewed by the investigator(s). The investigator, in his or her discretion, may decline to interview witnesses suggested by the parties and may interview witnesses who were not suggested by either party. Generally, the investigator(s) will not include character/general reputation evidence in the investigation. The parties may decide when or when not to repeat a description of the alleged misconduct and have the right to decline to participate in the investigation and complaint resolution procedure.

The parties will be informed of a close of evidence date, after which the parties will not be permitted to submit new or additional evidence, unless the investigator(s) determines otherwise.

The College will strive to complete the investigation process within 30 days of the filing of the complaint, but in some cases more time may be required based on the circumstances. See the Time Frames for Resolution section above.

Upon the conclusion of the investigation, the investigator(s) generally will compile a report with findings and compile an investigation file, which may consist of any information, documents, recordings, or other evidence that is provided to the adjudicator. At the investigator(s)’ discretion, such information may include, as applicable: any written complaint, recordings of complainant, respondent, and witness interviews, any other evidence obtaining during the investigation, and the investigator’s summary of the investigation. The investigation file will be forwarded to the Title IX Coordinator. The Title IX Coordinator or the Title IX Coordinator’s designee(s) will review the investigation file and has the discretion to ask the investigator(s) for clarification, additional investigation, and/or to have information removed or redacted from the investigation report.

B. Review of Investigation Files.

For complaints involving allegations of sexual assault, dating violence, domestic violence or stalking, the investigation file will be made available for review by the complainant and respondent. Confidential information in the investigation file that cannot be shared with the complainant, respondent or adjudicator may be redacted from the file in accordance with applicable law. The Title IX Coordinator or the Title IX Coordinator’s designee(s) will provide a seven-day period for the complainant and respondent to have access to review the investigation file and prepare a response as discussed below to the investigation file, as discussed below. The parties’ access to the investigation file generally will be provided during normal business hours in a designated on-campus location. The investigation file cannot be removed from that
Both parties will have the opportunity to provide a written response. To do so, the party must submit an initial written statement, which may not exceed 2,000 words in length, to the Title IX Coordinator. The initial written statement may be used as an opportunity to clarify points in the report or identify information previously given to the investigator that is not included in the investigation report which the party believes should have been included. While the parties may be assisted by their advisors in preparation of the initial written statement, the initial written statement must be submitted by the party, must be the party’s own statement, and may not be used to submit the statements of others on the party’s behalf.

The parties will have an opportunity to review the initial written statement submitted by the other party and, if desired, may submit a rebuttal written statement not to exceed 1,500 words. The Title IX Coordinator or the Title IX Coordinator’s designee(s) will provide a three-day period for the complainant and respondent to have access to review the other party’s initial written statement and submit a rebuttal written statement. The parties’ access to the initial written statement generally will be provided during normal business hours in a designated on-campus location. The initial written statement cannot be removed from that location, nor can copies be made or pictures taken of the contents. The rebuttal written statement may only be used to respond to arguments made in the other party’s initial written statement. While the parties may be assisted by their advisors in preparation of the rebuttal written statement, the rebuttal written statement must be submitted by the party, must be the party’s own statement, and may not be used to submit the statements of others on the party’s behalf. The parties will have an opportunity to review the rebuttal written statement submitted by the other party.

The Title IX Coordinator or the Title IX Coordinator’s designee(s) will provide a three day period for the complainant and respondent to have access to review the other party’s rebuttal written statement. The parties’ access to the rebuttal written statement generally will be provided during normal business hours in a designated on-campus location. The rebuttal written statement cannot be removed from that location, nor can copies be made or pictures taken of the contents.

The Title IX Coordinator or the Title IX Coordinator’s designee(s) will review the initial written statements and rebuttal written statements. Based on the statements, the Title IX Coordinator or the Title IX Coordinator’s designee(s) has the discretion to ask the investigator(s) for clarification, additional investigation, and/or to have information removed or redacted from the investigation report. In addition, the Title IX Coordinator or the Title IX Coordinator’s designee(s) may remove or redact any portions of the parties’ written statements that exceed the permitted scope or word limits of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as general character evidence or evidence relating to the complainant’s prior sexual history).

C. Adjudication

Upon completion of the investigation, an adjudicator will be appointed by the College to adjudicate the complaint. Normally, only a single adjudicator will be appointed. However, the College reserves the right to appoint additional adjudicators to assist in making a determination in any given case. When the respondent is a student, the adjudicator generally will be the Dean of Students. When the respondent is a faculty or staff member, the adjudicator generally will be the Vice President of Human Resources. When the respondent is a third party, the adjudicator generally will be the VP of Human Resources. However, the College reserves the right to appoint any trained adjudicator, regardless of whether the respondent is a student, faculty member, staff member, or third party.
The adjudicator will review the investigation file and any initial written statements and rebuttal written statements provided by the complainant and respondent after the parties’ review of the investigation file, as applicable. The adjudicator may, in his or her discretion, request additional investigation by the investigator(s) or another appropriate individual, in which case, the complainant and respondent will be notified.

The adjudicator will use a “preponderance of evidence” standard to determine whether it is more likely than not that the respondent violated the policy and if so, what sanctions and remedies are warranted.

If the adjudicator determines that the respondent is responsible for a policy violation, he or she may, in his or her discretion, request information from the Title IX Coordinator regarding any previous violations of this policy by the respondent. If such information is shared with the adjudicator, the parties will be notified.

D. Sanctions and Remedies

The adjudicator will impose sanctions and/or remedies as necessary to end the misconduct, prevent its recurrence, and address its effects. Individuals who are found responsible under this policy may face the following sanctions as appropriate for students, employees, visitors, or others. Each of these sanctions may be imposed alone or in combination for a respondent found responsible for sexual misconduct, including for violations of the sexual assault, dating violence, domestic violence, or stalking provisions of this policy:

- Required assessment or education;
- Probation;
- Warnings;
- Loss of privileges;
- Fines;
- Restitution;
- Behavioral contracts;
- Community service hours;
- Campus housing suspension, ranging from two weeks to five years, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, conditions upon the individual’s presence on campus or at College events, or other required conditions;
- Campus housing expulsion;
- Temporary or permanent restricted access to areas of campus, and campus events, activities, organizations, or courses;
- Conditions upon presence on campus or at College events;
- No trespass or no contact orders;
- Removal or non-renewal of scholarships or honors;
- Suspension from the College, ranging from two weeks to five years, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, conditions upon the individual’s presence on campus or at College events, or other required conditions;
- Expulsion from the College;
- Loss of salary or benefit such as sabbatical or research or travel funding;
- Suspension of promotion and salary increments, ranging from two weeks to five years, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, conditions upon the individual’s presence on campus or at College events, or other required conditions;
- Suspension or withdrawal of faculty privileges, ranging from two weeks to five years, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, conditions upon the individual’s presence on campus or at College events, or other required conditions;
- Transfer or change of job or responsibilities;
- Revocation of tenure;
- Demotion;
- Termination of employment;
- Inclusion in the respondent’s education record or personnel file of a finding that the policy was violated.

When an investigation reveals that a campus organization (such as a student club, athletic team, campus academic department, staff/faculty committee) has committed or promoted behavior involving sexual misconduct, the organization may be sanctioned. Sanctions to the organization may include but are not limited to loss of funding and loss of recognition by the College, in addition to individual members of the organization who are determined responsible for a policy violation being subject to the sanctions listed above. All campus organizations/departments are responsible for the actions of its members when they are operating on behalf of the organization/department.

Remedies, accommodations, and protective measures for the complainant include implementing or extending remedial or protective measures, including, without limitation:
- A mutual or one-sided no contact order.
- Prohibiting an individual involved from being on College property.
- Prohibiting an individual involved from participating in College-sponsored events.
- Changing an individual’s on-campus residency, dining, or transportation arrangements, or prohibiting an individual from residing in a College residence.
- Assistance in finding alternative housing.
- Changing an individual’s student or employee status or job responsibilities.
- Changing an individual’s work or class schedule.
- Providing academic accommodations or providing assistance with academic issues.
- Providing security escorts.
- Access to counseling and medical services.
- Making information about orders for protection and harassment restraining orders available to a complainant.
- Assistance identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services.

Remedies designed to address the College community include increased monitoring, supervision, and/or security at locations or in connection with activities where the prohibited conduct occurred or is likely to reoccur and targeted or broad-based educational programming or training for relevant persons or groups.

Any concern about a violation of an imposed sanction should be reported to the Title IX Coordinator promptly.
E. Notice of Outcome

The complainant and respondent will receive a simultaneous written notice of the outcome of the complaint.

For complaints involving sexual assault, dating violence, domestic violence, or stalking: The written notice will include the determination of the adjudicator, any imposition of sanctions, and the rationales for the determination and sanctions including how the evidence was weighed, how the information supports the result, and the standard of evidence applied. The written notice will also include information about the procedures for appeal, as set forth below, and when the result becomes final. In addition, the written notice will include any other steps the College has taken to eliminate the conduct and prevent its recurrence and the complainant’s written notice will include remedies offered or provided to the complainant.

For all other complaints of sexual misconduct: The written notice will include the determination of the adjudicator. The respondent’s written notice will include any imposition of sanctions and the complainant’s written notice will include any imposition of sanctions that directly relates to the complainant. The written notice will also include information about the procedures for appeal, as set forth below, and when the result becomes final. In addition, the written notice will include any other steps the College has taken to eliminate the conduct and prevent its recurrence and the complainant’s written notice will include remedies offered or provided to the complainant.

The College will strive to complete the adjudication process and provide a notice of outcome within thirty days after completion of the investigation (including completion of any additional investigation conducted at the request of the adjudicator. In some cases, more time may be required.

The determination of the adjudicator may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision will be final.

XII. APPEAL OF DECISION

Either the complainant or the respondent may appeal the determination of the adjudicating body on one or more of the following bases:

- a procedural error occurred that substantially affected the outcome of the process;
- significant newly-discovered evidence that was not previously available to submit during the complaint resolution process may substantially affect the outcome of the process; however, intentional omission of factual information by the appealing party is not a ground for an appeal;
- the decision was arbitrary and capricious or violated academic freedom; or
- the sanction or other response by the College is substantially disproportionate to the findings.

Submitting an Appeal

A signed, written request for an appeal, not to exceed 2,000 words, must be submitted to the Title IX Coordinator within ten (10) days following the date that the notice of outcome was sent to the complainant and the respondent. Failure to file a timely appeal constitutes a waiver of any right to an appeal.
The Title IX Coordinator or the Title IX Coordinator’s designee will review the appeal to determine whether the appeal states a permissible ground for appeal (as set forth above), such that the appeal will be considered.

The non-appealing party will be notified of the appeal and the alleged grounds for the appeal. The non-appealing party may, if desired, submit a written response to the appeal, not to exceed 2,000 words, to the Title IX Coordinator within seven (7) days of receiving notice of the appeal.

The Title IX Coordinator or the Title IX Coordinator’s designee(s) will review the appeal statement and any responsive appeal statement and may remove or redact any portions of the statements that exceed the permitted scope of the appeal or word limit or that otherwise exceed the scope of information that may be considered in the complaint resolution proceeding (such as general character/reputation evidence and evidence relating to the complainant’s prior sexual history). The Title IX Coordinator or the Title IX Coordinator’s designee(s) generally will compile an appeal file, which may consist of any information, documents, recordings, or other evidence that is provided to the appeal officer. Such information, may include, as applicable, the written appeal statement, the responsive appeal statement, the notice of outcome, the investigation file, the parties’ initial written statements and rebuttal written statements, and any previously undiscovered evidence (if discovery of new evidence is a ground for appeal).

For complaints involving allegations of sexual assault, dating violence, domestic violence, or stalking, the appeal file will be made available for review by the complainant and respondent. The Title IX Coordinator or the Title IX Coordinator’s designee(s) will provide a three-day period for the complainant and respondent to have access to review the appeal file and such access generally will be provided during normal business hours in a designated on-campus location. The appeal file cannot be removed from that location, nor can copies be made or pictures taken of the contents.

Consideration of Appeal

The Appeal Officers will be two (2) members of the CSS Title IX Team who have not been previously involved in the complaint process and do not have a conflict of interest in the case.

The Appeal Officers:

- Will not rehear the case, but will consider whether it is more likely than not that the above-listed grounds for appeal have been satisfied.
- Will review the appeal file.
- May choose to meet with the parties and consider other additional information, in their sole discretion. For complaints involving allegations of sexual assault, dating violence, domestic violence, or stalking, if the appeal officer meets with a party, the other party will have an opportunity to review any information provided to the appeal officer during or as a result of such a meeting.

If the Appeal Officers determine that the appealing party has demonstrated that it is more likely than not that one of the above grounds for appeal is satisfied, the matter will be remanded as determined by the Appeal Officers in consultation with the Title IX Coordinator. The Appeal Officers in consultation with the Title IX Coordinator will determine whether the matter should be remanded to the previous adjudicator or whether a new adjudicator should be appointed. If the grounds for appeal relate to the investigation, or warrant additional investigation, the Appeal Officers in consultation with the Title IX Coordinator will determine whether the matter should be remanded to the previous investigator(s) or whether a new investigator(s) should be appointed. Upon remand, the investigator(s) and adjudicator will utilize the same process as required for all adjudications under this policy.
If there is not adequate reason to believe that one or more grounds for appeal have been satisfied, the Appeal Officers may dismiss the appeal. This decision is final and is not appealable.

The College will strive to issue a written decision stating the Appeal Officers’ findings and the final disposition of the appeal within 14 days following the Appeal Officer’s receipt of the appeal file from the Title IX Coordinator. In some cases, more time may be required. The decision will be sent to the complainant and the respondent at the same time. The Appeal Officers will also notify appropriate administrators, faculty and staff members of the outcome on a need-to-know basis.

XIII. RECORDS

The Title IX Coordinator or the Title IX Coordinator’s designee(s) will maintain records of all incidents reported and all complaints made under this policy, as well as their outcomes in order to track patterns and systematic concerns. Affirmative findings of responsibility in matters resolved through the Complaint Resolution Process are part of a student’s conduct record and an employee’s personnel record. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of student’s conduct record or an employee’s personnel record.

XIV. NO RETALIATION

The College prohibits retaliation against any individual who makes a good faith report of a potential violation of this policy, who supports another person’s report, or who acts as a witness in any investigation into a complaint. Any concerns of retaliation should be reported to the Title IX Coordinator. The College will take appropriate action against any individual who retaliates against another person in violation of this policy. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Complaints of Retaliation, Violation of Interim Measures, and Violation of Sanctions

Any complaint relating to retaliation in violation of this policy, violations of interim measures, or violations of sanctions should be reported promptly to the Title IX Coordinator. The College will take appropriate action against any individual who retaliates against another person in violation of this policy or who violates interim measures or sanctions.

When the College receives a complaint of retaliation or of violations of interim measures or sanctions, the Title IX Coordinator may exercise discretion to determine an appropriate responsive process based on the facts and circumstances. At the Title IX Coordinator or the Title IX Coordinator’s designee(s)’ discretion, options for resolution include but are not limited to informal discussions and resolution facilitated by the Title IX Coordinator or the Title IX Coordinator’s designee(s) or assignment of a member(s) of the CSS Title IX Team to investigate the complaint and determine an appropriate response. This process will be separate and distinct from the Complaint Procedure outlined above for addressing sexual misconduct complaints. The Title IX Coordinator or the Title IX Coordinator’s designee(s) will document the complaint received, the process used, and the outcome. Sanctions imposed for retaliation, violation of interim measures, and violation of sanctions may include all the possible sanctions listed above in the Sanctions and Remedies section, including expulsion from the College and termination of employment. The College will notify the parties of the outcome of the complaint. Any party with concerns about the process or outcome should consult with the Title IX Coordinator.

XV. ALTERNATIVE PROCEDURES

Nothing in this policy is intended to interfere with the right of any individual to pursue other avenues of recourse, which may include filing a complaint with the United States Department of Education’s Office for Civil Rights (OCR).
The OCR office for institutions located in Minnesota is:

U.S. Department of Education
Office for Civil Rights
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago IL 60661-4544
Tel: 312.730.1560
TDD: 877.521.2172
Email: OCR.Chicago@ed.gov

XVI. RESOURCES
What to Do If You Experience Sexual Violence
☐ Get to a safe place.
☐ Call 911 if in immediate danger, if you are injured, or the community is in possible danger.
☐ Call Campus Security if the community is in possible danger and/or you have called 911.
☐ Consider securing immediate professional support on or off campus to assist you in this crisis.
☐ Seek a medical evaluation for personal wellness/testing and possible evidence collection, even if you are uncertain you want to press charges or pursue legal action.
☐ Take steps to preserve evidence, which may be necessary to the proof of criminal sexual violence or in obtaining a protection order. It is very important to preserve evidence. You may not know right now whether you will contact the police. But in case you later decide to, the evidence available immediately after the assault is crucial. To preserve evidence, follow these recommendations: Prior to seeking medical attention, do not shower, bathe, wash your hands, brush your teeth, use the toilet or clean up in any way. Bring another set of clothes to the hospital since clothes will be collected as part of the evidence. If you have changed clothes, bring your soiled clothing with you for evidence collection.
☐ Even after the immediate crisis has passed, contact confidential on-campus and/or off-campus resources for emotional support, information, and/or advocacy.
☐ Report the conduct to the Title IX Coordinator at (218)-723-7032. The Title IX Coordinator can arrange for interim actions and accommodations, including no contact orders. Note that the Title IX Coordinator is not a confidential resource.

Contact information for local law enforcement at College locations.

<table>
<thead>
<tr>
<th>Location</th>
<th>Law Enforcement Offices</th>
<th>Phone Number</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mesa, AZ</td>
<td>Mesa Police Department</td>
<td>480-644-2030</td>
<td>130 N Robson, Mesa, AZ.</td>
</tr>
<tr>
<td>Mesa, AZ</td>
<td>Maricopa County Sheriff’s Department</td>
<td>602-876-1000</td>
<td>550 west Jackson, Phoenix, AZ.</td>
</tr>
<tr>
<td>Phoenix, AZ</td>
<td>Phoenix Police Department</td>
<td>602-262-7626</td>
<td>620 W Washington St, Phoenix, AZ.</td>
</tr>
<tr>
<td>Phoenix, AZ</td>
<td>Maricopa County Sheriff’s Department</td>
<td>602-876-1853</td>
<td>550 west Jackson, Phoenix, AZ.</td>
</tr>
<tr>
<td>Austin, MN</td>
<td>Austin Police Department</td>
<td>507-437-9400</td>
<td>201 1st Street NE Suite 2 Austin, MN.</td>
</tr>
<tr>
<td>Location</td>
<td>Law Enforcement Offices</td>
<td>Phone Number</td>
<td>Address</td>
</tr>
<tr>
<td>-----------------</td>
<td>-------------------------------------------------</td>
<td>---------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>Austin, MN</td>
<td>Mower County Sheriff’s Department</td>
<td>507-437-9400</td>
<td>201 1st Street NE Suite 3, Austin, MN.</td>
</tr>
<tr>
<td>Brainerd, MN</td>
<td>Brainerd Police Department</td>
<td>218-829-2805</td>
<td>225 E River Rd, Brainerd, MN.</td>
</tr>
<tr>
<td>Brainerd, MN</td>
<td>Crow Wing County Sheriff’s Department</td>
<td>218-829-4749</td>
<td>304 Laurel St Brainerd, MN.</td>
</tr>
<tr>
<td>Cloquet, MN</td>
<td>Cloquet Police Department</td>
<td>218-879-1247</td>
<td>508 Cloquet Ave Cloquet, MN.</td>
</tr>
<tr>
<td>Cloquet, MN</td>
<td>Carlton County Sheriff’s Department</td>
<td>218-384-3236</td>
<td>317 Walnut Ave Carlton, MN.</td>
</tr>
<tr>
<td>Duluth, MN</td>
<td>Duluth Police Department</td>
<td>218-726-5400</td>
<td>2030 North Arlington Avenue Duluth, MN.</td>
</tr>
<tr>
<td>Duluth, MN</td>
<td>St. Louis County Sheriff’s Department</td>
<td>218-726-2340</td>
<td>100 N 5th Ave W, Duluth, MN.</td>
</tr>
<tr>
<td>Fond Du Lac</td>
<td>Fond Du Lac Police</td>
<td>218-878-8040</td>
<td>930 Trettel Ln Cloquet, MN.</td>
</tr>
<tr>
<td>Grand Rapids, MN</td>
<td>Grand Rapids Police Department</td>
<td>218-326-3464</td>
<td>420 N Pokegama Ave, Grand Rapids, MN</td>
</tr>
<tr>
<td>Grand Rapids, MN</td>
<td>Itasca County Sheriff’s Department</td>
<td>218-326-3477</td>
<td>440 NE 1st Avenue Grand Rapids, MN</td>
</tr>
<tr>
<td>Hibbing, MN</td>
<td>Hibbing Police Department</td>
<td>218-263-3601</td>
<td>1810 12th Ave E Hibbing, MN.</td>
</tr>
<tr>
<td>Hibbing, MN</td>
<td>St. Louis County Sheriff’s Department</td>
<td>218-726-2340</td>
<td>100 N 5th Ave W, Duluth, MN.</td>
</tr>
<tr>
<td>Inver Grove Heights, MN</td>
<td>Inver Grove Heights Police Department</td>
<td>651-450-2525</td>
<td>8150 Barbara Ave E Inver Grove Heights MN.</td>
</tr>
<tr>
<td>Inver Grove Heights, MN</td>
<td>Dakota County Sheriff’s Department</td>
<td>651-438-4700</td>
<td>1580 Hwy 55 Hastings, MN.</td>
</tr>
<tr>
<td>Rochester, MN</td>
<td>Rochester Police Department</td>
<td>507-328-6800</td>
<td>101 4th Street SE Rochester, MN.</td>
</tr>
<tr>
<td>Rochester, MN</td>
<td>Olmsted County Sheriff’s Department</td>
<td>507-328-6790</td>
<td>101 4th St SE Rochester, MN.</td>
</tr>
<tr>
<td>St. Cloud, MN</td>
<td>St. Cloud Police Department</td>
<td>320-345-4444</td>
<td>101 11th Ave N, St Cloud, MN.</td>
</tr>
<tr>
<td>St. Cloud, MN</td>
<td>Stearns County Sheriff’s Department</td>
<td>320-259-3702</td>
<td>807 Courthouse Square St Cloud, MN.</td>
</tr>
<tr>
<td>St. Paul, MN</td>
<td>St. Paul Police Department</td>
<td>651-291-1111</td>
<td>367 Grove Street Saint Paul, MN.</td>
</tr>
<tr>
<td>St. Paul, MN</td>
<td>Ramsey County Sheriff’s Office</td>
<td>651-266-9333</td>
<td>425 Grove St Saint Paul, MN.</td>
</tr>
</tbody>
</table>
Links to other Resources and Assistance by College Location.

<table>
<thead>
<tr>
<th>Location</th>
<th>Link.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mesa Az</td>
<td>Click here for Victim Services and Legal Information Assistance</td>
</tr>
<tr>
<td>Phoenix, AZ</td>
<td>Click here for Victim Services and Legal Information Assistance.</td>
</tr>
<tr>
<td>Austin, MN</td>
<td>Click here for Victim Services and Legal Information Assistance.</td>
</tr>
<tr>
<td>Brainerd, MN</td>
<td>Click here for Victim Services and Legal Information Assistance.</td>
</tr>
<tr>
<td>Cloquet, MN</td>
<td>Click here for Victim Services and Legal Information Assistance.</td>
</tr>
<tr>
<td>Duluth, MN</td>
<td>Click here for Victim Services and Legal Information Assistance.</td>
</tr>
<tr>
<td>Fond Du Lac</td>
<td>Click Here for Victim Services and Legal Information Assistance.</td>
</tr>
<tr>
<td>Grand Rapids, MN</td>
<td>Click here for Victim Services and Legal Information Assistance.</td>
</tr>
<tr>
<td>Hibbing, MN</td>
<td>Click here for Victim Services and Legal Information Assistance.</td>
</tr>
<tr>
<td>Inver Grove Heights, MN</td>
<td>Click here for Victim Services and Legal Information Assistance.</td>
</tr>
<tr>
<td>Rochester, MN</td>
<td>Click here for Victim Services and Legal Information Assistance.</td>
</tr>
<tr>
<td>St. Cloud, MN</td>
<td>Click here for Victim Services and Legal Information Assistance.</td>
</tr>
<tr>
<td>St. Paul, MN</td>
<td>Click here for Victim Services and Legal Information Assistance.</td>
</tr>
</tbody>
</table>

Reporting to Law Enforcement. General information on what steps to take and what to expect when reporting to law enforcement.

How do I report sexual assault?

Preserving Evidence. You may not know right now whether you will contact the police. But in case you decide to, the evidence available immediately after the assault is crucial. To preserve evidence follow these recommendations:

- Do not shower, bathe, wash your hands, brush your teeth, use the toilet or clean up in any way.
- Do not change or destroy clothing. Your clothes may be evidence.
- If the assault occurred in your home, do not rearrange or clean up anything. You could destroy evidence.

You have options for reporting sexual assault:

- **Call 911**
- **Contact the local police department.** (Find information on police departments in your location on the table above.)
- **Visit a medical center.** (Find information on medical centers where you can find SANE/FNE/SAFE nurses that provide sexual assault care services and assistance to victims of rape and sexual assault 24 hours per day on the Health Care Section of this document.) If you are being treated for injuries resulting from sexual assault, tell a medical professional that you wish to report the crime. You can also choose to have a sexual assault forensic exam. In Minnesota you can complete the evidence collection
process even if you are unsure about reporting the incident to law enforcement. The county is obligated to pay for all evidence collection in a sexual assault evidence exam.

Who will I talk to?

- In most areas, there are specific law enforcement officers who are trained to interact with survivors of sexual assault. The number provided for the Police Department’s in the different college campus locations connects you directly with one of those officers.

What should I expect?

- **You should have privacy.** When you discuss what happened to you with law enforcement, it should happen in a quiet area away from others. If you feel that the situation is too public, ask to be relocated to a more private space.

- **It may take a while.** When you first report, the process may take a few hours. This is normal. Additional interviews with law enforcement may last a while as well, and they may occur over an extended period of time.

- **You can take a break.** If you need water, a snack, or just a minute to breathe, you can ask for a break. Law enforcement should accommodate these requests.

- **You can go up the chain.** If you feel that your complaint isn't being taken seriously or if you feel uncomfortable, you can ask to speak to a supervisor or the next-highest ranking officer.

- **Some questions may feel uncomfortable.** Because of the nature of sexual assault, some questions can feel uncomfortable or intrusive. Use whatever terms or phrases make you most comfortable. It can help to remember that law enforcement officers are professionals, just like doctors and teachers, and are prepared to listen to what happened.

- **You may hear the same question more than once.** Law enforcement may ask the same questions several times or several different ways. It’s not because they don’t trust you—after a trauma it can be difficult to describe the details. Repeating a question or asking in a different way may prompt you to remember something you forgot the first time.

- **You can have support.** It can be helpful and comforting to have support when communicating with law enforcement.

- **Someone you trust.** If you want a family member, friend, or partner to be present, you can have that too. **Be aware that family or friends who are present when you speak with law enforcement may be called as witnesses** if the case goes to trial. If the officer asks to speak with you privately, understand it’s likely to help you feel comfortable disclosing information that may feel private or sensitive. You can refuse this request.

What should I know about Law Enforcement’s Process?

You may be asked to speak with law enforcement several times throughout an investigation. These are the goals behind law enforcement’s process:

- **Proving lack of consent is a priority.** The majority of sexual assaults are committed by someone known to the victim. Because of this, the difficulty in prosecuting is rarely about identifying a suspect—it’s about proving a lack of consent.

- **They’ve been trained on the impact of trauma.** Law enforcement officers are trained not to label a false report based on an initial interview, a victim’s response to the trauma, a statement that was taken back or recanted, or refusal to press charges. They understand that trauma can affect how a victim behaves, and may schedule follow-up interviews to
help break up the process and confirm details. Furthermore, they know that perpetrators sometimes target a person who they think will be an “unreliable witness.”

- **They are trying to counter the defense.** Law enforcement officers are trained to anticipate common defenses used by perpetrators in sexual assault cases. According to the International Association of Chiefs of Police (IACP), “the following are four common sexual assault defenses and strategies to counter these defenses in the written case.
  
  o Denial: Collect and document evidence to establish that (nonconsensual) sexual contact did occur.
  o Identity: Collect and preserve DNA samples from the victim and suspect, and other physical evidence from the crime scene(s); document witness statements.
  o Consent: Document fear, force, threat, coercion and/or inability to consent.
  o Impeachment by Contradiction: Document any changes in victim/witness statements, especially as additional details are recalled following the initial trauma/shock of the assault.”

**What goes into the Report?**

When law enforcement files a report, it includes the case tracking number and a written narrative based on the interview(s) with the victim. Some aspects of the report will include:

- **Description of the assault:** details about what occurred; sensory experiences, such as what the victim saw, smelled, tasted, heard or felt during the assault; the victim’s exact words or phrases, quoted directly; details of voluntary alcohol or drug use that demonstrate why this is an issue of increased vulnerability rather than culpability.
- **Indication of force:** coercion, threats, and/or force and the victim’s response during and after; signs of fear including fight, flight, or freeze reactions from the victim.
- **Lack of consent:** what “no” looked or felt like for the individual victim— noting that silence is not consent and “no” or resistance is communicated through more than just words; any details that show how a consensual encounter turned nonconsensual.
- **Signs of premeditation:** any interactions that might indicate premeditation or grooming behavior by the perpetrator.
- **Timeline and victim response:** a timeline to show trauma behavior in context of previous behavior, such as weight loss or gain, changes in routine; documentation of the victim’s condition as observed.

**On-Campus Places to Report Sexual Misconduct**

Victim/Survivors have multiple reporting options, on this link you will find a Title IX Reporting Comparison Chart with FAQs and each reporting process. If you are unsure about reporting or the implications of the different lines of reporting, we recommend talking to a member of the GEVA (Gender Equality and Anti-Violence Allies) Team by calling 218-216-4779 (24 hours/day). GEVAs will clarify your options, provide information and support resources.

**Online Reporting Forms**

- **Confidential Reporting Form:** This form is to be completed by staff who are confidential reporters (CSS Counselors, CSS Health Service, CSS Student Support Services) within 24 hours following the disclosure of sexual or gender based misconduct. It is intended to accurately reflect statistics of sexual violence while keeping anonymity and confidential resource for the victim/survivor.
- **CSS No Name Report – Students/Visitors:** This form is intended to be an opportunity for students, visitors, and other non-mandated (not staff/faculty) to report incidences of sexual and gender based violence at CSS or regarding CSS Students.
• **CSS No Name Report – Faculty Staff**: This form is to be completed by staff or faculty who are quasi-confidential reporters within 24 hours following the disclosure or witnessing of sexual or gender based misconduct/violence.

• **CSS Formal Report**: This form can be completed by a student who is wishing to make a CSS Formal Report for Investigation. Students who have experienced violence and are wanting to make a CSS Formal Report can make this report at any time.

**Report to Title IX Coordinators Directly**

- Kaelene Arvidson-Hicks, Title IX Coordinator, Human Resources: 218-625-4444, titleix@css.edu
- Steve Lyons, Deputy Title IX, Vice President of Student Affairs: 218-723-6167, slyons@css.edu, office in Tower 2145
- Stacy Deadrick, Deputy Title IX, Athletics: 218-723-6299, sdeadric@css.edu, office in Burns Wellness Center 258
- Amy Grimm, Deputy Title IX, Extended Sites, 651-403-8627, agrimm@css.edu, office in St. Paul Room 112

**Report to Police of Campus Security** – Dial 911 to contact the police and start the reporting process or dial 218-723-6175 to reach CSS Campus Security.

**On-Campus Confidential Resources and Support.**

For absolute confidentiality (Communication with legal privilege, therefore, information cannot be legally disclosed to another person without the reporter’s consent, except under very limited circumstances such as allegations involving the physical or sexual abuse of a minor or vulnerable adult or an imminent threat to the life of any person.) contact:

- **CSS Counseling Services** (absolute confidentiality) – Located in Tower 2150, main phone number: 218-723-6085, click on the link for a Confidential Contact Form.
- **CSS Student Health Services** – Located in Somers Hall, Room 47, Ground Floor, and main phone number: 218-723-6282, studenthealthservice@css.edu.

For semi-confidentiality (Communications where there is no legal privilege, therefore, general information such as, nature, date, time and general location of the incident must be reported. However, Victim/survivor’s private, personally identifiable information is not required to be shared unless there is a cause for fear for the safety of a campus community member of others.) contact:

- **GEVA Team** – Call 218-216-4779 (on call 24 hours/day).
- Kaelene Arvidson-Hicks, Title IX Coordinator, Human Resources: 218-625-4444, titleix@css.edu, office in Tower 2616
- Steve Lyons, Deputy Title IX, Vice President of Student Affairs: 218-723-6167, slyons@css.edu, office in Tower 2145
- Stacy Deadrick, Deputy Title IX, Athletics: 218-723-6299, sdeadric@css.edu, office in Burns Wellness Center 258
- Amy Grimm, Deputy Title IX, Extended Sites, 651-403-8627, agrimm@css.edu, office in St. Paul Room 112

**Court Contact Information for Harassment Restraining Orders and Orders for Protection**

<table>
<thead>
<tr>
<th>Location</th>
<th>Court Information</th>
<th>Phone Number</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mesa, AZ</td>
<td><strong>Mesa Municipal Court</strong></td>
<td><strong>480- 644-2255</strong></td>
<td>250 E 1st Avenue Mesa, AZ.</td>
</tr>
<tr>
<td>Location</td>
<td>Court Information</td>
<td>Phone Number</td>
<td>Address</td>
</tr>
<tr>
<td>-----------------</td>
<td>----------------------------------------</td>
<td>----------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>Phoenix, AZ</td>
<td>Phoenix Municipal Court</td>
<td>602-262-6421</td>
<td>300 W Washington St, Phoenix, AZ.</td>
</tr>
<tr>
<td>Austin, MN</td>
<td>Mower County Court</td>
<td>507-437-9465</td>
<td>201 2nd Avenue NE, Suite 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>507-437-6680</td>
<td>Austin, MN.</td>
</tr>
<tr>
<td>Brainerd, MN</td>
<td>Crow Wig County’s District Court</td>
<td>218-824-1310</td>
<td>326 Laurel Street Brainerd, MN.</td>
</tr>
<tr>
<td>Cloquet, MN</td>
<td>Carlton County Courthouse</td>
<td>218-384-9578</td>
<td>301 Walnut Street Carlton, MN.</td>
</tr>
<tr>
<td>Duluth, MN</td>
<td>Duluth Police Department</td>
<td>218-726-2460</td>
<td>100 N 5th Avenue West, Duluth, MN.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>800-540-9777</td>
<td>ext.2460</td>
</tr>
<tr>
<td>Fond Du Lac</td>
<td>Fond Du Lac County Courts Department</td>
<td>920-929-3038</td>
<td>160 S Macy Street Fond Du Lac, WI</td>
</tr>
<tr>
<td></td>
<td></td>
<td>920-929-3933</td>
<td></td>
</tr>
<tr>
<td>Grand Rapids, MN</td>
<td>Itasca County District Court</td>
<td>218-327-2870</td>
<td>123 4th Street NE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Grand Rapids, MN.</td>
</tr>
<tr>
<td>Hibbing, MN</td>
<td>Hibbing Courthouse</td>
<td>218-262-0105</td>
<td>1810 12th Ave E, Hibbing, MN</td>
</tr>
<tr>
<td>Inver Grove</td>
<td>Dakota County Judicial Center</td>
<td>651-438-8100</td>
<td>1560 Highway 55 Hastings, MN</td>
</tr>
<tr>
<td>Heights, MN</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rochester, MN</td>
<td>Olmsted County District Court</td>
<td>507-206-2400</td>
<td>151 4th Street SE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rochester, MN.</td>
</tr>
<tr>
<td>St. Cloud, MN</td>
<td>Stearns County Court</td>
<td>320-656-3620</td>
<td>725 Courthouse Square</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>St. Cloud, MN.</td>
</tr>
<tr>
<td>St. Paul, MN</td>
<td>St. Paul Juvenile and Family Justice Center</td>
<td>651-266-5130</td>
<td>25W 7th Street #B122 St. Paul, MN</td>
</tr>
</tbody>
</table>

- Form Packet for Filling for an Order of Protection in Minnesota
- Form Packet for Filling for a Harassment Restraining Order in Minnesota
- Form for Filing an Order of Protection or a Harassment Restraining Order in Arizona
- In 1983 the Minnesota Legislature passed the Minnesota Crime Victim Bill of Rights. An advocate from a rape crisis center, helpline or advocacy program in your community can assist you in exercising these rights.

You have the RIGHT to be notified of:

- Plea agreements
- Changes in court schedules, date, time and place of plea hearings and sentencing
- Release of offender from prison/institution
- Victim rights

- You have the RIGHT to participate in prosecution:
- Right to inform court of impact of crime at the time of sentencing
- Right to have input in pre-trial diversion program
- Right to object to plea bargain
- Right to request a speedy trial
- Right to bring a supportive person to all hearings
- Right to attend plea hearing
- Right to attend sentencing
- Right to give written objections to sentence

You have the RIGHT to protection from harm:

- Threatening or tampering with a witness is against Minnesota law
- Witnesses do not have to give their addresses in court
- Victims have the right to a secure waiting room during court
- Employers may not discipline or dismiss victims or witnesses who are called to testify in court
- You have the RIGHT to apply for financial assistance: Victims may be eligible for financial assistance from the state or from the offender, if they have suffered economic loss. - See more at: http://www.mncasa.org/what-to-do-if- assaulted#sthash.iPYge5VJ.dpuf

Health Care Options

Sexual Assault Nurse Examiners (SANEs), Forensic Nurse Examiners (FNEs), or Sexual Assault Forensic Examiners (SAFEs) perform a special exam and collect evidence in a Sexual Assault Kit (SAK). There is no charge for the SAK exam.

You can have a SAK exam within 120 hours after the rape or sexual assault. The purpose of the SAK exam is to collect forensic evidence, receive preventative health care, and see if you have any physical injuries that need tending. The exam will take place at the sexual assault exam site, in a confidential room with trained staff and volunteers. During the exam, the SAK will collect evidence such as your clothing, DNA swabs, etc. Prior to the exam, preserve all evidence and do not shower, bathe, change clothes, douche, brush teeth, drink or eat, or throw away any clothing until police or medical personnel say it is okay. If you have done any of the above, it is still possible to do an exam, but it is not as effective. So if possible, please try to avoid any of these actions. Completing a SAK exam does not require you to file a police report. But, it does help preserve evidence in case you decide to file a police report at a later date.

For more information on the SAK exam please visit the following links: Rape Help MN and Sexual Assault Kit Testing: What Victims Needs to Know.

SANE/FNE/SAFE nurses provide sexual assault care services and assistance to victims of rape and sexual assault 24 hours per day and are available at the following hospitals. If a SANE/FNE/SAFE nurse is not available an emergency room nurse or physician should be able to perform the sexual assault evidence collection and documentation.

SANE/FNE/SAFE Nurses are Available at the Following Hospitals:

<table>
<thead>
<tr>
<th>Location</th>
<th>Court Information</th>
<th>Phone Number</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mesa, AZ</td>
<td>Mesa Family Advocacy Center</td>
<td>480-644-4075</td>
<td>130 N. Robson</td>
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<td>Austin, MN</td>
<td>Austin Medical Center</td>
<td>507-433-7351</td>
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<tr>
<td>Brainerd, MN</td>
<td>Essentia Health- St. Joseph’s Medical Center</td>
<td>218-829-2861</td>
<td>523 N 3rd St, Brainerd, MN.</td>
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<tr>
<td>Cloquet, MN</td>
<td>Community Memorial Hospital</td>
<td>218-879-4641</td>
<td>512 Skyline Blvd Cloquet, MN</td>
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<td>Duluth, MN</td>
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<td>218-249-5555</td>
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<td>Essentia Health Duluth Clinic</td>
<td>218-786-4000</td>
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<tr>
<td>Fond Du Lac</td>
<td>Fond Du Lac County Courts Department</td>
<td>920-929-3038</td>
<td>160 S Macy Street Fond Du Lac, WI</td>
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<td>Grand Itasca Hospital</td>
<td>218-326-3401</td>
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<td>218-246-2900</td>
<td>115 10th Ave NE Deer River, MN</td>
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<td>Bigfork Valley Hospital</td>
<td>218-743-3177</td>
<td>258 Pine Tree Dr, Bigfork, MN</td>
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<td>Hibbing, MN</td>
<td>Fairview Range Medical Center</td>
<td>218-262-4881</td>
<td>750 E 34th St, Hibbing, MN</td>
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<td>Inver Grove Heights, MN</td>
<td>360 Communities</td>
<td>651-244-9823</td>
<td>501 Hwy 13 Suite 102 Burnsville, MN</td>
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<td>Inver Grove Heights, MN</td>
<td>Regions Hospital</td>
<td>651-254-1611</td>
<td>640 Jackson Street St. Paul, MN 55101</td>
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<td>St. Cloud Hospital</td>
<td>320-251-2700</td>
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<td>651-232-3000</td>
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<td>St. Paul, MN</td>
<td>United Hospital, St. Paul</td>
<td>651-241-8000</td>
<td>333 Smith Ave N St Paul, MN</td>
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<tr>
<td>St. Paul, MN</td>
<td>Children’s Hospital, St. Paul</td>
<td>651-220-6000</td>
<td>345 Smith Ave N St Paul, MN</td>
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</table>

**Visa and Immigration Assistance**
- International Student Programs Office: Natalia Miller, 218-723-7016, nmiller11@css.edu
- USCIS Application Support Center, Federal Building, 515 West First Street Suite 208, Duluth, MN
Student Financial Aid
The Financial Aid Office is a part of the OneStop Student Services. Please call (218) 723-6570 or (877) 287-8716, email at onestop@css.edu or visit OneStop office located in the Duluth campus, Tower Hall office 1130.

Minnesota Sex Offender Registry
Access to sex offender information for the state of Minnesota is provided to the public as the result of the Jacob Wetterling Registration Act, which was passed by the United States Congress, and Megan's Law, which requires states to release relevant information about registered offenders to protect the public.
http://www.doc.state.mn.us/level3/SearchResults.asp?SearchType=City&City=ST.+PAUL
http://www.megans-law.net/Minnesota-Megans-Law.asp
http://www.doc.state.mn.us/

BIAS INCIDENT POLICY

STATEMENT OF PURPOSE

It is the goal of the College of St. Scholastica as a Catholic Benedictine community to nurture an environment that actively acknowledges and values diversity and is free from racism, sexism, and other forms of prejudice, or discriminatory harassment. Informed by our Catholic Benedictine heritage and its values of community, hospitality, respect, stewardship and love of learning, we are compelled to be open to diverse points of view and to encourage respectful dissent while engaging in intellectual discourse. However, respectful intellectual discourse does not include bias-related conduct that assaults the dignity and worth of the individual. Protected freedom of expression ends when bias-related hate, intimidation, hostility or discriminatory harassment begins.

PROHIBITED CONDUCT

Bias Incident

A Bias Incident is defined as single or multiple acts of verbal, written, electronic or physical expressions of disrespectful bias, hate, intimidation, or hostility against an individual or group or their property because of the individual or group’s actual or perceived status of being in a federally protected class. Such classes include race, color, religion/religious creed, gender, gender identity/expression, age, ethnicity, national origin, disability, veteran-status, marital status or sexual
orientation. Expressions may be in the form of language, words, signs, symbols, threats, or actions that could potentially cause alarm or fear in others or that endanger the health, safety and welfare of members of the campus community. To be considered within this definition, the words or conduct must be objectively offensive to a reasonable person.

**Discriminatory Harassment**

A Bias Incident in which a person or group in a protected class also experience harassing behavior may rise to the level of Discriminatory Harassment, which federal law prohibits in educational institutions by federal law. Discriminatory Harassment is based on an individual's protected characteristic(s). Discriminatory harassment is defined, for purposes of this policy, as words or conduct that degrades or shows hostility or aversion towards an individual because of his or her protected characteristic(s) and which:

- Has the intent or effect of unreasonably interfering with the individual's work, living or learning environment
- Has the purpose or effect of creating an intimidating, hostile or offensive working, living or learning environment ("hostile environment")
- Otherwise adversely affects an individual's employment, living or learning opportunities.

While all incidents of discriminatory harassment are also bias incidents, a bias incident only become discriminatory harassment if the above criteria are met. Discriminatory harassment may occur in situations where there is a power differential between the parties (between any persons on campus or between any persons at any campus activities), or where the persons share the same status (i.e., student-student, faculty-faculty, staff-staff). It may occur between members of the same or opposite sex.

All forms of discriminatory harassment are prohibited and may include, but are not limited to, the following conduct:

- Verbal abuse, offensive innuendo or derogatory words or slurs, stereotyping, threats, intimidation, epithets or comments based upon or motivated by the person's protected class status;
- Making decisions about a person's employment, compensation, academic progression, admission or other determination impacting their education or employment that is based upon or motivated by the person's protected class status;
- Written or graphic materials or objects, pictures, or other media placed on or circulated within College premises (walls, bulletin boards, computer terminals, vehicles, email, text messages, etc.) that show hostility or aversion toward an individual or group or which create a hostile working/learning environment based on or motivated by a person's protected class status.
- Failure to provide religious or disability related accommodation as may be required under applicable law.
- Sexual Harassment, including unwelcome, gender-based verbal, written, online and/or physical conduct. Sexual harassment may be non-sexual conduct provided the behavior is unwelcome and based on sex or gender identity/gender expression. Sexual Harassment and sex discrimination will be
addressed in accordance with the Gender-Based & Sexual Misconduct/Violence policy (Staff and Faculty Handbook or Student Handbook).

**Bias Incidents/Discriminatory Harassment of a Criminal Nature:**

Particular crimes, if perpetrated because of certain characteristics of the victim (as defined in the law) trigger heightened penalties. Included crimes are criminal damage to property, and assault. Bias incidents that rise to the level of criminal behavior will automatically be referred to campus and local authorities and are not covered in the "procedures" section of this policy.

**Conduct and Free Speech:**

Nothing in this policy should be construed as an abrogation of freedom of expression as established in the Student Code of Conduct. This policy is designed to prevent and address incidents of actual or suspected bias related to the protected classes listed in the definition above. The policy is not meant to address other kinds of interpersonal conflicts or the everyday interpersonal frictions and irritations we all experience. However, persons will be held responsible for the impact of their expression on others if it induces fear, feelings of intimidation, hatred or hostility. The conduct or expressions underlying some bias incidents might be protected speech, but still violate the College of St. Scholastica's commitment to inclusivity, diversity and civility.

**REPORTING**

Allegations of bias incidents or discriminatory harassment involving employee conduct toward other employees or student conduct toward employees should be reported to the Vice President of Human Resources/Chief Diversity Officer. Allegations involving student conduct toward other students under this policy should be reported to the Director, Office of Diversity and Inclusion. Employees or students may report incidents in person, but are encouraged to use the on-line Bias Incident Report form at http://www2.css.edu/app/programs/diversity/biasReporting. This on-line reporting process is only available to the St. Scholastica community, so campus community members will be required to log in with their CSS user name. Campus community members may choose to remain anonymous by making such selection when completing the report, although anonymous reports may greatly limit the ability of the college to address the issue. The identity of campus community members who select "anonymous" when filling out the report will not be disclosed to authorities who view the report, except in the rare instance when it is determined that a crime may have been committed.

**INDIVIDUALS COVERED UNDER THIS POLICY**

This policy applies to all members of the college community including students, employees (including all staff and faculty) as well as independent contractors, vendors, volunteers who perform work for the College, alumni, and guests or visitors of the College. All employees (faculty and staff) and students who have knowledge of a suspected bias incident or discriminatory harassment are required to report the incident, and all are similarly required to participate in any investigation or interview process if requested.

**PROCEDURE**

1. If the report includes information that is specific enough to identify the identity of those involved in the incident, or includes enough information such that determining the identity of those involved is at least a possibility, the Director of Diversity and Inclusion in the Department of Human Resources will conduct an investigation.
2. Investigations may include interviewing and taking statements from witnesses or others who may have knowledge of the incident. A report including accompanying evidence will be compiled and submitted to the Vice President of Human Resources/Chief Diversity Officer.

3. For all incidents investigated, the Vice President of Human Resources/Chief Diversity Officer will make a determination with regard to whether it is more likely than not that a bias incident or discriminatory harassment as defined by this policy in fact occurred. When incidents involve employees, any disciplinary measures will be in accordance with the staff and faculty handbook policies. Sanctions rising to the level of discriminatory harassment may include termination of employment.

4. When incidents involve student conduct toward other students, the CDO will consult with the Vice President of Student Affairs or Dean of Students and the Student Judicial proceedings will be followed.

5. In matters of Bias Incidents that do not rise to the level of discriminatory harassment, any student experiencing the actual or suspected bias-related incident has the option of requesting non-binding mediation services from the Department of Diversity and Inclusion in Student Affairs in an effort to resolve the matter. Similarly, employees may also request non-binding mediation services from the Department of Human Resources for bias incidents that are not determined under this process to constitute discriminatory harassment.

6. If the matter is resolved at non-binding mediation, the matter will be considered closed without any further proceedings. A determination that resolution of the matter has successfully occurred will require agreement from the victim that he/she experienced sufficient resolution and is willing to close the matter.

7. In addition to reporting the actual or suspected incident, persons experiencing or witnessing actual or suspected bias-motivated incidents are strongly encouraged to seek assistance from a campus counselor for the purpose of supporting them.

**NO RETALIATION**

The College of St. Scholastica strictly prohibits any retaliation against any individual for reporting, providing information, exercising one's rights or responsibilities under this policy, or otherwise being involved in the process of responding to, investigating, or addressing allegations of bias or discriminatory harassment. Therefore, any retaliation, intimidation, threats, coercion, or discrimination against any such individual will be addressed in the most serious way by the College and treated as a separate complaint and investigation under this policy. Anyone who is aware of possible retaliation or has other concerns regarding the response to a report of bias or discriminatory harassment should report such concerns to the Department of Human Resources, which shall take appropriate actions to address such conduct in a prompt and equitable manner.

**Discrimination, Discriminatory Harassment, General Harassment/Bullying and Workplace Violence Policy**

**STATEMENT OF PURPOSE**

The College of St. Scholastica is committed to fostering an environment of mutual respect among its students, staff and faculty, as well as others who participate in the College's programs and activities. As part of this commitment, the College seeks to protect the rights of all members of the College community and any other persons participating in College programs or having dealings with the
College, and prohibits discrimination and harassment on the basis of gender/sex (including pregnancy), gender identity/expression, race, color, religion or religious creed, sexual orientation, national origin, ancestry, disability or handicap, age, genetics, marital status, veteran status and any other category protected by law ("protected class status"). Discrimination and harassment based on an individual's participation in a protected activity (such as reporting alleged discrimination or harassment) and/or retaliation against any individual who raises a good faith report under this policy is strictly prohibited. The College further prohibits general harassment/bullying behavior as defined by this policy against any person regardless of whether or not they are a member of a protected class.

Incidents of sex discrimination, including sexual harassment and all other forms of gender-based or sexual misconduct/violence, should be reported in accordance with the Gender-Based and Sexual Misconduct/Violence Policy.

It is the responsibility of all faculty, staff, students, vendors, contractors, alumni and guests of the College to contribute to an environment free of discrimination, harassment, bullying and violence and to promptly report any such incidences to appropriate authorities as dictated by this policy.

1. PROHIBITED CONDUCT AND REPORTING

A. Unlawful discrimination is unfavorable, unfair or inequitable treatment of a person or a "class" of people based on protected characteristic(s) such as gender/sex (including pregnancy), gender identity/expression, race, color, religion or religious creed, sexual orientation, national origin, ancestry, disability or handicap, age, genetics, marital status, veteran status or any other category protected by law.

Examples of unlawful discrimination include:

• Conscious or subconscious consideration of an applicant's protected status as a negative factor in deciding whether to offer the applicant a job interview
• Giving consideration to an individual's protected status in deciding whether to offer an employee a promotion
• Requiring that members of protected classes meet higher standards for advancement or promotion than employees who are not in protected classes
• Denying a student the opportunity to participate in an educational activity because of his or her protected characteristic(s).

B. Discriminatory harassment is harassment based on an individual's protected characteristic(s). Discriminatory harassment is defined, for purposes of this policy, as words or conduct that degrades or shows hostility or aversion towards an individual because of his or her protected characteristic(s) and which:

• Has the intent or effect of unreasonably interfering with the individual's work, living or learning environment
• Has the purpose or effect of creating an intimidating, hostile or offensive working, living or learning environment ("hostile environment")
• Otherwise adversely affects an individual's employment, living or learning opportunities.

Discriminatory harassment may occur in situations where there is a power differential between the parties (between any persons on campus or between any persons at any campus activities), or where
the persons share the same status (i.e., student-student, faculty-faculty, staff-staff). It may occur between members of the same or opposite sex.

All forms of discriminatory harassment are prohibited and may include, but are not limited to, the following conduct:

• Verbal abuse, offensive innuendo or derogatory words or slurs, stereotyping, threats, intimidation, epithets or comments based upon or motivated by the person's protected class status;

• Making decisions about a person's employment, compensation, academic progression, admission or other determination impacting their education or employment based upon or motivated by the person's protected class status;

• Written or graphic materials or objects, pictures, or other media placed on or circulated within College premises (walls, bulletin boards, computer terminals, vehicles, email, text messages, etc.) that show hostility or aversion toward an individual or group or which create a hostile working/learning environment based on or motivated by a person's protected class status.

• Failure to provide religious or disability related accommodation as may be required under applicable law.

Reporting Discrimination or Discriminatory Harassment

Reports may be made anonymously, although anonymous reporting greatly limits the ability of the college to remediate the issue. Reports may also be made verbally or in person.

Allegations of discrimination or discriminatory harassment involving employee conduct toward other employees or student conduct toward employees should be reported to the Vice President of Human Resources/Chief Diversity Officer. Allegations involving student conduct toward other students should be reported to the Director, Office of Diversity and Inclusion. Employees or students may also use the Bias Incident Policy to report matters of discriminatory harassment if they choose, which offers an anonymous reporting option, although anonymous reporting greatly limits the ability of the college to remediate the issue.

C. Sexual Harassment is a form of unlawful sex discrimination and is governed by the Gender-Based and Sexual Misconduct/Violence policy in this handbook.

D. General Harassment/Bullying is harassment or bullying behavior that is not motivated by an individual's protected characteristics, but which degrades or shows hostility or aversion towards an individual which:

• Has the intent or effect of unreasonably interfering with the individual's work, living or learning environment
• Has the purpose or effect of creating an intimidating, hostile or offensive working, living or learning environment ("hostile environment")
• Otherwise adversely affects an individual's employment, living or learning opportunities.
• Has the purpose of causing another person to experience a reasonable fear that he or she will experience unauthorized social exclusion, humiliation, intimidation or the unlawful use of physical force.
The College of St. Scholastica considers the following types of behavior to be examples of general harassment or bullying:

- Has the purpose of causing another person to experience a reasonable fear that he or she will experience unauthorized social exclusion, humiliation, intimidation or the unlawful use of physical force
- Unwelcome physical contact or isolation that places someone in fear or apprehension of immediate harm.
- A pattern of behavior where an individual willfully, maliciously, and repeatedly follows another in his/her course of daily activities in such a way that the person's actions can reasonably be found to interfere with another person's ability to perform his or her regular duties or cause that person to feel frightened, intimidated, harassed, threatened or molested.
- Invasion of privacy or unauthorized taking and use of facts, information, and/or property not in the public domain that a reasonable person would desire to keep from the public eye.
- Intimidation through written or physical conduct directed toward an individual or individuals that unreasonably interferes with his/her full participation in the College community or that is intended to create or may be reasonably determined to have created a threatening or hostile environment.
- Spreading malicious rumors or gossip about another person
- Manipulating the workload of another person in a manner designed to cause that person to fail to perform his or her legitimate functions;
- Slandering, ridiculing or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; remarks that would be viewed by others in the community as abusive and offensive; use of nicknames after being warned that the nickname is considered by the victim to be offensive; constant criticism on matters unrelated to a person's job performance or description or on matters that cannot be documented;
- Engaging in social or cyber-bullying via mail, email, text message, phone, or voicemail; deliberately interfering with mail, email, text messages, phone, voicemail or other communication

Reporting General harassment/bullying
General harassment/bullying when involving student conduct toward other students should be reported to Megan Perry-Spears, Dean of Students. General harassment/bullying when involving employee conduct toward other employees or student conduct toward employees should be referred to the Vice President of Human Resources/Chief Diversity Officer.

E. Workplace Violence
Workplace violence is unjust or callous use of force or power which has the likelihood of causing hurt, fear, injury or death. Workplace violence is prohibited and violators are subject to the disciplinary action which may include sanctions and/or dismissal. Workplace violence includes but is not limited to other prohibited activities under this policy such as bullying and harassment, intimidation, fear, threats, hostile acts, or acts of violence toward an individual or group. Workplace violence also includes physical or gesture bullying, such as pushing, shoving, kicking, poking, tripping, assault, or threat of physical assault; damage to a person's work area or property, non-verbal threatening gestures such as approaching another person with fists clinched or with one or more other fighting gestures, or any gestures which could reasonably be interpreted as threatening.

Reporting Workplace Violence
Non-emergency cases of workplace violence should be reported to the Vice President of Human Resources. In cases where there exists immediate threat of physical harm to any person or property, campus community members should contact the Duluth Police Department at 911 and Campus Security.
II. PROCEDURES
All reports of discrimination, discriminatory harassment, general harassment/bullying, and workplace violence will be investigated promptly, and in as impartial and confidential manner as possible. Discriminatory harassment that falls within the scope of the Bias Incident Policy will be investigated pursuant to that policy. Allegations of sex discrimination should be reported and will be investigated pursuant to the Gender-Based and Sexual Misconduct/Violence policy.

Investigations may include interviews with the individual making the charges, the accused, and appropriate witnesses. Investigations may include interviews with the individual making the charges, the accused, and appropriate witnesses. In some circumstances it may be desirable to remove one or more of the employees involved from the workplace or to remove a student from the classroom or residence hall environment during the investigation. Such a step may be seen as the best way to protect the interests of everyone involved. In this event, their absence from the workplace or the College environment should not be interpreted as meaning he or she is guilty of any wrongdoing.

Whenever a charge of harassment, threat, violence, etc., is considered by the College Equal Employment Opportunity Officer and/or the Dean of Students sufficient to warrant investigation beyond the initial complaint, the next step will be to inform the accused that the charge has been lodged, and the accused will at that time be given an opportunity to respond to the allegations. The accused will always have the right to bring a support person to any proceeding the accused attends. It should be the intention of every member of the community to maintain a working and learning environment free of harassment and violence. Therefore, no retaliatory action may be taken, at any point in the process, against any individual because he or she makes a good-faith complaint against any member of the community. In addition, those who harass or threaten a participant (a witness, the investigator, the complainant or the accused) after a complaint has been made will be subject to appropriate sanctions.

FALSE ACCUSATIONS
False accusations can have serious effects on innocent men and women. Accordingly, accusations which are not made in good faith may also be grounds for discipline, up to and including termination or expulsion. Discipline, if any, will be determined on a case-by-case basis after a review of relevant information.

SANCTIONS
The College has the discretion to apply any sanction or combination of sanctions to eliminate any unlawful conduct or violation of this policy and remedy the impact of any harassment or threats. Examples include but are not limited to:

• counseling the offender;
• transferring the offender to another position (if applicable);
• placing the offender on probation, with a warning of suspension or discharge for continuing or recurring offenses;
• placing the offender on suspension with or without pay;
• terminating the employment of the offender.

All documentation regarding any incident will be kept on file in the Equal Employment Opportunity Officer’s office. The College will assist the victim with reporting the incident to the appropriate police department if he/she wishes to do so.
Campus Community Opportunities for Education, Awareness, & Bystander Intervention Programs Surroundings of Sexual & Gender Based Misconduct

The College of St. Scholastica offers many opportunities for students, staff, and faculty to gain awareness and skills about prevention, reduction, and intervention of sexual and gender based misconduct. Some of those programs include:

- **Student Specific Programs:**
  - Online Orientation & Haven Program for all first year and transfer students
  - Welcome Weekend: Sex Signals & VIP Program Communication
  - Dignitas Programming for first year students via Dignitas Labs and classroom presentations
  - Programs within Residential Life for residents
  - Partnerships with Athletic Teams
  - Annual education, prevention, and bystander intervention opportunities throughout the year which includes but is not limited to programs, events, and activities within the following months; Domestic Violence Awareness Month (October), Stalking Awareness Month (January), Sexual Assault Awareness Month (April)
  - BEST (Be Equal Safe & Trustworthy) Party Model Programs: an environmental assessment, primary prevention focused program aimed at reducing unsafe and inequitable environments with a focus on parties that can be extended to greater campus community
  - CSS Saints Step In Bystander Campaign
  - Student Leader Training—Response & Bystander Intervention conducted yearly
  - HSC 1113 & 1114: Two courses offered regarding dynamics, forms, impact, and advocacy services and skills related to sexual violence. There are many other courses offered at the College of St. Scholastica that could provide students with further understanding of the dynamics, impact, and prevention of violence in our community.

- **Staff/Faculty Specific Programs:**
  - Online Human Resource Training for Staff, Faculty, and Supervisors
  - Departmental Presentations each semester
  - Ongoing In Person Programs offered throughout the year
  - CSS Saints Step In Bystander Program
  - Yearly and ongoing training to members of Gender Based Misconduct Investigation Team and Title IX Coordinators

- **General Campus Community Opportunities:**
  - Multi-disciplinary Gender Equity and Anti-Violence Allies (GEVA) Team
  - Monthly education, awareness, prevention, and bystander programs each semester open for all campus community members

For more specific information about our education, prevention, awareness, reduction, and bystander intervention programs, initiatives, or efforts, please visit the [Violence Intervention & Prevention (VIP) Program](#) page website or contact the Safe Campus Intervention Coordinator at 218-625-4485
Campus Map:
Duluth’s campus map:  http://www.css.edu/About/Maps-and-Directions/Main-Campus-Map.html

Resources:
Federal Bureau of Investigation Uniform Crime Reporting (UCR) Handbook:  
Clery Center:  
https://clerycenter.org/

Crime Statistics

The College of St. Scholastica believes that an informed citizen is better able to take steps to avoid being a crime victim. The following statistics of incidents reported to Campus Security are provided for your information in compliance with the Crime Awareness and Campus Security Act of 1990 and the Higher Education Opportunity Act (Public law 110-315).

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<th>OFFENSE</th>
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Hate Crime Definition: A criminal offense committed against persons, property or society that is motivated, in whole or in part, by an offender’s bias against an individual’s or a group’s perceived race, religion, ethnic/national origin, gender, age, disability or sexual orientation.